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1855 TREATY AUTHORITY

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Immediate Release

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CHIPPEWA ESTABLISH *RIGHTS OF MANOOMIN* ON WHITE EARTH RESERVATION AND THROUGHOUT 1855 CEDED TERRITORY

Rice Lakes, MN – Recently the White Earth Band of Ojibwe and the 1855 Treaty Authority adopted *Rights of Manoomin* for on and off reservation protection of wild rice and the clean, fresh water resources and habitats in which it thrives. The *Rights of Manoomin* were adopted because “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” according to resolutions.

“Look what’s happened to the sturgeon” said Terry Tibbetts, Chairman of White Earth Band of Ojibwe, “our most important foods have always been fish and wild rice. These are important treaty rights that are essential to protect and require consent and co-management with the State throughout our ceded territories.”

Tribal leaders and Chippewa members are hoping the recent, federal legal experience as U.S. Representatives for Governor Walz and Attorney General Ellison means they already understand tribal sovereignty and treaty rights. Lt. Governor Flannigan, also a White Earth member, served as a member of the Minnesota House of Representatives from 2015 to 2019 and is well acquainted with Enbridge’s Line 3 and PUC challenges from tribal communities.

“Even Governor Dayton recognized that *wild rice is culturally important and spiritually sacred to Minnesota’s Tribal Nations and the health of wild rice is dependent on water quality and other habitat conditions* noting the *restoration and protection of wild rice habitat requires collaboration* in his call for a wild rice task

TREATY WITH THE CHIPPEWA, 1855.

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

force” said Frank Bibeau, Executive Director of the 1855 Treaty Authority. “Unfortunately, Governor Dayton stacked his task force with industry interests while cutting short tribal seats,” added Bibeau, “and fortunately, treaties are the supreme law of the land and we Chippewa have (U.S.) Constitutionally protected, usufructuary property rights to hunt, fish, trap and gather wild rice.”

The *Rights of Manoomin*, modeled after the *Rights of Nature*, codify the right of manoomin 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 and more. The White Earth Band of Ojibwe and 1855 Treaty Authority worked with the [Community Environmental Legal Defense Fund \(CELDF\)](#), with its International Center for the Rights of Nature, in the development of the draft law. “This is a very important step forward in the Rights of Nature movement. This would be the first law to recognize legal rights of plant species,” explains Mari Margil, CELDF’s associate director.

“We understand that it is the individual tribal members’ usufructuary rights to gather food and earn a modest living that are essential to our lives and important for the success of future generations’ ability to maintain our culture and traditions” said Bibeau, adding “we understand *WATER IS LIFE* for all living creatures and protecting abundant, clean, fresh water is essential for our ecosystems and wild life habitats to sustain all of us and the Manoomin.”

This important ordinance will secure for manoomin much needed stronger protection from environmentally degrading projects. “Manoomin is sacred to the Anishinaabeg, and it is time the law reflects this,” explains Winona LaDuke, executive director, Honor the Earth. “I was very glad to be present when the White Earth Band of Ojibwe Tribal Council met to adopt Rights of Manoomin.”

Please find attached Resolutions for Rights of Manoomin for White Earth Band of Ojibwe and 1855 Treaty Authority. For more information about this release and the 1855 Treaty Authority please contact frankbibeau@gmail.com or call Frank Bibeau at 218-760-1258.

RIGHTS OF MANOOMIN

Section 1. Statements of Law – Rights.

(a) Rights of Manoomin. Manoomin, or wild rice, within the White Earth Reservation 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 White Earth Band possess the right to harvest manoomin, and protect and save manoomin seeds, within the White Earth Reservation. 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. The White Earth Band and its 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 that right. This shall include the right to enforce this law free of interference from corporations, other business entities, governments, or other public or private entities. That right shall include the right of tribal members to be free from ceiling preemption, because this law expands rights-protections for people and manoomin above those provided by less-protective state, federal, or international law.

(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 White Earth Reservation.

(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 White Earth Reservation.

Section 3. Enforcement.

(a) The Tribal Government shall take all necessary actions to protect, implement, defend, and enforce the rights and prohibitions of this law.

(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 the White Earth Reservation Business Committee to be used exclusively for the full and complete restoration, recovery, and protection of the manoomin and its habitat.

(d) The White Earth Reservation Business Committee may enforce all of the provisions of this law through an action brought in any appropriate court. In such an action, the White Earth Reservation Business Committee shall be entitled to recover all costs of litigation, including, without limitation, expert and attorney's fees.

(e) Manoomin within the White Earth Reservation may enforce its rights and the prohibitions of this law through an action brought by the White Earth Reservation Business Committee in any appropriate court, in the name of manoomin as the real party in interest.

(f) Law enforcement personnel shall be prohibited from arresting or detaining persons directly enforcing these rights; and, enforcement shall be consistent with Article 13 (Rights of Members) under the Revised Constitution and Bylaws of the Minnesota Chippewa Tribe.

(g) The White Earth Reservation Business Committee 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.