

Establishing Rights of Manoomin

Ordinance No. _____ of 2018

Whereas, manoomin, or wild rice, is considered by the Anishinaabe people to be a gift from the Great Spirit;

Whereas, manoomin has been a 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;

Whereas, 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, the _____ Tribal Council hereby adopts the *Rights of Manoomin Ordinance*.

Section 1. Statements of Law – Rights.

- (a) Rights of Manoomin. Manoomin, or wild rice, within _____ 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 _____ possess the right to harvest manoomin, and protect and save manoomin seeds, within _____. 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. _____ 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, _____.
- (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, _____.

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 _____ to be used exclusively for the full and complete restoration, recovery, and protection of the manoomin and its habitat.
- (d) The _____ Tribal Council, or any enrolled member of the _____, may enforce all of the provisions of this law through an action brought in any appropriate court. In such an action, the _____ Tribal Council or the enrolled member shall be entitled to recover all costs of litigation, including, without limitation, expert and attorney's fees.
- (e) Manoomin within the _____ may enforce its rights and the prohibitions of this law through an action brought by the _____ Tribal Council or any enrolled member

of the _____ in any appropriate court, in the name of manoomin as the real party in interest.

(f) If the _____ Tribal Council fails to enforce or defend this law, or a court fails to uphold this law, any enrolled member of the _____ 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 enrolled member of the _____ 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.

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