

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.