

Draft 4

Declaration of the Alliance of Ojibwe Anishinaabeg (Nation) (Formerly known as The Minnesota Chippewa Tribe)

PREAMBLE

We, the Ojibwe Anishinaabeg, the original people, have formed powerful alliances with other nations throughout history. We will continue to form future Alliances to reunify the many people of the Ojibwe Anishinaabeg. We will form alliances to protect the Rights of Nature, uphold our treaty responsibilities, preserve our sovereignty, enrich our culture, and achieve and maintain a desirable measure of prosperity. We ordain and establish this Alliance for the governance of the Ojibwe Anishinaabeg. We can enjoy freedom while acknowledging humility, gratitude, the goodness, aid, and guidance of the Creator (Gizhe-manidoo/Ke-che-mun-e-do) of the Universe in permitting us to do so.

Article I. Origin

As taught in our Creation story, Our Creator prepared the Earth with a great abundance and diversity of life to sustain and keep our Ancestors well. Human Beings were Creator's last Creation. The Creator taught us to respect all life as it is necessary to sustain us while, conversely, recognizing our humble role as caretakers and fully realizing our responsibilities to protect our good environment.

Article II. Mino Bimadizwin (Live the Good Life)

Maamawiino Anishinaabeg of Anishinaabe Akiing of the federally recognized sovereign nations now forms a government. We have freedom, live under just laws, and have self-determination and self-sufficiency. We honor the sanctity of the individual, preservative of all living beings and principles governing our environment and inherent sovereignty, and pledge to honor Mino Bimadiziwiin for all generations. We share the love of our people and our children. We speak of the people and those who cannot speak for themselves. Gichi Manido gave us rights and responsibility for the good of all Maamawiino Anishinaabeg, encompassing the beauty of omaa ayaaying (underground, above ground, gizhigoon, surroundings, the sky, adjacent areas). We recognize that we are a distinct society that will preserve our innate right to govern within the traditional cultural values and language, ceremonies, customs, traditions, and the protection of all living beings. Directed by our philosophy of respect and stewardship, we pledge to protect the fundamental values of the distinct Maamawiino Anishinaabeg identity that have ensured the existence of our Tribe and welcome all our descendants.

Our people have a tremendous responsibility to protect Anishinaabe Akiing, not only in terms of human rights but also the rights of nature. The rights of nature have proven to be congruent with the various indigenous traditions of living in harmony with nature. We are one with Anishinaabe Akiing. There is the recognition that all life and ecosystems

are intertwined. All forms of nature have the right to exist, persist, maintain, and regenerate the vital cycles. Maamawiino Anishinaabeg is responsible for enforcing the rights of nature on behalf of all ecosystems.

Anishinaabe philosophy guiding our actions and daily lives is the concept of Mino bimaadiziwin, which means "the good life." Living Mino bimaadiziwin means we must be a "good person" to live a good life. It signifies that everything we do is good. If we live a good life, everything will come easy for us. Such character traits as kindness, respect, humility, honesty, patience, peacefulness, quietness, acceptance of others, generosity, helpfulness, and caring for Anishinaabe Akiing can be cultivated, transformed into action, and eventually become the essence of our existence.

Therefore we must respect and preserve our lands, our way of life, and the generations to honor the spirits and our ancestors. We must strive against the exploitation of ourselves and our villages. Mino bimaadiziwin helps us maintain a great sense of responsibility and duty toward ourselves, our community, and Anishinaabe Akiing.

In addition to honoring Mino bimaadiziwin, we respect the Maamawiino Anishinaabe clan system, which also represents the foundational support for the laws of nature. The various doodemag deserve the same reverence and respect we would give another human being.

We are taught to honor our doodem, including treating them with kindness and protecting them. We realize the doodemag are our spiritual helpers. Animals are known to have spirits who interact with humankind, often to guide people or offer their wisdom and other gifts. They are celestial, sentient beings both in Anishinaabe Akiing miinawaa lshpiming. Therefore within the structure of our doodem system, the animals have a right to exist.

The life of Anishinaabe Akiing is inseparable from the life of Maamawiino Anishinaabeg. Since all life is interconnected, our actions and laws must reflect what is good for the whole. Since we believe no one can own Anishinaabe Akiing, nature is not considered property under the law; nature has inalienable rights just as humans do. Therefore we can grant Anishinaabe Akiing a legal identity.

When we maintain our ecological integrity, we can live sustainably and support critical needs for food, fresh water, decent shelter, and ways of making a living. Our Treaty of 1854 hunting, fishing, and gathering rights fall within the realm of food sovereignty for us. Nevertheless, there are ceremonial ways of thanking nature for the sacrifice to feed us.

Article III. Rights of Nature.

Section 1 The inherent Rights of Nature should be preserved and protected on equal bases with human rights, as Nature sustains us. Nature, including All Plant life, Treaty Lands, Waters, Airspace, adjacent territories, and every living soul and creature,

are granted plenary rights to exist, flourish, and be protected from all agencies that disturb her Natural serenity. It is our first responsibility to protect Anishinaabe akiing in a natural state and tribally manage and utilize our abundant gifts in a good way.

Section 2 The rights of nature for Anishinaabe Akiing are the following:

1. To life and to exist,
2. To be respected, regenerate its bio-capacity and continue its vital cycles and processes free from human disruptions,
3. To maintain its identity and integrity as a distinct, self-regulating and inter-related being,
4. To water as a source of life, clean air, integral health,
5. To be free from contamination, pollution and toxic or radioactive waste,
6. To not have its genetic structure modified or disrupted in a manner that threatens its integrity or vital and healthy functioning,
7. To prompt restoration for violation of the rights recognized as caused by human activities,
8. To well-being,
9. To live free from torture or cruel treatment by human beings.

Article IV. Treaty and Reserved Rights

Section 1 As agreed in our many Treaties with the U.S. government, the **Ojibwe Anishinaabeg** retain all rights and responsibilities since time immemorial, agreed to by our Ancestors. The treaties preserved our rights to hunt, fish, and gather and the natural authority to maintain our original language, teachings, customs, ceremonies, and authority over our lands.

Section 2 We retain all our Reserved Rights of **Ojibwe Anishinaabeg**, which are "any right not expressly extinguished by a treaty or federal statute.

Article V. Territory and Jurisdiction

Section 1 The founding Reservations are White Earth, Leech Lake, Fond du Lac, Bois Forte, Grand Portage, Mille Lacs, and Sandy Lake. Those previously organized as the Minnesota Chippewa Tribe under Section 16 of the Act of June 18, 1934 (48 Stat. 984), as amended and established by treaties.

Section 2 The boundaries of **Alliance** territory shall be those reservations and ceded territory established by Treaties of its founding Reservations and any additional land acquired. For Bois Forte, Fond du Lac and Grand Portage, the Treaty of 1854; for Leech Lake, Mille Lac, and Sandy Lake, the Treaty of 1855; and White Earth, the Treaty of 1867.

Section 3 The jurisdiction includes but is not limited to air, water, land, surface and subsurface, natural and cultural resources, and any interests therein.

Article VI. Citizenship

The **Alliance** recognizes the fundamental rights retained by all people affiliated with the **Alliance**, retained from time immemorial, to remain a separate and distinct, unique People. All citizens must be original enrollees on the annuity roll of April 14, 1941, any other rolls, or descendants of original enrollees listed in prior governing documents sanctioned by the Act of June 18, 1934 (48 Stat. 984).

Section 1 There shall be established in the Constitutions of the constituent Reservations an Article defining and delineating the Citizenship requirements of each reservation.

Section 2 Citizenship, as used in this Article, refers to enrolling in one of the constituent reservations by meeting a lineal descent requirement.

Article VII. Rights of Citizens

Section 1 All citizens of the **Alliance** shall be afforded the same inherent human rights as all other indigenous people. The following are the minimum standards rights:

1. To fully enjoy all human rights and fundamental freedoms.
2. To be free and equal to all other peoples, free from discrimination in exercising these rights, particularly those based on our origin or identity.
3. To self-determination, free to determine political status and pursue economic, social, and cultural development.
4. To self-government in internal and local affairs and ways and means for financing autonomous functions.
5. To maintain, strengthen, choose, and participate in our distinct political, legal, economic, social, and cultural institutions.
6. To have a nationality.
7. To life, physical and mental integrity, liberty, and security and to live in freedom and peace, not subject to any act of genocide or violence or forcibly removing our children.
8. To not be forced into assimilation or destruction of our culture. To have effective mechanisms for prevention and redress for any action depriving us of our integrity, our cultural values or ethnic identities, or activity that has the aim or effect of dispossessing us of our lands, territories, or resources; for any forced population transfer; forced assimilation or integration; and any form of propaganda designed to promote or incite racial or ethnic discrimination directed against us.
9. To belong to an indigenous nation according to their traditions and custom, and no discrimination may arise from exercising such a right.
10. To remain on our lands and not removed without prior and informed consent and after agreement on just and fair compensation and the option of return.
11. To practice traditions and customs, and maintain, protect, and develop cultural manifestations, such as archaeological and historical sites, artifacts, designs, ceremonies, technologies, visual and performing arts, and literature, and to restitution for cultural, intellectual, religious, and spiritual property taken without our consent.

12. To practice and teach our spiritual and religious traditions, customs, and ceremonies; to maintain, protect, and access our religious and cultural sites; and to use and control our ceremonial objects; the repatriation of our human remains.
13. To revitalize, use, develop, and transmit to future generations our histories, languages, oral traditions, philosophies, writing systems, and literature and to designate and retain our names, places, and persons.
14. To establish and control our educational systems providing education in our languages appropriate to our citizens and children's cultural teaching and learning methods to all levels and forms of education.
15. Ensure our education and public information reflect the dignity and diversity of our cultures, traditions, histories, and aspirations. To develop measures, in consultation with our citizens, to combat prejudice, promote tolerance, eliminate discrimination, and have good relations with all other segments of society.
16. To establish our media in our languages and access all non-indigenous media without discrimination and to expect State-owned and privately owned media to accurately reflect indigenous cultural diversity, without prejudice.
17. To enjoy all rights under international and domestic labor law, including measures to protect our children from economic exploitation and hazardous work that interferes with their physical, mental, spiritual, moral, education, or social development.
18. To participate through representatives chosen by ourselves in decision-making that affect our rights and decision-making institutions.
19. To have good faith consultation and cooperation with our citizen representatives to obtain prior, and informed consent before adopting and implementing legislative or administrative measures that affect us.
20. To maintain and develop political, economic, and social systems to be secure in the enjoyment of our means of subsistence, to engage freely in our traditional and other economic activities, and to just and fair redress if deprived of our means of subsistence.
21. To improve our economic and social conditions in education, employment, vocational training and retraining, housing, sanitation, health, and social security.
22. To ensure that indigenous women and children enjoy complete protection and guarantees against all forms of violence and discrimination, including the unique needs of indigenous elders, women, youth, children, and persons with disabilities.
23. To determine priorities and strategies for health, housing, and other economic and social programs, if possible, to administer such programs through our institutions.
24. To traditional medicines, our health practices, and conserving our vital medicinal plants, animals, and minerals, enjoy the highest attainable physical and mental health standards and access health services without discrimination.
25. To maintain and strengthen our spiritual relationship with our traditionally owned, occupied, used, or acquired lands, territories, waters, and other resources to uphold our responsibilities to future generations.
26. To the lands, territories, and resources that our ancestors and citizens have traditionally owned, occupied, used, or acquired for ownership, development, and control, and to have legal recognition and protection of the lands, territories, and resources, for our citizens' customs, traditions, and land tenure systems.
27. To participate in establishing and implementing a fair, open independent, impartial, and transparent process, recognizing our indigenous laws, traditions, customs, and land

tenure systems and the right to adjudicate our lands, territories, and resources, including those traditionally owned or otherwise occupied or used.

28. To redress, restitution, or a fair and equitable compensation in the form of lands, territories, and resources equal in quality, size, legal status, or monetary value for the confiscated, taken, occupied, used, or damaged lands, territories and resources which we traditionally owned, occupied or used, without our free, prior, and informed consent.

29. To protect and conserve the environment and the productive capacity of our lands, territories, and resources by establishing and implementing programs for our citizens and taking adequate measures to ensure that no storage or disposal of hazardous materials takes place on our lands or territories without our informed consent, and expect States to have programs with effective measures to protect, monitor, maintain, and restore the health of our citizens affected by such materials.

30. The right to have no Military activities take place on our lands or territories unless justified by a relevant public interest or otherwise freely agreed with or requested by the citizens. Before using our lands or territories for military activities, we have the right to consultation through appropriate procedures and our representative institutions.

31. To maintain, control, protect and develop our cultural heritage, traditional knowledge, and cultural expressions, the manifestations of our sciences, cultures, and technologies, including human and genetic resources, seeds, medicines, knowledge of the properties of fauna and flora, oral traditions, literature, designs, sports, and traditional games and visual and performing arts.

32. To set priorities and strategies and obtain our informed consent before the approval of any project affecting the use of our lands, territories, and other resources through good faith consultation; particularly in connection with the development, utilization, or exploitation of mineral, water, air, or other resources. To expect effective mechanisms for just and fair redress for such activities and appropriate measures to mitigate the adverse environmental, economic, social, cultural, or spiritual impact.

33. To determine our citizenship according to our customs and traditions, choosing the structures and selecting citizenship according to our procedures will not impair our descendants' request to obtain citizenship in the States where they live.

34. To promote, develop and maintain our institutional structures and distinctive customs, spirituality, traditions, procedures, practices, and, in the cases where they exist, juridical systems or customs according to all human rights standards.

35. To determine the responsibilities of individuals to our communities.

36. To maintain and develop contacts, relations, and cooperation with our citizens, including activities for spiritual, cultural, political, economic, and social purposes.

37. To the recognition, enforcement, honor, and respect of treaties, agreements, and other constructive arrangements concluded with States or our successors.

38. To have States consult and cooperate with our citizens and to take appropriate measures, including legislative measures, to achieve the ends of these rights.

39. To access financial and technical assistance from other entities and through cooperation for the enjoyment of the rights of indigenous people.

40. To access and prompt decisions through just and fair procedures for resolving conflicts and disputes with States or other parties and to have adequate remedies for all infringements of our individual and collective rights. Such a decision shall consider our citizens' customs, traditions, rules, legal systems, and human rights.

41. To have all intergovernmental organizations fully realize these provisions by mobilizing financial cooperation and technical assistance.
42. To have all intergovernmental organizations and agencies promote respect for and complete application of the identified provisions.
43. To recognize herein constitute the minimum standards for our citizens' survival, dignity, and well-being.
44. All rights and freedoms herein are equally guaranteed to male and female citizens.
45. Nothing may be construed as diminishing or extinguishing our citizens' rights now or may acquire in the future.
46. The exercise of the rights set forth herein shall be subject only to limitations determined by the law and according to human rights obligations. Any such restrictions shall be non-discriminatory and strictly necessary solely for securing due recognition and respect for the rights and freedoms of others and for meeting the just and most compelling requirements of a democratic society. We shall interpret the provisions according to justice, democracy, respect for human rights, equality, non-discrimination, good governance, and good faith. We shall not interpret anything to imply that a State, people, group, or person has the right to engage in activities, perform any acts, or encourage actions construed as authorizing dismembering or impairing the territorial integrity or political unity of sovereign and independent States.

Article VIII. Rights of Children

Section 1 Children are our most precious resource. They hold the future of our continued existence. Children have the right:

- (a) To life, survival, and development.
- (b) To have their views respected.
- (c) To have their best interests always considered.
- (d) To a name and nationality, freedom of expression, and access to information about them.
- (e) If possible, live in a family environment or alternative care and have contact with both parents.
- (f) To services focused on maintaining their health and welfare.
- (g) To health, health care, and social security for children with Disabilities.
- (h) The right to be free of violence directed at them and free from exposure to violence in their home.
- (i) To education, leisure, arts, and cultural resources.
- (j) To special protection for children in the juvenile justice system, children deprived of their liberty, and children suffering economic, sexual, or other forms of exploitation.

Article IX. Declaration of Sovereignty and Sovereign Rights

We, the **Chippewa** people, declare our Inherent sovereignty as distinct, independent, political, tribal nations because of our original historical autonomy. We also affirm the

United Nations Declaration of the Rights of Indigenous Peoples within our constitution and tribal courts. Traditional tribal governments existed for centuries before the United States and its Constitution. Tribal governments were, and are, based on notions of equality, freedom, fair representation, and justice. Thereby, tribes have inherent sovereignty, a supreme power from which a people derive their social, political, and economic governance.

Section 1 Nothing shall prohibit the citizens of the constituent reservations from pursuing their inherent right to govern themselves. The citizens retain the right to organize local government; adopt their Constitutions; exercise rights specifically retained in their Treaties, and adopt local rules, regulations, ordinances, and legislation that does not diminish the **Ojibwe Anishinaabeg Alliance** as enumerated in this document.

Article X. Distribution of Governance

Governance of the **Alliance** shall be vested in a General Assembly consisting of six (6) members from each member reservation.

Section 1 Selection of General Assembly members must be by an election determined by each reservation.

Section 2 The General Assembly may create temporary ad-hoc committees charged with performing specific tasks and consisting of members from the reservations with the requisite knowledge and skill to perform the particular job.

Article XI. Councils

Section 1 The councils will consist of Women, Elders, Men, Youth, and Off-reservation Citizens.

Section 2 The role of the Individual Councils shall be oversight of the Tribal Governing Bodies. In fulfilling their position, the Councils shall consider sustainability, safety, general welfare, the-needs of their representative group, and testimony. The individual Councils shall also have veto power.

Section 3 Governing Bodies, General Assembly, Tribal and Appellate Courts, and the Councils, through a process of consultation with each other, shall provide oversight consistent with traditional ways and make decisions that look to a vision for the future. During this consultation, consider tribal customs when making recommendations based on traditional remedies, alternatives, or reconciliation; protect citizens' constitutional rights and interests; build cohesiveness and lead by example.

Article XII. Tribal Appellate Court

Section 1 The General Assembly shall establish a Court of Appeals, from this date forward, which shall be the court for all appeal cases filed within the Tribal Court System.

Section 2 Tribal Appellate Court shall exercise to the fullest, consistent with tribal self-determination and sovereign powers.

Section 3 No judge shall preside over a matter in the Court of Appeals if they presided over the same case in the Tribal Court.

Section 4 The Tribe has protection from lawsuits arising from their sovereign immunity. A Tribe's sovereignty Immunity only ends if a tribe waives it or Congress has abrogated it.

Article XIII. Federal Relationship

It is a political relationship based on their retained inherent sovereignty rather than one based on race.

Section 1 The **Ojibwe Anishinabeg Alliance** acknowledges the legal and political relationship between the **Ojibwe Anishinaabeg** and the United States established through treaties. We understand that both nations interact equally in government-to-government roles.

Section 2 Tribal sovereignty is the foundation for the legal concept of our relationship with the Federal government. The Tribe, through its inherent sovereignty, is equal to the United States. Treaties have formed the basis for the government-to-government relationship.

Article XIV. Relationship with State and Local Governments

Section 1 Powers not granted to the Federal government, reserved for the State and people, are **divided between State and local governments**.

Section 2 Tribal sovereignty is the foundation for the legal concept of our relationship with the State and Local government.

Section 3 The Tribe, through its inherent sovereignty, is equal to the United States in our interaction with the State and Local government. In general, Native American tribes can control their internal affairs to the same extent as state and federal governments.

Section 4 States traditionally were not granted jurisdiction over Native American reservations and other Indian countries within their borders. However, in 1953, Congress passed Public Law 280. Under this law, five states, including Minnesota,

received general criminal and limited civil jurisdiction over Indian countries. The scope of state civil jurisdiction extended only to adjudicatory power in cases involving individual Native Americans.

Section 4 Under Public Law 280, the State must provide our Tribe with basic services under the civil and criminal jurisdictional spheres. The state government is required to provide essential services through collaboration with tribal citizens. Therefore policies, legislation, agreements, compacts, contracts, and memoranda of understanding must be negotiated and coordinated with the tribal government and its citizens through collaboration as partners. The State will uphold state obligations and responsibilities

Article XV. Business

Section 1 An objective of the **Alliance** is to build sustainable economies that can make up for the catastrophic loss of resources to the United States and the generations of poverty that have followed in its wake. Understand that many federal funds are due to us under the United States' obligations in the treaties.

Section 2 To maximize the economic benefits, collaborate with federal agencies while also keeping an eye out for other sources that are not highly dependent on federal funds. Use the authorities under the Indian Self-Determination Act to contract programs and services that the federal government otherwise would carry out, including offering tax incentives for industries and companies. Focus on Indigenous-owned and sustainable enterprises that preserve natural resources and protect cultural integrity.

Section 3 Accountability and transparency to maintain the trust and faith of our citizens in its government requires open lines of communication, monitoring performance, acknowledging mistakes, and keeping the public informed.

Section 4 Utilize the Indian Preference policy when applicable.

Article XVI. Elections

Section 1 All elections shall be ruled by the Simple Majority Vote and by procedures delineated in the Election Ordinance or written into the individual reservation's constitutions.

Article XVII. Amending the **Alliance.**

Section 1 This **Alliance** may be amended by a majority vote of the 18 years or older citizens voters of the Tribe. It shall be the duty of the General Assembly to call an election when requested by two-thirds of the Assembly.

Article XVIII. Admission of Additional Reservations

Section 1. Reservations may request to join our **Alliance** and may be admitted with the consent of each reservation's governing body and a vote by the people.

Section 2 The citizenship and constitution of Tribes admitted to our **Alliance** will remain at their local level.

Article XIX. Clans

This **Alliance** shall not prohibit the right of any citizen to belong to one of the original clans or any derivative of them.

Article XX. Ratification

Section 1 This **Alliance** shall not become operative until ratified at a special election by the majority vote of the adult citizens of the Minnesota Chippewa tribe, voting at a special election called by the Secretary of the Interior, provided that 30% of those eligible to vote and until the Secretary of Interior has approved it. After that, all elections will become Tribal elections.

Section 2 The provisions of this **Alliance** overrule and supersede the Origin Constitution and Bylaws of Minnesota Chippewa Tribe and the subsequent revised and amended constitutions approved by the Secretary of the Interior. This includes the origin Constitution approved on July 24, 1936; the Revision Constitution, approved on March 6, 1964, amended and approved on _____ 1972; and amended and approved on _____ 2006.

Article XXI. Adoption

This **Alliance** shall become effective when ratified by the eligible voters of the Minnesota Chippewa Tribe who vote. Upon ratification of this **Alliance**, the Minnesota Chippewa Tribe shall officially become the **Alliance of Ojibwe Anishinaabeg**. The General Assembly shall enact laws in conformance with this **Alliance** within eighteen (18) months of its ratification, provided that the provisions for Article XXI shall be enacted within six (6) months of its ratification. The Minnesota Chippewa Tribe's Tribal Executive Committee and Reservation Business Committee shall dissolve upon adoption.