

**The Anishinaabe Nation in Treaty #3
Manito Aki Inakonigaawin
Unofficial Consolidation**

Whereas:

Saagima Manito gave to the Anishinaabe duties and responsibilities for their traditional lands; and

By Treaty with Her Majesty, the Anishinaabe Nation in Treaty #3 shared its duties and responsibilities and protected its rights; and

Developments and activities are affecting the environment of Treaty #3 territory and the exercise of rights of the Anishinaabe; and

The Anishinaabe law of respect requires those who may affect the environment of Treaty #3 territory or the exercise of rights of the Anishinaabe to consult with the Nation; and

Lawful means are required to consult with and obtain written consent of the Nation, subject to conditions for conserving the environment within Treaty #3 territory and protecting the exercise of rights of the Anishinaabe; and

The Elders' Gathering in Kay-Nah-Chi-Wah-Nung at Manito Ochiwaan on April 22nd – 23rd, 1997 and on July 31st, 1997, approved this Law and respectfully petitioned the National Assembly to adopt it as a temporal Law of the Nation;

Therefore:

The Nation, with approval of the Elders and validation in traditional ceremony, and with ratification by the National Assembly, proclaims this Law:

Name

1. The name of this Law is Manito Aki Inakonigaawin.

Interpretation

2. In this Law;

“Activity” means any personal course of conduct which has potential to affect the environment within Treaty #3 territory or the exercise of rights of the Anishinaabe;

“The Anishinaabe” means the Anishinaabe in Treaty #3;

“Annual charge” means a regularly payable levy, tax, or other determinable charge in an appropriate amount as a condition of authorization;

“authorization” means the consent in writing of the Nation granted in respect of the effects of a development or activity on the environment in Treaty #3 territory and the exercise of rights of the Anishinaabe, granted pursuant to this Law;

“Authorization form” means a form of authorization approved by the Executive Council;

“Community” means a community of the Anishinaabe, recognized in accordance with the traditional constitution of the Nation;

“Conditions of authorization” means written conditions established in accordance with this Law;

“Consent” means formal agreement on behalf of the Nation in accordance with traditional law;

“Conservation officer” means an officer appointed by resolution of the Executive Council to issue authorizations pursuant to this Law;

“Consult” means undertake a process of communication with the Nation pursuant to this Law and in light of Anishinaabe traditions;

“Designated activity” means an activity which is designated by regulation pursuant to this Law;

“Designated area” means an area within Treaty #3 territory which is designated by regulation pursuant to this Law;

“Development” includes the construction, operation, alteration, and decommissioning of any building, structure or work within Treaty #3 territory, which may affect the environment within Treaty #3 territory or the exercise of rights of the Anishinaabe;

“Environment” means the entire environment of the Anishinaabe as it affects them and the exercise of their rights and responsibilities, and includes the spiritual, social, physical, ecological and economic environment;

“Existing development” means a development which exists when this Law comes into effect, and includes a development which is completed within one year after this Law comes into effect;

“The Grand Council” means Grand Council Treaty #3;

“Lands” includes wetlands, rivers, and lakes;

“The Nation” means the Anishinaabe Nation in Treaty #3;

“Officer” includes a Chief, and any person authorized by the Executive Council;

“Prescribe” means prescribed by regulation;

“Proceeding” includes an environmental approval or other regulatory or licensing process;

“Proponent” means the owner and the operator of a development, and a person physically carrying out a development, and includes a corporate proponent and any officer of a corporate proponent or manager of a business with personal responsibility in respect of a development;

“Rights” means Aboriginal and Treaty rights; and

“Treaty #3 territory” means the traditional lands of the Nation, as recognized and affirmed by Treaty #3.

Responsibility of proponents

3. The proponents of a development have a responsibility to consult with and seek the consent of the Nation in a timely manner.

Responsibility of Grand Council

4. The Grand Council has a responsibility to facilitate the consultation on behalf of the Nation.

Objectives of consultation

5. The Grand Council and the proponents should, through consultation:

- Understand potential effects of the development on the environment in Treaty #3 territory and on the rights of the Anishinaabe;
- Determine conditions of authorization; and
- Seek a mutually beneficial continuing relationship between the proponents and the Anishinaabe.

Consultation about proposed developments

6. The proponents of a proposed development should initiate consultation before preparing engineering or construction plans for the development.

Consultation about existing developments

7. The proponents of an existing development should consult upon written request of the Grand Council or before preparing engineering or construction plans for any alteration or decommissioning.

Traditional consultation

8. Notwithstanding this Law a proponent may consult the Nation in the traditional manner.

Principal proponent

9. If the owner or the operator of a development accepts overall responsibility, the Executive Council may by resolution release other proponents of the development from responsibility to consult in accordance with this Law.

Application and disclosure

10. A proponent should apply in writing for consultation, and the application should disclose the potential effects of the development on the environment in Treaty #3 territory and on the exercise of rights of the Anishinaabe or propose a process for determining these potential effects.

Respect for environment and rights

11. The proponents should ensure that a development is designed, constructed, operated and decommissioned with respect for the environment in Treaty #3 territory and for rights of the Anishinaabe.

Authorization for development

12. The Executive Council may by resolution issue to the proponent an authorization for a development.

13. The resolution should specify, and is subject to, such conditions of authorization as the Executive Council in consultation with the proponents deems may assist in promoting good governance, conserving the environment within Treaty #3 territory and protecting rights of the Anishinaabe.

14. A conservation officer may, by authorization form, issue to the proponents an authorization for a development for a term not greater than 12 months, or may refer the application to the Executive Council.

15. An authorization is subject to conditions of authorization specified in the resolution or authorization form, which grants it.

Effect of authorization

16. A proponent who is granted the consent of the Nation in accordance with this Law and who in good faith abides by conditions of authorization is thereby authorized by the Nation, to the extent of its jurisdiction and interest, to proceed with the development with effects on the environment in Treaty #3 territory and on the exercise of rights of the Anishinaabe, to the extent disclosed.

17. An authorization for a development may be introduced in any proceeding as evidencing the support of the Anishinaabe for the development.

Transfer of authorization

18. An authorization is not freely transferable but, upon written request of a proponent the Executive Council may by resolution and subject to conditions it deems appropriate transfer an authorization to a new proponent.

Consultation process

19. The Executive Council may prescribe a process for consultation with proponents.

Forms of application

20. The Executive Council may prescribe forms of application for consultation pursuant to this Law and specify information which should be disclosed by proponents.

Application and authorization fees

21. An application fee is payable to the Grand Council in respect of cost of handling an application, and an authorization fee is payable to the Grand Council in respect of cost of issuing an authorization.

22. The Executive Council may prescribe the application and authorization fees payable in respect of classes of developments.

23. Subject to section 22, the Executive Council may by resolution establish the application and authorization fees payable in respect of any development.

Annual Charge

24. An authorization for more than 12 months should be made subject to an annual charge in an appropriate amount.

Designated activities and areas

25. The Executive Council may prescribe designated activities and designated areas for the purposes of this Law.

26. A person who intends to engage in a designated activity within a designated area should seek the consent of the Nation.

27. Notwithstanding this Law a person may seek consent in the traditional manner to engage in a designated activity, and an officer of the Grand Council may grant consent accordingly.

Authorization for designated activities

28. A conservation officer may, by authorization form, issue to a person an authorization for a designated activity for a term not greater than 12 months.

29. An authorization for a designated activity is subject to conditions of authorization specified in the authorization form.

30. An authorization fee is payable by a person who engages in a designated activity in Treaty #3 territory in respect of the Grand Council's cost issuing an authorization.

31. The Executive Council may prescribe the authorization fees payable in respect of classes of designated activities.

Form of Authorization

32. Subject to section 29 the Executive Council may prescribe forms for the consent of the Nation in respect of developments or activities.

33. An authorization should specify the person to whom it is issued, the development or activity in respect of which consent is given, the term of the authorization, and the location or area to which it applies.

Moral offenses

34. A proponent who without honest reason fails to respect this Law commits a moral offense against the Nation.

35. a proponent who without honest reason breaches a condition of an authorization issued pursuant to this Law commits a moral offense against the Nation.

No private benefit

36. A person who seeks or offers a private benefit for issuing an authorization commits a moral offense against the Nation.

Complaint alleging an offense

37. A community or First Nation may, with the assent by resolution of the Executive Council, file with the Judicial Council a written complaint about a person alleged to be committing a moral offense under this Law.

Person may make representation

38. Before determining whether to assent to filing a complaint, the Executive Council should consider any written representation which the person may deliver within fifteen days after receiving copy of the complaint.

Publication

39. The Executive Council may after giving notice to the person publish all or part of the conclusion of the Judicial Council at such times, by such means, and in such places it deems appropriate.

Community right

40. For greater certainty, nothing in this Law affects the right of a community to be consulted about and to give or withhold its consent to any development or activity which may affect it.

Alienation of lands

41. For greater certainty, this Law does not authorize the alienation of land or any interest in land.

Date of effect

42. This Law takes effect when adopted.

Considered by the Elders' Gathering in Kay-Nah-Chi-Wah-Nung at Manito Ochiwaan on the 22nd and 23rd days of April, 1997;

Approved by the Elders' Gathering in Kay-Nah-Chi-Wah-Nung at Manito Ochiwaan on the 31st day of July, 1997;

Validated in traditional ceremony at Powwow Island on the 29th day of September, 1997;

**Proclaimed by the National Assembly on the 3rd of October, 1997.
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