
GRAND COUNCIL TREATY #3

MANITO AKI INAAKONIGEWIN

INFORMATION PACKAGE



MANITO AKI
INAAKONIGEWIN



GRAND COUNCIL
TREATY #3

THE GOVERNMENT OF THE ANISHINAABE NATION IN TREATY #3



ACKNOWLEDGEMENTS

Developing the Manito Aki Inaakonigewin Toolkit

The Territorial Planning Unit (TPU), would like to acknowledge the foundational work done by Treaty #3 elders with Manito Aki Inaakonigewin (MAI), as none of this work could be complete without their deep understanding and connection to Mother Earth.

We want to acknowledge the Anishinaabe Ancestors and Spirits who have left a rich legacy and continue to lead us to mino-bimadiziwin. We give many miigwetches to the Elders and Knowledge Keepers who share their wisdom and knowledge, and we say miigwetch to the Spirits who have shared their foresight and teachings.

We would also like to say miigwetch to all of the Elders and Knowledge Keepers we were fortunate enough to talk to, who played an integral role in translating the meaning of Manito Aki Inaakonigewin in Treaty #3.

The toolkit design and resource development is the creation of Treaty #3 Youth Executive Council member Winter Dawn Lipscombe of Wauzhushk Onigum Nation.

This document would not exist without them.



MANITO AKI INAAKONIGEWIN	Great Earth Law, Law of Natural Resources
SAAGIMAA MANITO	Forever Spirit, who gave Anishinaabe people sacred responsibility to care for and protect natural resources
INAAKONIGEWIN	Law
CEREMONY	Sacred tradition to honour while having relations with Mother Earth
CONSULTING	to undertake a process of communication with the Nation pursuant to this Law and in light of Anishinaabe traditions; the process of communication to obtain authorization
CONDITIONS OF AUTHORIZATION	Obligations negotiated by and with an authorized proponent considered beneficial to the Anishinaabe Nation in Treaty #3 and on the environment in Treaty #3 territory
CONSENT	A formal agreement on behalf of the Nation in accordance with aboriginal law
ENVIRONMENTAL ASSESSMENTS	To predict potential environmental effects before initiatives. This honours Manito Aki Inaakonigewin by planning present and future degradation or developments
TRADITIONAL LAND USE STUDIES	Assessing past and present traditional land use that provides an economic, spiritual, social, and/or cultural purpose
STEWARDSHIP	The relationship and responsibilities of care takers of the land as guided by Manito Aki Inaakonigewin
RESOURCE REVENUE SHARING	As outlined in Treaty #3, RSS is the sharing of economic benefits of natural resource operations as guided by Manito Aki Inaakonigewin.
BellFOTS3	Bell Canada's Fiber Optic Telecommunications line that runs throughout Treaty #3 territory
AUTHORIZATION	Consent in writing pursuant to Manito Aki Inaakonigewin
HARMONIZATION	Parties with separate or similar interests coming together to create common policies, procedures, and/or laws
TREATY RIGHTS	Rights agreed to by signing of a treaty with another party
INHERENT RIGHTS	Rights given to Anishinaabe from the Creator since time immemorial

WHERE ARE WE NOW?

The purpose of the Manito Aki Inaakonigewin Toolkit

The Manito Aki Inaakonigewin (MAI) toolkit is a document that encompasses the spirit, intent, and all of the efforts pursued to further the law. The toolkit outlines key principles that guide us in decision making in the Treaty #3 Territory and will support implementation of Manito Aki Inaakonigewin. As the law of the Nation, the toolkit will ensure the protection and preservation of inherent and treaty rights.

The toolkit is an educational resource for communities, leadership, Treaty #3 members, and Grand Council Treaty #3 (GCT#3) staff. It is designed for the Nation and Treaty #3 communities to further our understandings of our responsibilities to the land and provide guidance for government, communities, leadership and proponents upon operating within the Treaty #3 territory. This will support the continuation of knowledge transfer in written form of Anishinaabe Inaakonigewin.

Our goal is to strengthen solutions and overcome potential obstacles that arise within resource development by providing a detailed history and analysis of Manito Aki Inaakonigewin. This will be used to guide future policy and decision-making processes in all areas of resource development.

Following the toolkit goals, it will support the overall implementation of Manito Aki Inaakonigewin and provide information on how you, your family, and community members can be involved with Manito Aki Inaakonigewin.

TOOLKIT PURPOSE

The toolkit's purpose is to support the relationship between the proponents and Treaty #3 to::

- 01** Build relationships
- 02** Build partnerships
- 03** Guide communications
- 04** Protect the Environment
- 05** Protect sacred sites
- 06** Protect ceremonial grounds throughout the territory

Manito Aki Inaakonigewin will guide us in three areas for all current and future projects:

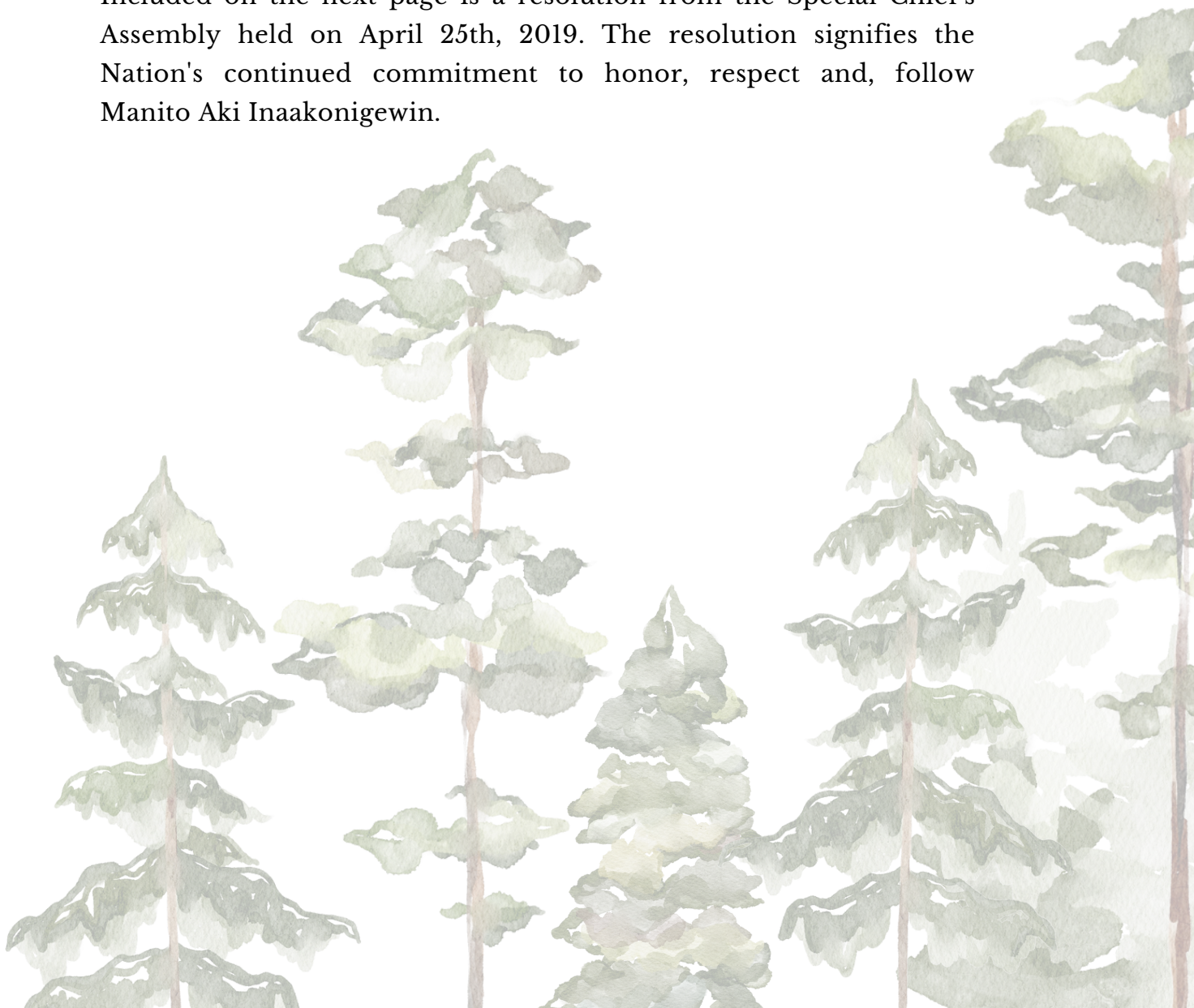
- 01** On internal processes
- 02** On joint harmonization and implementation process
- 03** On operationalization

COMMITMENT TO MANITO AKI INAAKONIGWIN

Statement and Resolution

Every proponent and the Crown seeking to perform an action and/or an activity in Treaty #3 Territory is subject to the laws of the Nation and the laws of Treaty #3 communities.

Included on the next page is a resolution from the Special Chief's Assembly held on April 25th, 2019. The resolution signifies the Nation's continued commitment to honor, respect and, follow Manito Aki Inaakonigewin.





Grand Council Treaty #3

Office of the Ogichidaa

RESOLUTION OF THE GRAND COUNCIL TREATY 3 Chiefs in Special Assembly

COMMITMENT TO MANITO AKI INAAKONIGEWIN

RESOLUTION CA-19-01

WHEREAS since time immemorial Creator entrusted the Anishinaabe to care for lands and resources on Turtle Island. The Anishinaabeg have always maintained a spiritual connection to the land and Mother Earth, and firmly believe that “we are the land, and the land is us”; and

WHEREAS the Anishinaabe governed our society based on laws given by Creator to live in harmony with the animals, lands, resources and the environment; and

WHEREAS one of these sacred laws is *Manito Aki Inaakonigewin* (MAI) – the “Great Earth Law” or “Resource Law”; and

WHEREAS MAI continues to be an exercise of inherent jurisdiction over the lands, water and resources in Treaty 3 territory; and

WHEREAS beginning in 1993, a law-making process resulting MAI, a traditional legal framework, was initiated; and

WHEREAS the Chiefs in Assembly declared to honour, respect and follow the MAI and recommitted to this on March 1, 2018.

THEREFORE BE IT RESOLVED that the Chiefs in Special Assembly:

1. Formally execute the commitment made to honour, respect and follow *Manito Aki Inaakonigewin*; and
2. Direct GCT#3 to develop and implement a strategy to educate all Anishinaabe about *Manito Aki Inaakonigewin*; and
3. The MAI Task Force shall conduct an analysis into establishing a body mandated to review all future agreements in our territory and their compliance to MAI and a status report shall be provided at the Fall Assembly, 2019.

Decided at Treaty 1, Winnipeg, Manitoba on April 25, 2019

Certified a true copy

Ogichidaa Francis Kavanaugh

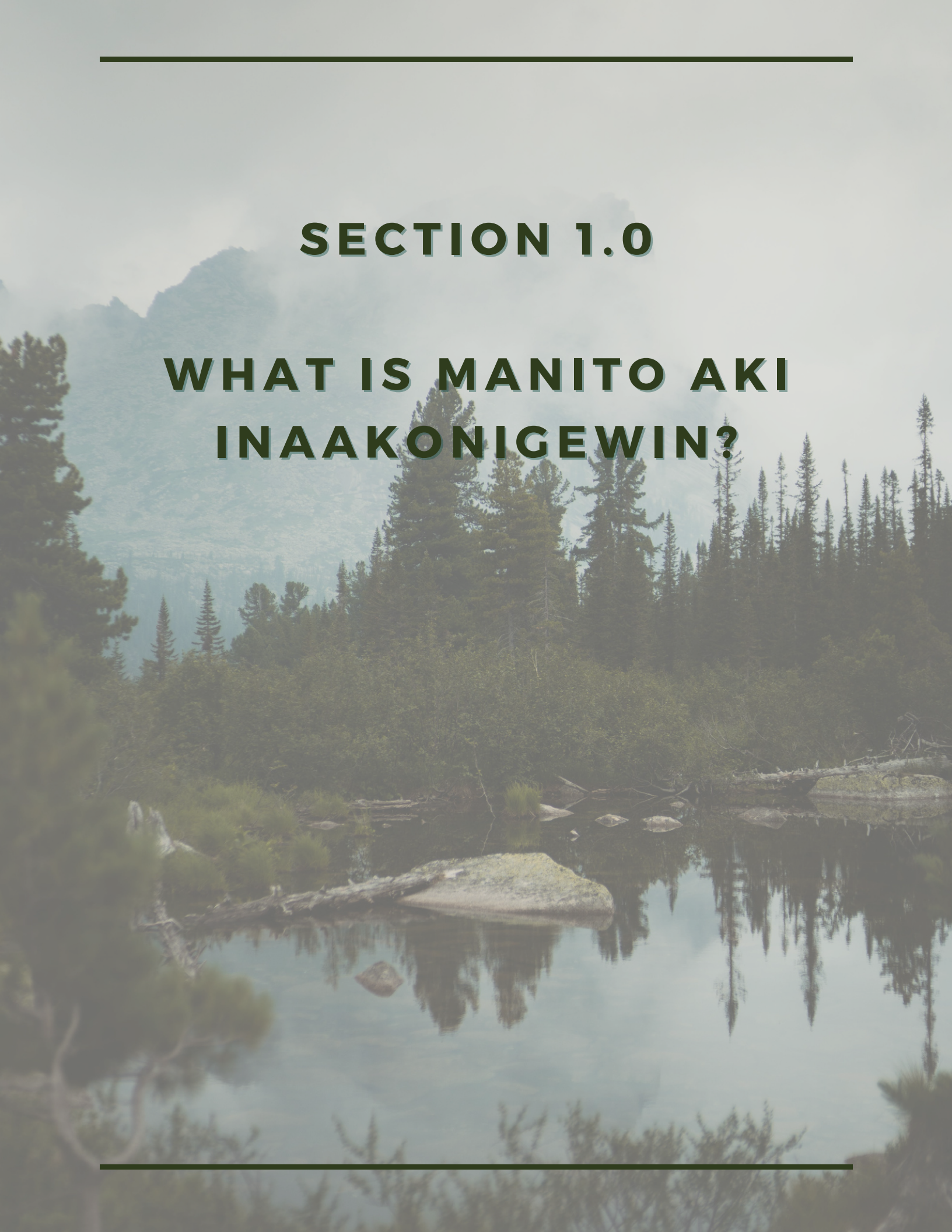
Moved by: Chief Erwin Redsky, Shoal Lake #40 First Nation

Seconded by: Chief Marilyn Sinclair, Obashkaandagaang First Nation



SECTION 1.0

WHAT IS MANITO AKI INAAKONIGEWIN?



WHAT IS MANITO AKI INAAKONIGEWIN?

Anishinaabe Inaakonigewin (law) has governed relations with Mother Earth since time immemorial. Today, the Anishinaabe Nation in Treaty #3 continues to live by Anishinaabe Inaakonigewin. The authoritative version of these laws are mostly oral, as they are held in ceremony and learned from the animals, plants, the sun, and the changes in season. Anishinaabe Inaakonigewin co-exist with Western law as it pre-dates the man-made laws we see in society now. In Treaty #3 territory, one of these Anishinaabe laws is called Manito Aki Inaakonigewin.

Manito Aki Inaakonigewin is written within and throughout nature. It extends to the center of the earth, all of its beings and inhabitants, to the sky, and throughout the entire Universe.

At the beginning of time, Sagima Manito gave the Anishinaabe duties and responsibilities to protect, care for, and respect the land. These duties were to last forever, in spirit, in breath and in all of life, for all of eternity. The spirit and intent of Manito Aki Inaakonigewin signifies the duty to respect and protect lands that may be affected from over-usage, degradation and unethical processes. Sagima Manito and the Elders have taught us that Manito Aki Inaakonigewin is a manner of thought, a way of feeling and a way of living. Manito Aki Inaakonigewin can be difficult to translate to English, as it is engraved into Anishinaabe ways of life and Anishinaabemowin itself.

SIGNIFICANCE OF MANITO AKI INAAKONIGEWIN

Manito Aki Inaakonigewin is an inherent law to the Anishinaabe Nation in Treaty #3 territory since time immemorial. The law governs relationships with the land and its inhabitants throughout daily life, including:

- Respecting the lands and waters;
- Providing offerings to the spirits and Creator when you benefit from Mother Earth's gifts, such as through fishing, hunting, or transportation;
- Knowing your rights as a Treaty #3 member;
- Understanding the responsibility as a caretaker of the land.

When a project adheres to Manito Aki Inaakonigewin, ceremony is a foundational aspect to the process. It's important that the project goes through ceremony because the original spirit and intent of the law lies within the ceremony. Manito Aki Inaakonigewin sets the framework for:

- Economic Development
- Protection of the Environment
- Creating economies
- Building partnerships
- Revenue sharing



SIGNIFICANCE OF MANITO AKI INAAKONIGEWIN

Manito Aki Inaakonigewin was formally written in 1997 and has helped to uphold traditional land rights and create a nation-based law-making process when working with resource developments in the territory.

Manito Aki Inaakonigewin is written within and throughout nature - its spirit is within all living things on earth - from you to the animals, to the trees, and to the air that we breathe. It is the natural law that governs the natural cycles of life. Manito Aki Inaakonigewin has its own spirit, as it itself is also living.

The law is eco-centric, meaning the law considers and acknowledges that it's not only human beings that live on this land, but all things on Earth possess spirit and life. Manito Aki Inaakonigewin is based not only on rights, but also on the responsibilities we have as a collective to care for Mother Earth. The law is guided by communities in Treaty #3 territory and supports the collective rights of the Nation as a whole, while affirming jurisdiction of Anishinaabe laws. Manito Aki Inaakonigewin helps to provide a law-making process and is centered on the inherent relationship to Creation.

Although the law was given to the Anishinaabe at the beginning of time, it's important to understand that the responsibility to protect and respect Creation doesn't solely depend on Anishinaabe people, the law represents the collective duty of us to protect all of Creation

SIGNIFICANCE OF MANITO AKI INAAKONIGEWIN

Manito Aki Inaakonigewin states that the Anishinaabe in Treaty #3 have the right to meaningful engagements and that there must be respect for inherent and treaty rights. It is therefore considered to be unlawful to proceed with developments within Treaty #3 without the authorization of the Anishinaabe Nation in Treaty #3. Any Crown or proponent development/activity that occurs that may affect natural resources must abide by these rights and roles of the duty to engage with the Nation in Treaty #3. The obligation lies on all associated parties who wish to develop or manage resources within Treaty #3 Territory to abide by Manito Aki Inaakonigewin. As such, Manito Aki Inaakonigewin is considered a foundational process of mutual respect.

Following Manito Aki Inaakonigewin, it is possible for development to occur with the least amount of uncertainty and conflict. This process has the potential to maximize cooperation and fair sharing of economic opportunities throughout the Nation.

Everything on Earth has to be respected, must be respected. There's animals, and there's trees, there's birds. Everything that's growing - How did they get here? How did we get here? That's how I understand Manito Aki Inakonigaawin. It means to respect all the resources and Mother Earth. In our prayers, we thank the Mother Earth. That's what we thank when we do ceremonies when we do prayers. Offering tobacco to Mother Earth, and when there's thunderstorm nearby, I'll go and offer tobacco. It's all about respect. I guess more or less as a watch over us and don't overdo it kind of thing.

Isobel White, 2021

In international relations, when a treaty or a document is created, there is often an authoritative copy. So even if something is printed in six languages, sometimes the English version will be the authoritative version or sometimes the French version of the treaty is. So, if there is ever a contradiction, the authoritative copy takes precedence. That is the way that I view Manito Aki Inaakonigewin. Even though it's written down and even though it's in hard copy, that's not the authoritative document. The authoritative document lies in ceremony. That's why we have to regularly take it back to that [ceremony] and to the oral tradition rather relying only on the written copy. But that doesn't mean that we can't write things down, make it relevant to the 21st century because that written copy was still created by that ceremony.

Daniel Morrisseau, 2021



When you talk about industry or different forms of development, such as mining or other proponent resource development, it's not so much as we are opposing resource extractions from our ancestral lands, but we need to be very careful how it proceeds. Particularly in the natural environment. The Anishinaabe people, we know how to do that, to give ceremony. We have one God, the Creator. That's our belief. That's part of our spirituality. We are not a religion; we are a spiritual people. Anything that is done on this land has to be in reference to Manito Aki Inaakonigewin as the resource law. I think it's important you give back what you take from the Creator through spiritual and traditional ceremonies. It's different for many other scenarios in which I think the general public is starting to understand general processes and how they evolve.

George Kakeway, 2021





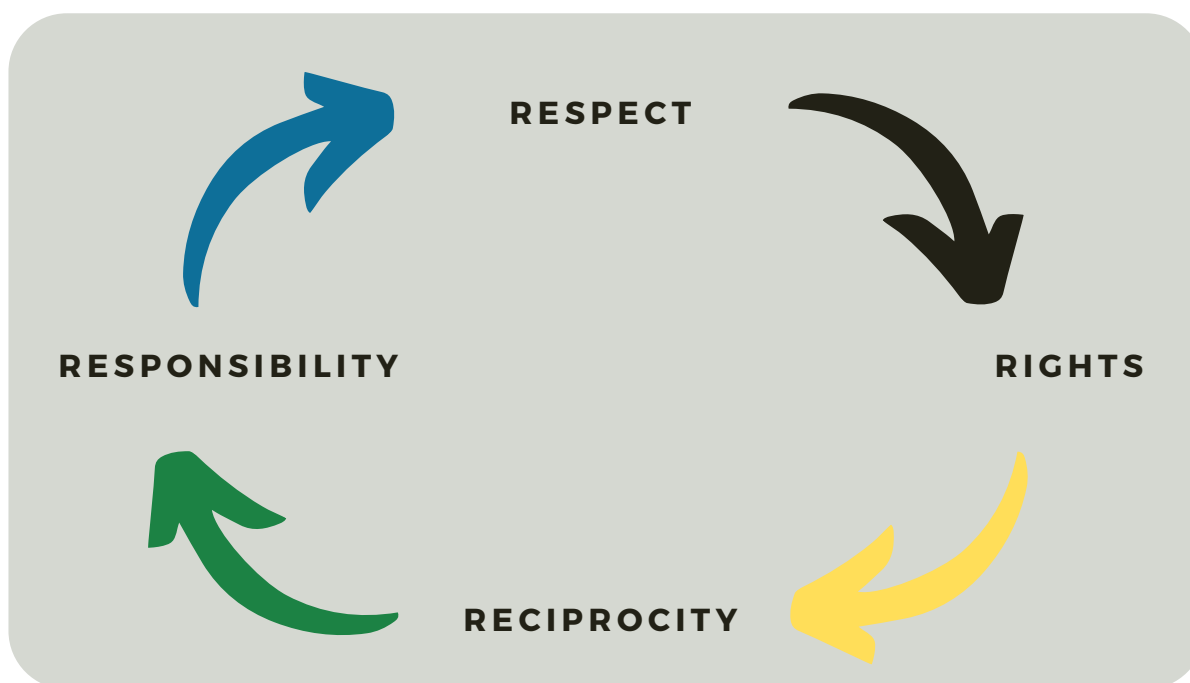
SECTION 2.0

KEY PRINCIPLES WITHIN MANITO AKI INAAKONIGWIN

FOUR GUIDING TEACHINGS WITHIN MANITO AKI INAAKONIGWIN

Gidaakiiminaan Relationship Circle

The Relationship circle is a visual representation of the Anishinaabe Worldview in regard to relations with Gidaakiiminaan (Mother Earth). These principles are fundamental to Manito Aki Inaakonigewin and are embedded into the law. Respect, rights, reciprocity and responsibility are the four key teachings to decision making within Manito Aki Inaakonigewin



FOUR GUIDING TEACHINGS WITHIN MANITO AKI INAAKONIGEWIN:

RESPECT

01

- Have respect for Gidaakiiminaan (Mother Earth)
- Make ceremony for her and everything we take from the land (do so by offering tobacco, sage, sweet grass, have feasts, gatherings and teaching)
- Take only what you need from Gidaakiiminaan

RIGHTS

02

- Right to have freedom from poverty and exercise Treaty and Anishinaabe rights
- To be born, live and die on our land
- Right to make decisions about our lives and the land
- Right to have sustenance with the land, ability to have a livelihood from the land, have economic wellbeing and share what the land provides
- Right to live on traditional land with our ceremonial ways

RECIPROCITY

03

- All relations live in mutuality: live in mutual benefit and support
- We use the word relations rather than resources, as it reflects a relationship
- Acceptance, with deep gratitude and humility, our sacred place in Creation
- Honoring the Treaty relationship

RESPONSIBILITY

04

- Responsibility to not harm the land
- Respect for all relations
- Care for all our relations
- Responsibility to educate and share our teachings with children and one another

ANISHINAABE RIGHTS AND VALUES

Framework for Reviewing Projects

The purpose of the chart below breaks down various Anishinaabe rights and the ways of life that accompany it. This list does not encompass all rights, as it is an example of how rights may be applied in regard to Manito Aki Inaakonigewin.

TREATY #3 ANISHINAABE AND TREATY RIGHTS

DESCRIPTION

ACCESS TO BIMAADIZIWIN (LIVING LIFE IN A GOOD WAY)

- Anishinaabe right to access and harvest for spiritual, cultural, livelihood and economic purposes
- Right to take care of the land and water according to Anishinaabe teachings, which are protected by Treaty #3
- Right to unrestricted access to the lands and waters to pursue traditional or other activities
- Right to sustain a livelihood from the land

CULTURAL TEACHINGS AND EDUCATION

- Right and responsibility to share traditions and cultural teachings with children and members (including accessing historical sites for teachings)

CULTURAL HERITAGE SITES

- Right and responsibility to protect cultural heritage sites and sacred sites (unrestricted access)

ECONOMIC OPPORTUNITY

- Right to benefit from economic development in Treaty #3 territory in a variety of ways
- Right to share in the economic benefits derived from projects and natural resources within the territory

**TREATY #3 ANISHINAABE
AND TREATY RIGHTS****DESCRIPTION**

ENVIRONMENTAL INTEGRITY AND CUMULATIVE IMPACTS	<ul style="list-style-type: none">• Right to an environment that is not degraded beyond what the Creator intended• Concern in regards to cumulative effects, adverse impacts on the landscape, and ecosystem functioning
GOVERNANCE, CONSENT, AND LEGAL TRADITIONS	<ul style="list-style-type: none">• Right to exercise traditional governance structure and jurisdiction over the lands, waters and air within Treaty #3 territory
HEALTH AND COMMUNITY WELL- BEING	<ul style="list-style-type: none">• Right to healthy communities, minds and bodies (spiritually, mentally and physically)
INTERCONNECTIONS AND HOLISTIC VIEW	<ul style="list-style-type: none">• Right to healthy, interconnected habitats that supports a diverse and abundance of species, which are free of disease and migrate freely.• Right to a reciprocal relationship with land and water
STEWARDSHIP AND PLANNING FOR SEVEN GENERATIONS	<ul style="list-style-type: none">• Taking care of the land and all our relations is one of the sacred responsibilities of the Anishinaabe people• Right to ensure environmental monitoring is in place and ceremonies are followed• Right to protect the environment, respect past, present and future generations• Right to long-term views on the environment
WATER AND WATERSHEDS	<ul style="list-style-type: none">• Right and responsibility to protect the water• The Nation is connected through watersheds and what happens anywhere along the stream impacts all life• Right to clean water to sustain ourselves and our livelihoods, now and in the future.

ANISHINAABE WORLDVIEW

The Anishinaabe Worldview is rooted in spiritual, historical, emotional, and physical relationships with the environment and the life forms that it sustains (Anishinaabe Worldview, 2013). The Creator gave all beings instructions on how to live, which focuses on interconnectedness and interdependence. This considers all personal lives and collective lives as one.

These practices are rooted in a belief system from our ancestors and sacred relationships with Gidaakiiminaan (Mother Earth). Our ceremonies are central to these beliefs, which guide us to act and live with our relations.

Anishinaabe law dictates that humans may transform the land only to the extent that it benefits their necessary wellbeing. These actions are only illegal under Manito Aki Inaakonigewin if the benefits received come at an expense to the lands well-being.

When the lands are altered, Gidaakiiminaan must be respected, and the sacrifice acknowledged. Ceremonies are a prerequisite for all resource usage, as it is Anishinaabe protocol and gives respect to Gidaakiiminaan's gifts.



CEREMONY AND PROTOCOL

Ceremony during Manito Aki Inaakonigewin looks different for all communities and as a Nation, however the intention of ceremony is always the same. It is always guided by the Elders, Knowledge Keepers, Chiefs, and community members of Treaty #3 territory. All different practices of ceremony are respected and honored equally.

Anishinaabe culture has many protocols in place to ensure respect, rights, responsibility, and reciprocity. These protocols are within sacred ceremony and are enacted during all relations with Gidaakiiminaan. These processes guide decisions to ensure the greatest certainty, care and respect with our relations.

No human decision is greater than that of spirit, therefore ceremony is an integral aspect to following Manito Aki Inaakonigewin.

Manito Aki Inaakonigewin ceremonial protocols are based in Anishinaabe culture and include the following:

Anishinaabemowin, feasting, offerings, giving of gifts, drums, sacred fires, pipes, sacred items, proper keeping of sacred items, smudging, tobacco, and other sacred medicines such as sage and cedar.

Well, there's four words: Weweni (Take our time) invoke guidance from all our sacred lodges, pipes, drums, songs, traditional law and ceremonies, Bebekaa (Doing it right), which means relationship building, Bizindun (Listen) – we will listen to our people, our elders, our men, women, and youth and Gegoo segisiken (Don't be afraid) – we have been taught to be afraid. We will not be afraid of implementing our laws and principles.

Think and translate that to your heart. You begin to think clearly about who you are as an Anishinaabe person.

It's also important that these messages or these words of wisdom the Elders might say, has to be passed on to the next generation. There are other laws that have been implemented. Child welfare. Education laws. These are mixed with the contemporary and our spiritual values and the teachings. It's important that our younger generation truly understands what that is. One of the keys to understanding of moving forward is that language becomes important. The Anishinaabe, when language has to be front and center and how we take to the future. The well-being of the Anishinaabe, language is a fundamental principle in how we achieve these goals.

We don't have a written constitution. Our constitution is unwritten, but it's there. Through our teachings. It's there through ceremony. Our constitution is based on the drums, the songs, the pipe ceremonies. All these ceremonies, that's part of our constitution. That's where everything comes from.

George Kakeway, 2021



DECISION-MAKING PROCESS

Key Principles

The unwritten law stems from the Creator giving the Anishinaabe duties and responsibilities to protect, care for, and respect the land. Manito Aki Inaakonigewin signifies the duty to respect and protect lands that may be affected from over-usage, degradation, and unethical processes. Manito Aki Inaakonigewin is originally an oral law, passed down through stories and traditional Anishinaabe practices. The law itself is an Anishinaabe teaching and can be difficult to translate and fully convey in the English language, as Manito Aki Inaakonigewin is a way of life and spans beyond the written word. This part of the law lies in ceremony and guidance from the spirits.

The decision-making process lies in ceremony and is guided by the Elders of Treaty#3.

The Creator provides direction and guidance to Knowledge Keepers and Elders in all aspects of Anishinaabe life. Guidance is sought from the Creator through spiritual ceremony, following the customary protocols and using traditional tools. Guidance will come from the Creator through the traditional forms of governance through ceremony in order to move forward in a respectful way with Mother Earth and our relations.

COMMUNITY-LED AND NATION-LED DECISION MAKING PROCESSES

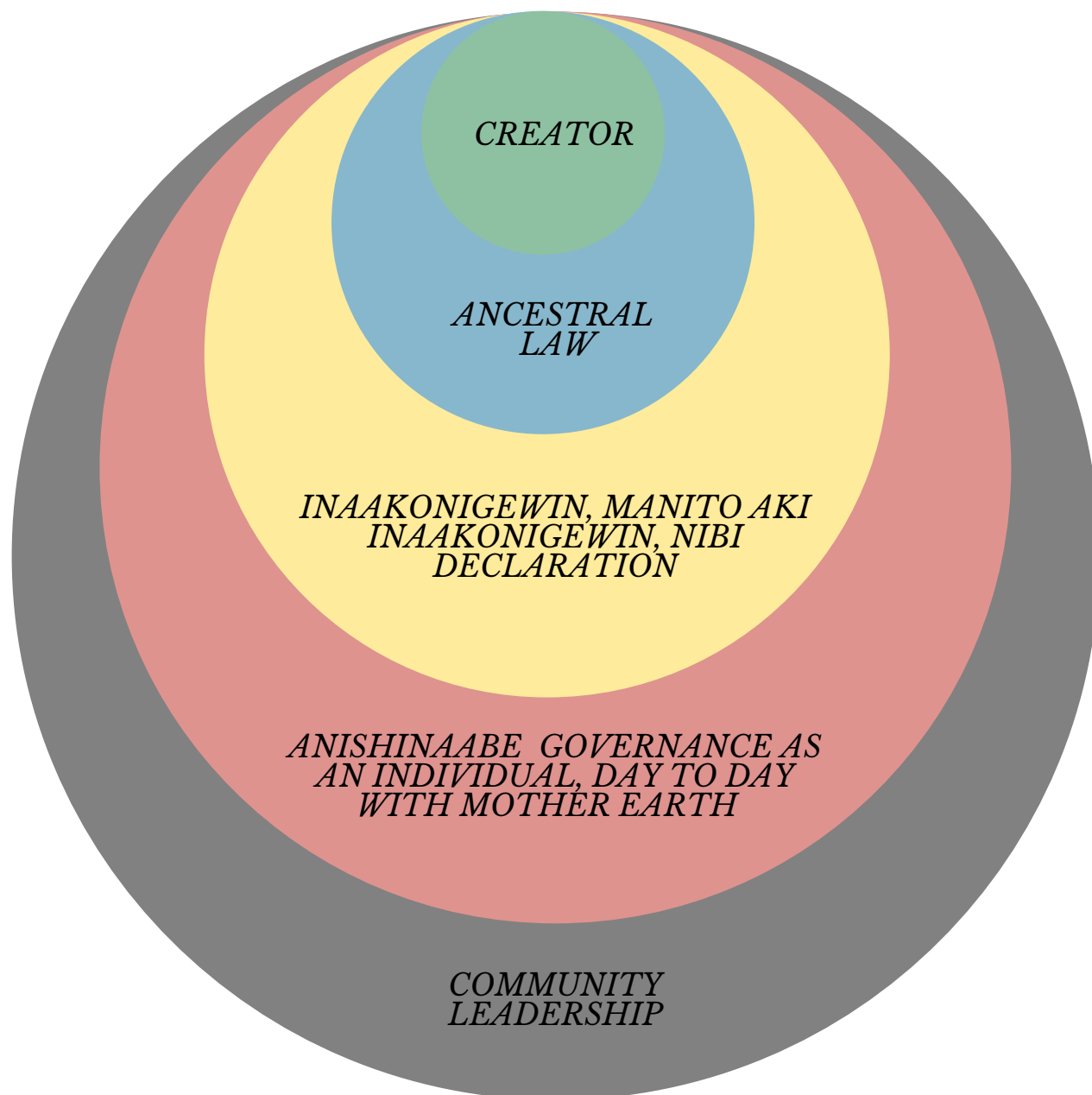
Manito Aki Inaakonigewin is a guiding framework of the Anishinaabe Nation both in community decision making processes and a Nation based decision making process.

What does this mean? Manito Aki Inaakonigewin has many fundamental principles and guidelines that are a part of the Anishinaabe way of life in relation to Mother Earth and all beings.

Chiefs in Assembly discuss Mother Earth and its relations under the framework of Manito Aki Inaakonigewin to deliberate issues as a Nation.

Many communities in Treaty #3 territory have their own laws that they use for decision making within their community. In this case, Manito Aki Inaakonigewin acts as a framework to support individual community laws. Treaty #3 communities participate in Manito Aki Inaakonigewin, however participation does not remove the need for Treaty #3 communities to fulfill their own resource law processes if they so choose.

ANISHINAABE RULE OF LAW



MANITO AKI INAAKONIGEWIN'S RELATIONSHIP WITH OTHER SECTORS

Manito Aki Inaakonigewin is the decision-making process that guides Treaty #3 in all relations with Mother Earth. Manito Aki Inaakonigewin acts similar to the western concept of a constitution for all resource sectors, as it is the foundation of guiding principles. All decisions involving our relations go through Manito Aki Inaakonigewin, as it is a Nation based decision making process that connects and supports all of the communities in Treaty #3.



HOW IS MANITO AKI INAAKONIGEWIN APPLIED TO PROPONENTS AND THE CROWN GOVERNMENTS?

Manito Aki Inaakonigewin states that there is the right to meaningful engagements and respect for inherent and Treaty rights. It is therefore considered to be unlawful to proceed with developments within Treaty #3 without the proper consent of the Anishinaabe Nation in Treaty #3. Any Crown or proponent development/activity that occurs, which may affect Mother Earth must abide by these rights and roles of the duty to engage with the Nation in Treaty #3. The obligation lies on all parties who wish to develop or alter Mother Earth within Treaty #3 Territory to abide by Manito Aki Inaakonigewin. As such, Manito Aki Inaakonigewin is considered a foundational process of mutual respect.

Following Manito Aki Inaakonigewin, it is possible for development to occur with the least amount of uncertainty and conflict. This process ensures the protection of Mother Earth, maximizes cooperation and creates fair sharing of economic opportunities throughout the Nation.



Principles we use with the Province of Ontario when implementing Manito Aki Inaakonigewin are based on trust and obligations. We used moccasins as a symbol through sacred ceremony to represent the beginning of our relationship with the province in moving forward. That was the key, which didn't come by accident. We are going to walk together in economic partnerships. Maybe in the future we will have a stronger relationship with the province, but in the meantime, there needs to be trust, integrity and respect. You shouldn't lie. Once you lie, you walk backwards in your moccasins. Now we're going to take your moccasins away, because you haven't earned them. These are some of the key messages that have been used in various negotiations with the province. These principles are key in all resource development in Treaty #3. This case scenario could be used as an oversight in implementing Manito Aki Inaakonigewin.

George Kakeway, 2021



CASE STUDY: NIIWIN WENDAANIMOK

Throughout the project, Manito Aki Inaakonigewin has affirmed the way forward wisely and informed decision-making while respecting the sacred laws and customs. For instance, a key principle of Manito Aki Inaakonigewin is the importance of feasting the process. Feasting represents the customary engagement protocol and represents an ongoing celebration of the Anishinaabe identity which is rooted in the land. Feasting with the sacred items brings the community together as well as reminding that the benefits are temporary while Anishinaabe identity is forever.

Moreover, at each development point, community members and Elders provide their wisdom and guidance through frequent communication and ceremonies. Ceremonies help navigate changes, and helps offer consistent guidance since time immemorial, helping the Anishinaabe how to respond and make decisions. For example, in December of 2021, ceremony was held at a rock quarry along the highway to honor the spirits of the rock, the Little People, and the animals that will be displaced by the Highway Twinning. The Travelling Song was sung to ask the Creator for safe travels and protection to anyone who uses the highway.

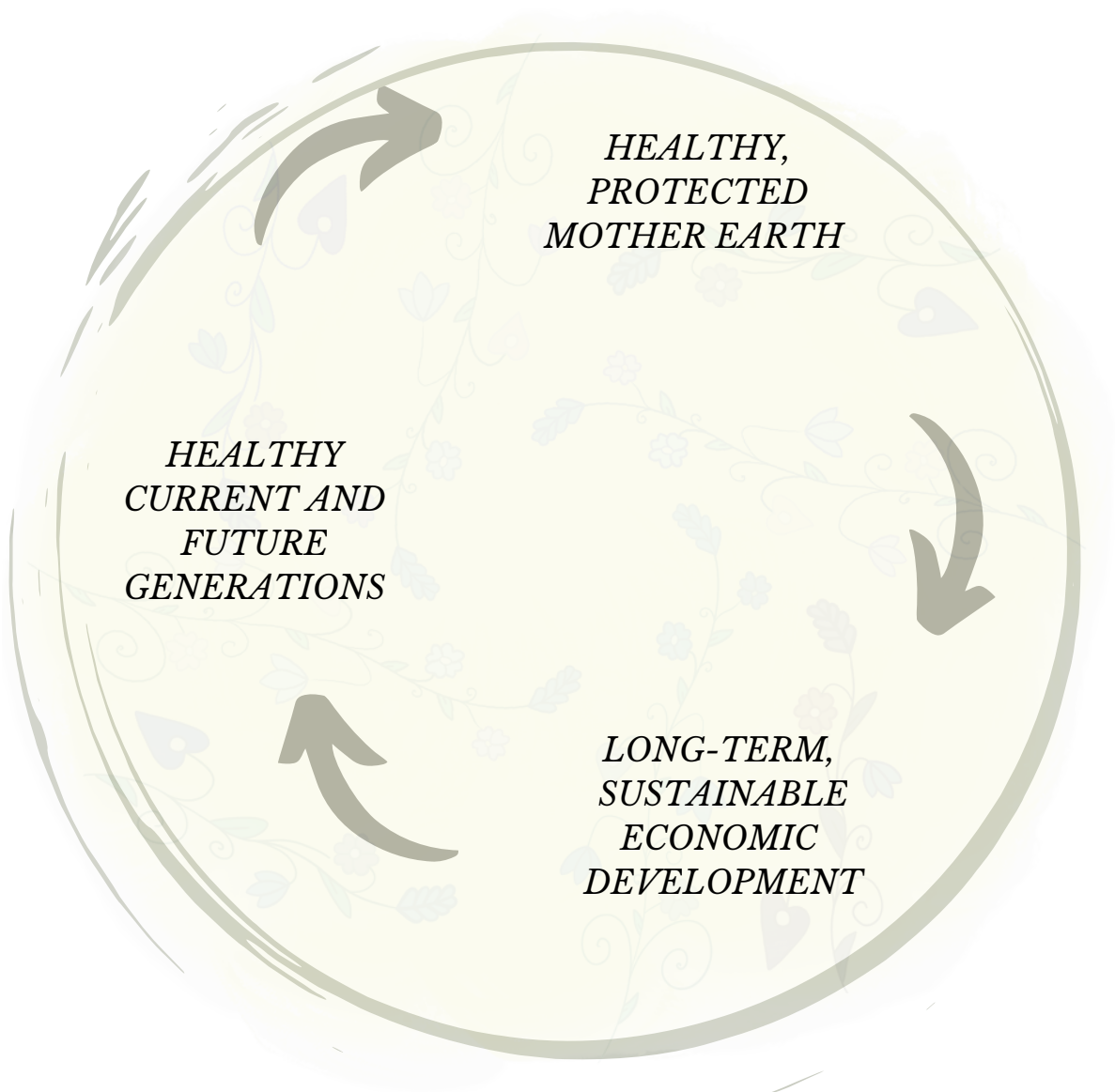
SUSTAINABLE DEVELOPMENT AND GROWTH

In order to achieve a healthy population and economic development, you must first have a healthy and protected environment. You cannot achieve economic development without the support from Mother Earth and its inhabitants. Mother Earth must always be the focus first and foremost to support the health of current and future generations and to sustain stable, long-term economic growth.



SUSTAINABLE DEVELOPMENT AND GROWTH

This graphic represents the connection between protecting and maintaining a healthy Mother Earth, balancing sustainable economic development, and contributions to healthy current and future generations. The land takes care of us when we take care of it.



LAW-MAKING

Harmonization of Administration

When Treaty #3 was signed in 1873, the signing was meant to signify a joint agreement between the Crown and the Creators ways of life in Treaty #3. You will see this relationship depicted in the following diagram.

In Treaty #3, law making comes from the Creators ways of life, passed on through ancestral stories, songs and teachings. Through these teachings, we have the development of inaakonigewin, such as Manito Aki Inaakonigewin, Abinooji Inaakonigewin and the Nibi Declaration. This gives Treaty #3 processes and protocols to establish laws given from the Creator.

Anishinaabe governance systems implement these laws through written laws.

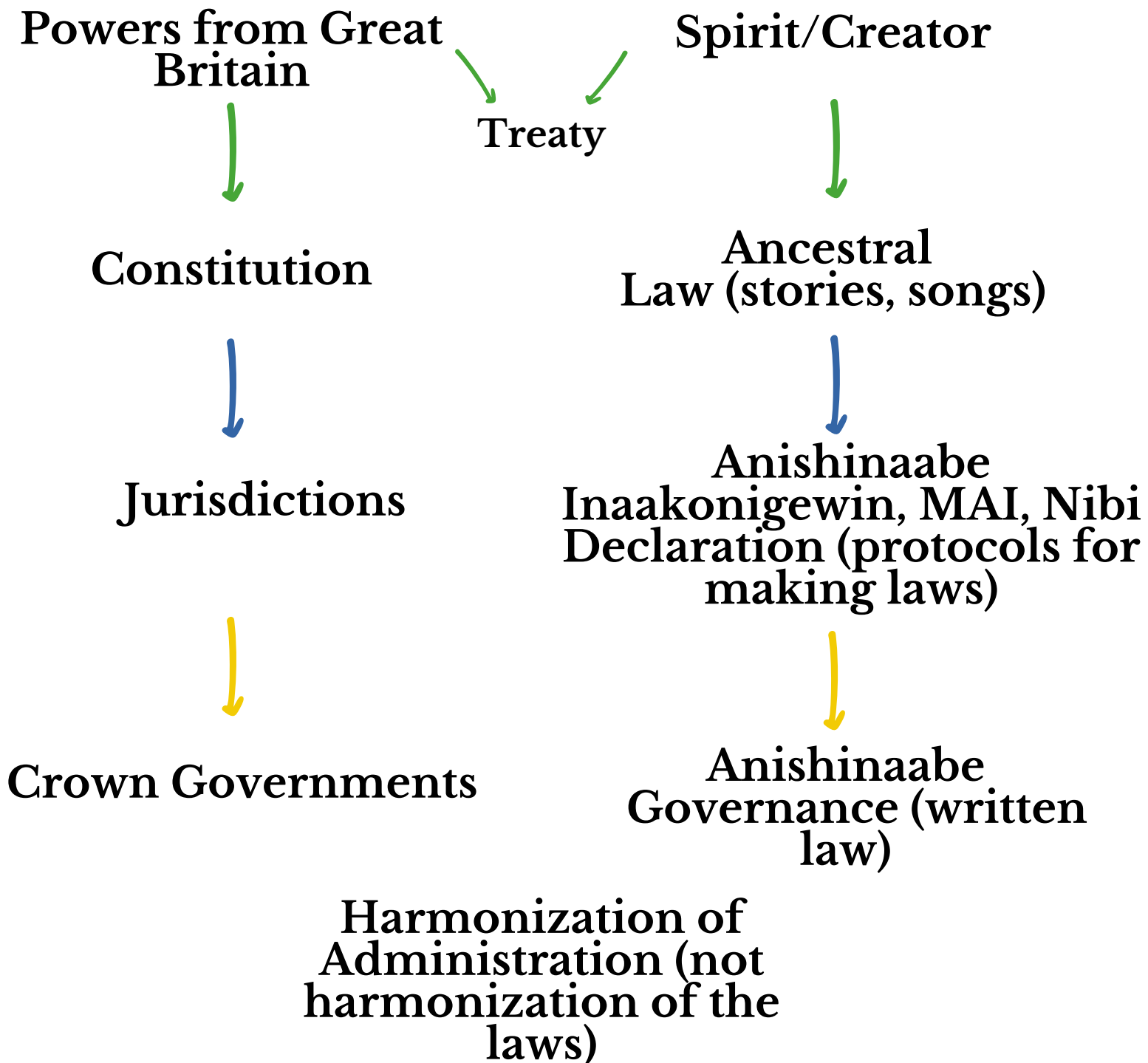
On the left side of the diagram, we see how the Powers from Great Britain have developed a Constitution, which is implemented through Jurisdictions such as Section 35 from the Crown governments.

In the diagram we can see how it is not about incorporating either system into one another, however it's about respecting each system as they are and coming together to administer each separate system as they are.

This can be done through a variety of processes. An example of this is Treaty #3 Project assessments being equally respected next to Ontario's Environmental Assessment process.

Please review case studies for Niiwin Wendanimook and Resource Revenue Sharing for more examples.

Law Making



INHERENT JURISDICTION IN TREATY #3

An Overview

The Anishinaabe Nation in Treaty #3 has inherent jurisdiction that continues to be exercised by the Nation, Grand Council Treaty #3, communities and individuals. Treaty #3 established a shared sovereignty between the British and the Anishinaabe, therefore it is an important effort to reconcile the pre-existing sovereignty of the Anishinaabe with the asserted sovereignty of the Queen and her divisional governments.

The Nation in Treaty #3 exercises pre-existing jurisdiction as caretakers of the land. Since time immemorial, Creator entrusted the Anishinaabe to care for lands and resources on Turtle Island. The Anishinaabe maintain a spiritual connection to the land and Mother Earth. The 28 communities of Treaty #3 support and guide Grand Council's efforts to facilitate collective engagement respecting the lands, waters, spirits and all those that inhabit Mother Earth, as guided by the principles set out by Manito Aki Inaakonigewin.

1) What is Jurisdiction?

**2) What is Jurisdiction in relation
to Manito Aki Inaakonigewin?**

WHAT IS INHERENT JURISDICTION?

In exercising its authority, Grand Council Treaty #3 expresses concern with proponents (corporations, developers etc.) who carry out or plan to carry out any activity that may result in destruction to the environment or interfere with the traditional activities of individual or collective members of the Anishinaabe Nation in Treaty # 3.

Manito Aki Inaakonigewin states that all resource developments should be done in honor with Anishinaabe rights and in respect to the natural resources. Therefore, Grand Council Treaty # 3 recognizes the potential for adverse effects in regard to exercising inherent and treaty rights that may be impacted through certain business activities. In order to eliminate or minimize these adverse effects, Grand Council Treaty #3 is prepared to hold discussions, engagements and potential negotiations with proponents, governments and other industry.

From a constitutional law perspective, “jurisdiction” means the power to make laws, the power to implement laws and the power to enforce laws.

“Authority” means any power other than law-making powers (eg. power to make decisions).

Inherent jurisdiction means that these governmental powers (jurisdiction/authority) are not granted by another government, nor can they be taken away, altered or controlled at any time by another government.

WHAT IS INHERENT JURISDICTION?

In accordance with Manito Aki Inaakonigewin process, proponents in Treaty #3 are required to contact Grand Council Treaty #3 to seek specific Treaty #3 authorizations, which will provide clear authority to conduct their business ventures and create legal certainty to legitimize these developments in Treaty # 3 Territory. These processes do not infringe on the rights of individual communities, and it is recognized they have their own authorization and engagement protocols. It is the goal of Grand Council Treaty #3 to establish strong working relationships with any proponent who respects Anishinaabe laws, values and principles on the environment.



WHAT IS JURISDICTION UNDER MANITO AKI INAAKONIGEWIN?

"Activity" is defined as any personal course of conduct which has potential to affect social, environmental, cultural and economic factors within Treaty #3 territory or the exercise of rights of the Anishinaabe.

"Development" includes the construction, operation, alteration and decommission of any building, structure or work which may affect the environment or exercise of rights.



HARMONIZATION

Achieving harmonization with Manito Aki Inaakonigewin

SIGNIFICANCE OF HARMONIZATION:

Harmonization is a key principle to Manito Aki Inaakonigewin. The law works by harmonizing the administration of Anishinaabe processes with Western law and processes. Harmonizing the two creates a greater understanding of processes, respects Anishinaabe culture, and supports the ability to work within Treaty #3 with the least uncertainty. Treaty #3 does not want to harmonize the laws; however, the goal is to harmonize the administration of the law.

Harmonization is the possibility to have overlap and duplication of Anishinaabe and Western processes without conflict.

Harmonization does not mean making Anishinaabe processes change to become more like Western law; it means two systems beside one another working equally with the same amount of cooperation and authority.

An example of this is during project assessments. Assessments can be conducted under the laws of Canada, or the province, as well as under Anishinaabe Inaakonigewin, which always takes precedent.

WHAT IS HARMONIZATION?

Harmonizing means to allow both parties to coexist, while respecting and upholding different processes for a common outcome, or living in mutuality, while respecting the interests of others. In order to harmonize, we must follow the following principles:

- Understand principles of Manito Aki Inaakonigewin,
- Follow the process each community in Treaty #3 has set out (ex. feasting, visioning, ceremony, western science methods such as impact assessments, construction),
- Components each community has identified must be considered. (Depending on the project, what we need to study from both a traditional knowledge perspective and science perspective, habitat, air quality, Traditional Land Use studies, soils, waters, skies, etc.),
- Community and environmental wellbeing are at the center of harmonization.

CASE STUDY: RESOURCE REVENUE SHARING

In 2018, Treaty #3 First Nations and the Province of Ontario's forestry and mining sectors committed a historic Resource Revenue Sharing Agreement. This agreement was the first of its kind to occur within the Treaty #3 Territory and states the shared stumpage fees and mining royalties. This agreement is the operationalization of Manito Aki Inaakonigewin, which speaks to sharing the natural resources, and what the Creator has given us. Resource revenue sharing also provides economic independence for Treaty #3 and the relationship with the natural resources and land.

This example reminds us that it is not the laws of Manito Aki Inaakonigewin and the Western ones that harmonize – it is the administrative parts of both laws that must harmonize. When they do, ground-breaking agreements occur such as this one. In Manito Aki Inaakonigewin, decision making is key and done jointly under the traditional law. To ensure that decisions are made with great care and protection for the natural environment, there are different levels that are engaged under Manito Aki Inaakonigewin such as the political forum, technical level, and task forces

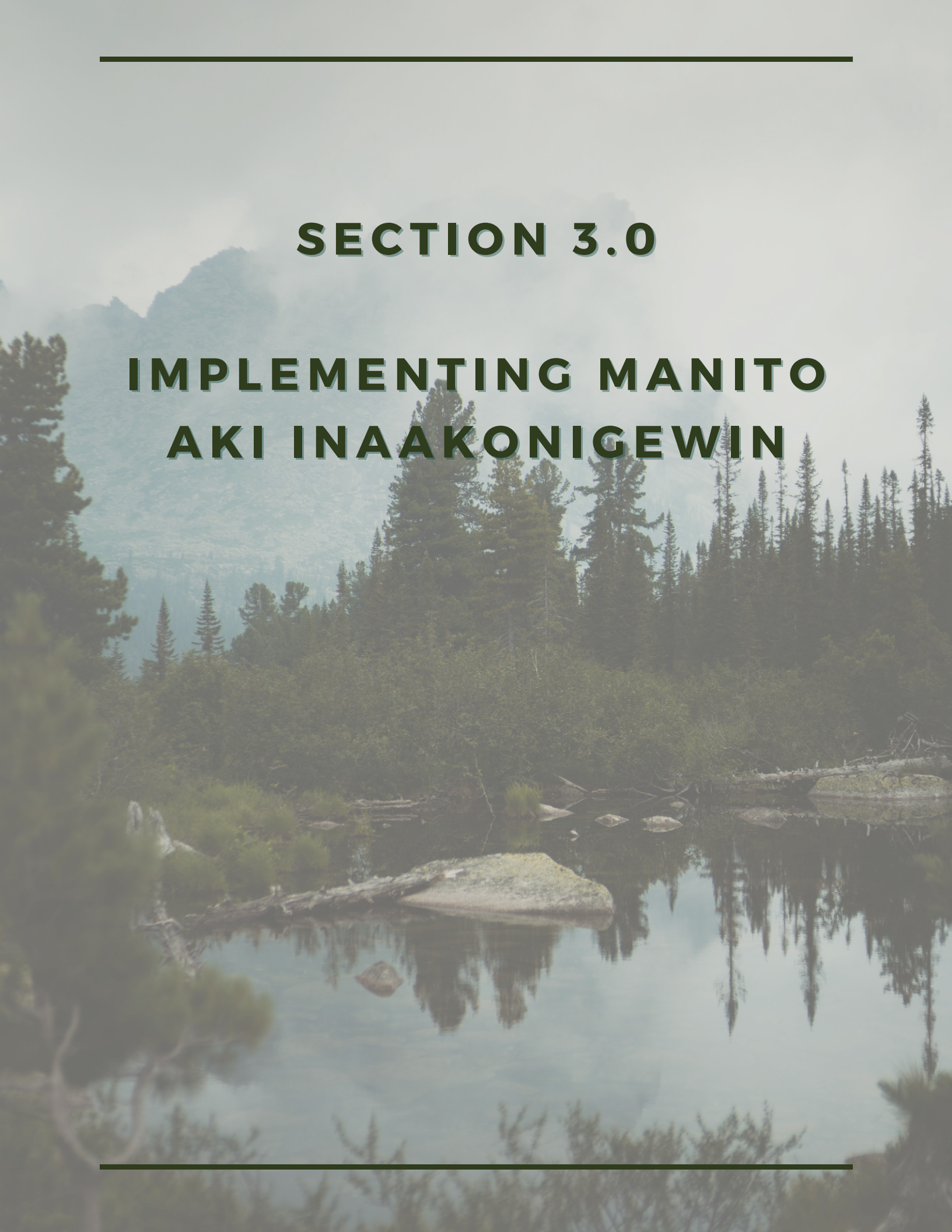






SECTION 3.0

IMPLEMENTING MANITO AKI INAAKONIGEWIN



ANTICIPATED OUTCOMES

Outcomes from following Manito Aki Inaakonigewin

- 01** A joint process that will activate spiritual guidance and protocols;
- 02** Meaningful traditional and contemporary consultation;
- 03** Minimize negative environmental effects;
- 04** Process funding;
- 05** Crown obligations and proponent responsibilities.

HOW DO WE ACHIEVE POSITIVE OUTCOMES FROM FOLLOWING MANITO AKI INAAKONIGEWIN?

When you follow Manito Aki Inaakonigewin, ceremony diminishes negative impacts and uncertainty through offerings and spiritual guidance. Ceremony is embedded into the process therefore spiritual guidance ripples throughout the project.

Meaningful traditional and contemporary consultation are also key outcomes of following Manito Aki Inaakonigewin. This is achieved through the entire Nation being a part of processes and the mutual respect of traditional processes and Western consultation methods. Traditional consultation always outweighs the latter in order to do things right.

Environmental effects are minimized through Manito Aki Inaakonigewin because environmental principles are taken into consideration before economic benefits. All aspects of Mother Earth are taken into consideration which includes humans, wildlife, plants, water, air, etc. Nothing is overlooked for the sake of speeding up the process.

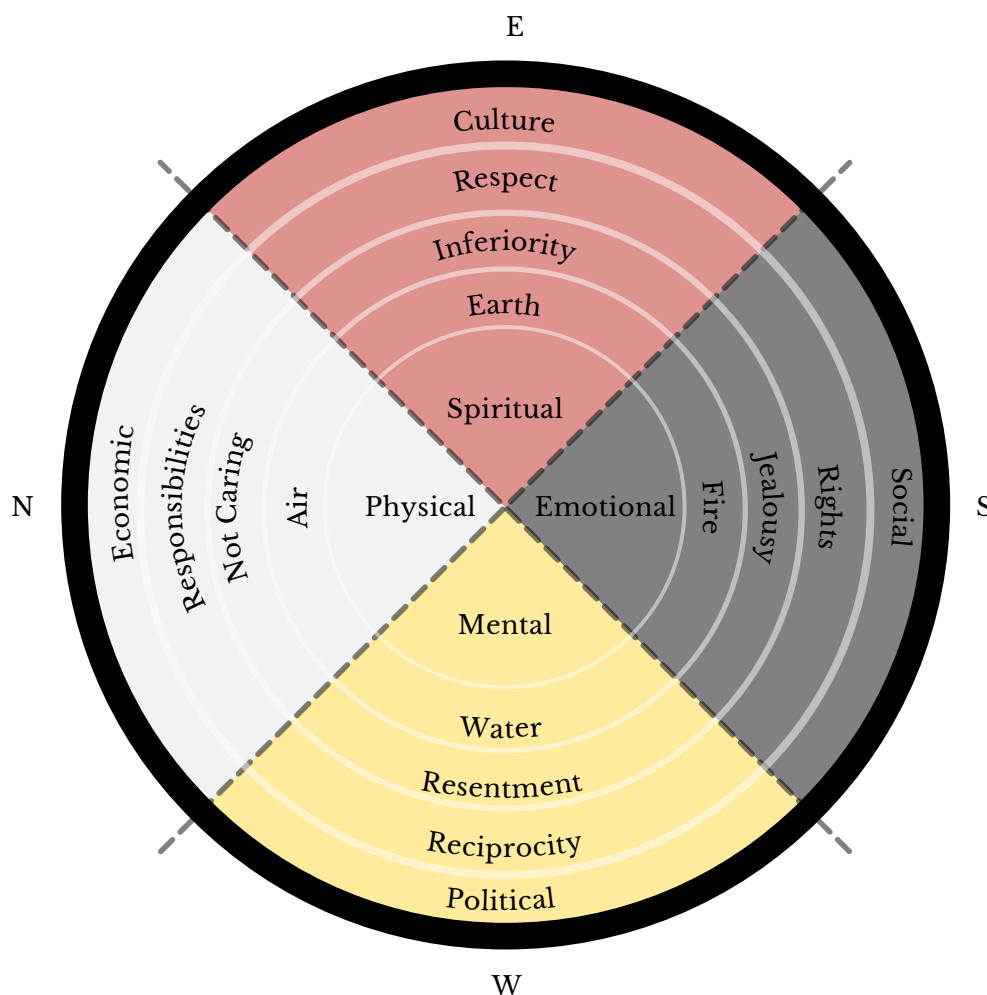
Process funding supports the gathering and ceremonies of Manito Aki Inaakonigewin, which as mentioned, is foundational. Without due process funding, it is not possible to follow proper protocol.

Manito Aki Inaakonigewin holds all parties accountable to the environment, Nation, and ceremony. Therefore, Crown and proponent obligations and responsibilities are key outcomes.

TOOLS AND GUIDING PRINCIPLES FOR GOING THROUGH VISIONING

FOUR DIRECTIONAL MODEL

Applications under Manito Aki Inaakonigewin are guided by the Four Directional Model, taking into account the Mental, Physical, Spiritual, and Social impacts.



GUIDING PRINCIPLES OF COMPLIANCE

Nibwaakaawin—Wisdom: We all have gifts and a purpose in this world. It is through the love of knowledge that we find wisdom.

Zaagi'idiwin—Love: The teaching of love is found in all of the other teachings. Love is strong enough to carry all of the teachings and allows us to see and connect to all of creation. When we live by these teachings, we are able to love who we are. Once we have found that balance within, we can provide love to our family and community.

Minaadendamowin—Respect: This teaching reminds us to respect all living things, and in doing so we achieve a balance and reciprocity that keeps all things alive.

Aakode'ewin—Bravery: Sometimes we must confront threats we are fearful of, especially to protect our rights and responsibilities. But bravery also means to rest when needed.

Gwayakwaadiziwin—Honesty: Honesty reminds us we must be truthful to who we are, walk tall, or to have integrity. It is only by being honest that we can have integrity.

Dabaadendiziwin—Humility: We can be strong and powerful alone, but we find our greatest strength when part of a pack. Humility imparts strength to families and communities.

Debwewin—Truth: Truth builds and keeps lasting relationships.

ACHIEVING COMPLIANCE

APPLICATION PHASE

Includes the cost analysis of the project, the cost of legal, technical, financial and traditional ecological knowledge keeper(s) review of the proponent's proposed activity or development.

CONSULTATION AND ENGAGEMENT PHASE

Identifies the cost of consultation with rights holders at individual, community and national level (where appropriate). This includes meetings, honorarium, ceremonies, tobacco, gifts, etc.

AUTHORIZATION PHASE

Grand Council Treaty #3 may or may not authorize the proposed project. Identifies the cost of legal, technical, financial and traditional ecological knowledge keeper(s) to review of the final plan for development.

COMPLIANCE AND MONITORING PHASE

Includes the cost analysis of long term monitoring and compliance of the project with Elders, Knowledge Keepers, technicians, legal, etc.

CONDITIONS OF AUTHORIZATION

Mutually agreed upon benefits from a development may include:

- Respect for Treaty and Anishinaabe rights
- Conservation and protection to the environment
- Employment and training
- Partnerships
- Contracts
- Business opportunities
- Joint decision making
- Co-management
- Authorization fees are decided and paid
- Annual charges
- Revenue sharing agreements
- Compensation

KEY TAKEAWAYS OF CONSULTATION AND ENGAGEMENT

- Describe the proponent's activity and project of plan in sufficient detail;
- Location of site/impacts on a sufficiently detailed map;
- Proponent must be prepared to share engineering and environmental reports with the community representatives;
- Highlight primary and secondary economic benefits in sufficient detail;
- Be transparent about impacts to the environment, lands, and resources;
- Contact Grand Council early regarding pre-consultation meetings and be open about expected timeframes and real deadlines;
- Be culturally sensitive and open to learning about traditional protocols and respectful relations with community members, Elders and leadership;
- Be resourceful and helpful to our decision makers, you are building a long term relationship;
- Contact Grand Council Treaty #3 if there are any misunderstandings, additional information requirements, unexpected delays with our communities, or changes with the plan/budget.





SECTION 4.0

APPENDICES



JURISDICTION RESOLUTION



Grand Council Treaty #3

Treaty #3 Chiefs in Assembly

P.O. BOX 1720
Kenora, Ontario P9N 3X7
Ph: (807) 548-4214
Fax: (807) 548-5041
Email: grand.chief@treaty3.ca

RESOLUTION #CA-15-20

Resolution Concerning: Support of the Anishinaabe communities of the Anishinaabe Nation of Treaty#3 to assert inherent jurisdiction over their traditional lands in relation to resource development

WHEREAS, the Anishinaabe Nation in Treaty #3 signed Treaty #3 with the Queen's representatives on October 3, 1873; and

WHEREAS, the Anishinaabe Nation in Treaty #3 assert that they have an inherent and treaty right to participate in decision-making about the development of the Treaty #3 territory through Manito Aki Inakonigaawin; and

WHEREAS the Anishinaabe communities of the Anishinaabe Nation of Treaty#3 are signatory to Treaty #3 and any resource development within the Treaty #3 territory infringes on their inherent and treaty rights; and

WHEREAS Anishinaabe communities of the Anishinaabe Nation of Treaty#3 wish to exercise their treaty right to assert jurisdiction over their traditional lands under Manito Aki Inakonigaawin.

THEREFORE BE IT RESOLVED the Anishinaabe communities of the Anishinaabe Nation of Treaty#3 recognize and support their inherent right and jurisdiction to govern their traditional lands according to their own community protocols, which includes a process of issuing permits, leases, or land tenure agreements for any resource development projects within their traditional land use area.

Decided on October 08, 2015 at Naotkamegwanning.

Certified a true copy.

Ogichidaa Warren White

MOVED BY: Chief Chris Skead, Wauzhushk Onigum

SECONDED BY: Chief Earl Klyne, Seine River

UNOFFICIAL CONSOLIDATION

Manito Aki Inaakonigewin - The Great Earth Law Regulation 2010-01

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 Inaakonigewin.

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

RESPONSIBILITIES 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 to 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 development.

CONSULTATION ABOUT EXISTING DEVELOPMENTS

7. The proponents of an existing development should consult upon writing 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.

PRINCIPLE 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 the 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 DEVELOPMENTS

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 purpose of this Law.

26. A person who intends to engage in a designated activity within a designated area should see 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 engaged 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 a 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-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.

Copyright 1997, Grand Council Treaty #3

CONTACT INFORMATION

GRAND COUNCIL TREATY #3
KENORA, ON
TOLL FREE: 1-800-665-3384



MANITO AKI
INAAKONIGEWIN

