



UNIVERSITY OF
ARKANSAS



Model Tribal Food & Agriculture Code

Colby Duren, J.D., Director

Erin Shirl Parker, J.D., LL.M., Research Director & Staff Attorney

Indigenous Food and Agriculture Initiative - University of Arkansas

Native Nutrition Conference

September 16, 2019; Mystic Lake, MN

Indigenous Food and Agriculture Initiative

University of Arkansas Office of Economic Development



Our Founding

- Establish in the Univ. of Arkansas School of Law in 2013 by:
 - Vice-Chancellor Stacy Leeds; and
 - Founding Director Janie Simms Hipp
- Moved with Vice-Chancellor Leeds to Office of Economic Development in July 2018

Our Mission

Enhance health and wellness in tribal communities by advancing healthy food systems, diversified economic development, and cultural food traditions in Indian Country.



Our Work in Indian Country

Putting Tribal Sovereignty in Food Sovereignty

We provide strategic legal analysis, policy research, and educational resources to empower Indian Country through food sovereignty, agriculture, and economic development.



About the Code Project

- Envisioned by IFAI's founding director Janie Simms Hipp
- The ***Model Tribal Food and Agriculture Code Project*** serves as a resource for Tribal governments, providing a comprehensive set of model laws for review, adoption, and implementation.
- The model laws contained in the code were designed by IFAI and contributing attorneys to ***promote food Sovereignty*** by facilitating agricultural production, food systems development, and health outcomes improvement in Indian Country.



Code Project: Supporters

AGUA FUND, INC.



NoVo Foundation
create. change.



Code Project: Partners

- The Initiative gives special thanks to:
 - Columbia River Intertribal Fish Commission
 - Intertribal Agriculture Council
 - Blackfeet Tribe
 - Menominee Nation
 - Quapaw Tribe
 - Great Lakes Intertribal Fish & Wildlife Commission
 - National Congress of American Indians
 - Native American Rights Fund
 - Public Health Law Center



Model Code Project Chapters

- I. Jurisdiction and Developing a Tribal Department of Agriculture
- II. Traditional Foods and Seeds
- III. Health and Nutrition
- IV. Animals and Livestock
- V. Slaughter of Animals and Sale of Meat
- VI. Horses
- VII. Land Use
- VIII. Agriculture and Food Safety
- IX. Plant Production, Health, and Sale of Produce
- X. Aquaculture
- XI. Bees and Honey Production
- XII. Agroforestry and Silviculture
- XIII. Trade and Marketing of Agriculture Products
- XIV. Liability for Agriculture Production and Enterprises
- XV. Water
- XVI. Conservation
- XVII. Alternative Agriculture Production
- XVIII. Agriculture Labor
- XIX. Agriculture Business Entities



IFAI Technical Assistance

- IFAI attorneys can be a resource for technical assistance to your Tribal attorneys, in house or contract, during implementation of any or all of the Model Tribal Food and Agriculture Code.
- In general, IFAI can provide:
 - Strategic planning on Tribal law & policy in food and agriculture
 - Analysis of federal or state law where those are considerations for Tribes in food and agriculture regulation
 - Information on emerging issues in federal agricultural policy (like industrial hemp) and impact on Indian Country
- Interested Tribal leaders, Tribal attorneys, Tribal food systems advocates, and other stakeholders can reach out to our team members anytime about the Code



Accessing the Code

- The Code is available for free viewing and download on our website, www.tribalfoodcode.com
- To view and download the Code, visitors will need to create a free account by clicking the button next to "Sign Up For Access Here" on the homepage.
- After your account is approved, you'll receive an email with instructions to help you log in. Once logged in, you can click on "The Code" in the top righthand corner of the site to view the model laws.
- The Code can be viewed or downloaded by section, or if you would like the entire document, you can download it in full by clicking the link at the top of the Index page.
- You can also search the code for keywords by typing them into the search bar at the top of the index page.



TITLE ___ [INSERT NO.]
FOOD AND AGRICULTURE
CHAPTER 3. HEALTH AND NUTRITION

A. COMMUNITY GARDENING ACT

1. **Short Title.** This chapter shall be known as the [enacting Tribe's] Community Gardening Act.

2. **Definitions.** As used in this chapter, unless the context otherwise requires:
- a. **Community Garden** means a piece of real property, either on vacant public land or on private land, cultivated by Tribal citizens and/or residents, for the purpose of providing any or all for the use of Tribal members and/or residents: Vegetables, nuts, herbs, fruit, or flowers, whether by means of cultivating annual, biennial or perennial plants, or trees; Honey and honey byproducts, through the placement and use of beehives.
 - b. **Use** means, when applied to gardening and beekeeping, to make use of, without conveyance of title or any other ownership; and
 - c. **Vacant public land** means any land owned in fee by the Tribe that is not in use for public purposes.

3. **Findings**

The Tribal Council finds that community gardens would provide a great benefit to the health and welfare of the [Tribe's] citizens. The Tribal Council further finds that the community garden movement in Indian Country and elsewhere has benefitted communities through increased (1) healthy eating, (2) active living, (3) access to fresh, locally grown foods, (4) nutrition education and agricultural education opportunities for all community members, and (5) dedicated community space where available. [Insert additional findings as appropriate]

4. **Community Gardening, Public And Private Lands**

- a. It is the intent of the Tribal Council to promote traditional foods, healthy eating, and active living in the tribal community by encouraging and supporting community gardens. In furtherance of this intent, the Tribal Council gives each [district, chapter, or other relevant regional governing body within the Tribe] the authority to establish community gardening programs.



UNIVERSITY OF
ARKANSAS

Empowering Indian Country through economic development and greater food access

Colby Duren, J.D., *Director*
Erin Shirl Parker, J.D., LL.M., *Research Director*

Indigenous Food and Agriculture Initiative
University of Arkansas
Fayetteville, AR
cduren@uark.edu; eshirl@uark.edu

www

www.indigenousfoodandag.com



@IFAIUark



@IndigenousFoodandAg



@foodsovereignty