



**Native Women's
Association of Canada**

***NWAC Reclaiming Our Nations Initiative:
Nation-Building and Re-Building – Gathering
Women's Wisdom***

**Awareness and Engagement - Native Women's
Association of Canada Staff Final Report**

April-November 2011

**NWAC Final Report on the Reclaiming Our Nations Initiative on Citizenship and
Nation-Building and Re- Building -- Gathering Women's Wisdom
Executive Summary**

Background:

Through activism, policy analysis and advocacy, the Native Women's Association of Canada (NWAC) works to advance the well-being of Aboriginal women and girls, as well as, their families and communities. This work includes identifying gaps in the equal enjoyment of human rights by Aboriginal women and mobilizing action to address these gaps. A fundamental premise of NWAC's work is that the civil, political, cultural, social and economic rights of Aboriginal peoples cannot be realized without identifying the gender impacts of laws and policies applied to Aboriginal peoples and addressing the needs of Aboriginal women, in a culturally relevant way.

Prior to first contact, many Aboriginal societies were matriarchal and matrilineal in nature and focused on family, community and the continuity of tradition, culture and language. Aboriginal women were central to all of this as the first teachers in the home, as the healers, and as the givers of life.

While Aboriginal men and women had distinct roles, their roles were equally valued. The need to restore the value of Aboriginal gendered roles has motivated the development of culturally relevant gender-based analysis (CRGBA). CRGBA is a tool for use by anyone to assess policy, programs, projects, and/or legislation towards achieving more equitable outcomes for women and men and their families.

NWAC applies a gender perspective to human rights issues to ensure that decision-makers of all kinds - political leaders, judges, officials in all governments are aware of equality gaps and issues that affect Aboriginal women and girls and have continued to do so with respect to the nation-building and re-building process.

NWAC and our Provincial/Territorial Member Associations have established positive reputations and have thorough structures in place to reach many women in their communities across Canada. NWAC has engaged and informed women, youth and Elders and their communities in discussions on nation-building, citizenship, communities and Nations. Given that NWAC is also familiar with cultural practices, governance issues, protocols and traditions while dealing with First Nations, we were well placed to build on these established respectful relationships and have successful sessions with women on this important issue.

NWAC has facilitated a national dialogue on First Nations citizenship and membership. The dialogue was funded by the Department of Aboriginal Affairs and Northern Development Canada as part of the Exploratory Process to respond to the range of issues related to Indian Registration, membership and First Nation Citizenship.

In addition to holding Workshops, and asking women to identify issues that they have experienced regarding Indian Registration within the Indian Act, we have asked women to fill out Questionnaires to provide us with their views on Nation-Building for our future generations.

Creating a Movement for Change – Guiding Principles Established for Nation-Building/ Reiterated at Workshops - Executive Summary:

- **Establish a Vision for the Future:** Create a shared vision and establish a mandate for change, backed by the people, the Council and the Chief, and all leaders, making sure it is inclusive of women, youth, Elders and families.
- **Map Your Journey:** Identify how you intend to achieve your community's vision, adjust the plan when needed to overcome challenges.
- **Exercise Your Rights and Live Your Culture:** Learn your rights and responsibilities, your inherent and Treaty rights and exercise your rights by living your culture, understanding women and men, Elders and youth all have important roles.
- **Moving Away from the *Indian Act*:** Take the time to choose and develop your own governance structures that are community-based and community-paced, inclusive and not exclusive of our women, children and grand-children.
- **Strengthening Governance at all Levels:** Make laws that benefit all citizens and reflect culture, and establish government to government relationships based on respect.
- **Make Progress and Achieve Outcomes:** By being engaged in the economy and having control of our traditional lands, while governing according to our traditions and customs we can achieve outcomes, establish nation-to-nation relations and restore our nations to the thriving communities they once were.

NWAC Workshops on Citizenship and Nation-Building and Re- Building – Common Remarks - Executive Summary

First Nations were organized on the basis of Indigenous Nations with distinct structures of government. These structures included Hereditary Systems, Clan Systems, Federations, Confederacies and Military Systems, Economic and Cultural relationships and alliances among all Nations. The current *Indian Act* structure of reserves and the governance on reserves that have resulted from the imposition of the *Indian Act* does not reflect First Nations political, legal, or traditional governance. There is general consensus among First Nations that this situation must change.

At every session that was held, our participants have indicated that this process was only one small step in the ongoing process that needs to continue to happen among First Nations Peoples in discussing the issue of citizenship, membership, identity and

Nationhood. This process was not deemed to be any form of consultation, enabling Government to unilaterally make changes to the *Indian Act*, impacting on our communities. The Government has legal duties and must adhere to them. They must work collaboratively with our organizations, governments, communities and families through a lengthy, inclusive, and comprehensive consultation process over the next five to ten years before they contemplate making any further changes so that everyone has an opportunity to engage in the work that needs to unfold.

Participants at every session expressed concern with an Exploratory Process that lasts from April to November 2011, and stated that it was insufficient time to reflect on how we can move from the systemic barriers within current Indian Registration legislation within the *Indian Act* and policies within the Department of Aboriginal Affairs and Northern Development, to true methods of Nation-Building among our communities across the country.

Women repeatedly indicated that there needs to be a one-year, two-year, five-year, ten-year workplan (at the very least) and an ongoing process for collaboration and meetings between the Government of Canada and First Nations' Governments and among First Nations' women both on and off reserves, their families and communities and for our leadership to continue to gather information, discuss options and to strategize on how to move forward.

Our women have indicated that we need to focus on rebuilding and supporting our governance structures, supporting women's participation in decision-making and increasing women's participation and inclusion in any consultations that occur to strengthen our Nations. They have also acknowledged that there are best practices across the country for inclusive approaches to citizenship and we need to continue to build on these positive efforts.

We have been told that in order for further positive change to take place, there needs to be full engagement of our people, our communities, and our Nations. First Nations must be able to determine the tools they need to develop inclusive and healthy Nations, based on the fulfillment of our rights to self-determination and by affirming effective, efficient and successful First Nations governments.

Participants repeatedly reiterated that the Government of Canada needs to take a broader and more inclusive approach to Indian Registration, expanding on the scope, beyond Bill C- 3 *Gender Equity in Indian Registration Act*, which was identified as a narrow interpretation to the *McIvor* decision. They also stated that the Government needs to commit to an in depth process to explore the complex and broader issues related to

citizenship, membership and identity.

Comments were routinely made criticizing the current limiting exclusions from Indian Registration by the double mother rule and with the problematic policies that are currently implemented with the Unstated and Unrecognized Paternity that require a father to sign the birth registration where the couple is not married, in order for the child to receive full or accurate registration.

NWAC spoke about the need for a process that must include adequate funding for National Aboriginal Organizations in order to respond to the numerous requests, complaints, and emails that came in to the organization about the problems women are facing. The demands were many and quite regular from people calling NWAC for help. Often people expressed their preference to call NWAC rather than the Department because they would be assured that their requests would be responded to, whereas, they had been waiting for months to hear back from the Manitoba Registration Office.

Our Provincial/Territorial members also requested that more funding should go to them to empower provincial and territorial organizations, and First Nations generally, to engage fully with the grassroots communities in exploring all possible solutions given the complexities of the issues. They would require additional funds to help them to come to a consensus on as many issues as possible over the coming years and not simply for an eight-month Exploratory Process.

Many women referred specifically to the United Nations Declaration on the Rights of Indigenous Peoples as the standard for a principled framework for partnership between First Nations and the Government of Canada. The Declaration's principles of partnership and respect can guide this work.

Participants affirmed that Article 3 of the UN Declaration: "Indigenous peoples have the right to self-determination. By Virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development." There are numerous articles that affirm the right of self-determination, including related rights to lands, resources and territories and to indigenous cultural traditions and customs and systems of governance in all aspects of life. One of the general provisions of the Declaration sums up the vision of the advocates who fought for the adoption of the Declaration. It is Article 43, which states that, "The rights recognized herein constitute the minimum standards for the survival, dignity and well-being of the indigenous peoples of the world."

The women, men and Elders repeatedly reminded us that it is our right to determine our

own membership according to traditional and historical practices, and which are affirmed in our Treaties, and is a fundamental right of every one of our Nations. Our citizenship and identity must be enforced and maintained by our own Peoples and not determined by the Government of Canada.

Conclusion

NWAC would like to refer you to the other 15 Final Reports that they have completed with more than 250 pages of information where women, men, youth and Elders expressed their views on the topic of Nation Building and Re-Building as the beginning to a conversation that need to happen regarding citizenship. These reports can be found at www.nwac.ca - under the Human Rights section entitled, "Nation-Building." In addition, the reports from our PTMAs will also be posted there.

NWAC would like to thank all the Participants and our Provincial/Territorial Member Associations for taken part in this process and for the Department of Aboriginal Affairs and Northern Development for the funding to make it happen. We hope that this can be a beginning to further exchanges for years to come on this important conversation.

***Please note that the term "Indian" is used throughout the Report to identify someone within the context of the Indian Act, however, most people stated that they preferred being referred to by their Nation or as First Nations.**

**NWAC Final Report on the Reclaiming Our Nations Initiative on Citizenship and
Nation-Building and Re- Building -- Gathering Women's Wisdom -
Overview of the NWAC Process**

NWAC staff participated in a group discussion, exchanged emails and filled out the Questionnaires throughout the eight months from April to November 2011 to exchange information on the topic of Nation-Building and citizenship, along with people from our Annual General Assembly. The comments are highlighted in the Common Remarks section.

NWAC also provided additional copies of materials both electronically and hard copies to all local organizations that called requesting information so that they could bring the documents back to the women and families they serve or associate with in their communities, organizations, and circles to ensure that the materials are distributed as widely as possible.

NWAC staff sent materials in advance to each of their Provincial Member Association - so as to distribute a wealth of information on the topic of Nation-Building, including historical documents written by Aboriginal organizations, individual First Nations' women, relevant academic papers, Questionnaires, Bill C-3 Applications and Forms, etc. Copies of the Questionnaire were distributed and in addition, others had been directed to the NWAC website www.nwac.ca to fill out the survey and return them to reclaimingournations@nwac.ca.

NWAC also had a booth at the NWAC Annual General Meeting and staff were available to answer any questions that the participants had relating to Indian Registration, membership, etc. and able to collect the completed Questionnaires. Other Questionnaires were emailed or faxed afterward.

The following is a list of the multitude of activities undertaken by NWAC, and in collaboration with our Provincial/Territorial Member Associations, and with other organizations such as the Assembly of First Nations and the National Association of Friendship Centres.

**NWAC Final Report on the Reclaiming Our Nations Initiative on Citizenship and
Nation-Building and Re- Building -- Gathering Women's Wisdom
Activities Undertaken - April-December 2011**

April 2011

- NWAC Development, Negotiation, and Signing of Memoranda of Understanding with each Provincial/Territorial Member Association (PTMA) wishing to

- participate in the process. April-October (depending on time it took for PTMA to sign documents)
- NWAC Development, Research and Collection of Culturally Relevant Gendered-Based documents on the topics of Nation-Building, Citizenship, Indian Registration, and relevant Legislation, etc. to be made available for all interested parties.
 - NWAC Development and ongoing maintenance of the web site, reclaimingournations@nwac.ca emails, translation of documents and posting of all bilingual documents on the NWAC web site.
 - NWAC printing and distributing of materials to PTMAs, to organizations, to individuals, as required.
 - NWAC provides an article asking for feedback on the topic of citizenship entitled, *Reclaiming Our Nations Initiative: Nation Building and Re-Building – Gathering Women’s Wisdom on Community Awareness and Engagement in the **Ontario Native Women’s Newsletter*** which was distributed across Ontario.
 - NWAC provides an article asking for feedback on the topic of citizenship entitled, *Reclaiming Our Nations Initiative: Nation Building and Re-Building – Gathering Women’s Wisdom on Community Awareness and Engagement in the **Summer 2011 Health Newsletter*** which was distributed by NWAC across Canada.
 - NWAC hosting workshop in English with Chief and Council with women, youth, Elders and men participating and giving feedback (in collaboration with our Quebec PTMA) in Listuguj First Nation.
 - A Workshop on Citizenship was held with NWAC Staff with women, youth, and men participating and giving feedback.
 - Several Meetings were held with NWAC the Assembly of First Nations (AFN) and the National Association of Friendship Centres (NAFC) in March and April to plan for Virtual Roundtable in May 2011 and to draft and review a Terms of Reference.
 - NWAC continues to receive input from other Aboriginal organizations and individuals via web site and emails to feed into the Final Report.

May 2011

- NWAC participation in the Virtual Roundtable with AFN and NAFC
- NWAC printing and distributing of materials to PTMAs, to organizations, to individuals, as required.
- NWAC continues to receive input from other Aboriginal organizations and individuals via web site and emails to feed into the Final Report.

June 2011

Alberta Sessions (in lieu of PTMA Sessions)

Sessions in Calgary:

- NWAC participates and hosts a booth on Citizenship at the Canadian Association of Statutory Human Rights Agencies (CASHRA) Conference where materials are distributed and feedback is received.

- NWAC scheduled a Session in Calgary with Tsuu T'ina First Nation, but it was cancelled due to a death of an Elder in the community. Materials were distributed and feedback was received via email;
- NWAC Materials were distributed and feedback was received from:
 - Community Development and Human Rights - Aboriginal Services;
 - Advocacy and Support for Aboriginal Initiatives;
 - Calgary Parma Centre;
 - Aboriginal Futures Career & Training Centre;
 - Pathways Community Services Association;
 - Awo Taan Healing Lodge Society;
 - Aboriginal Friendship Centre of Calgary; and
- NWAC delivers a Workshop on Citizenship with the Aspen Family and Community Network Society with women, youth, and men participating and giving feedback.

Sessions in Edmonton:

- NWAC delivers a Workshop on Citizenship with members of the Treaty 6, 7 and 8 territories, and off-reserve participants, including representatives who were women, youth, Elders and one man participating and giving feedback.
- NWAC printing and distributing of materials to PTMAs, to organizations, to individuals, as required.
- NWAC continues to receive input from other Aboriginal organizations and individuals via web site and emails to feed into the Final Report.

July 2011

- A Workshop on Citizenship was held with NWAC Staff (via email distribution) with women, youth, and men participating and giving feedback.
- Meetings were held internally to plan for the NWAC Annual General Assembly (AGA), including preparing for information gathering on citizenship and nation-building.
- NWAC printing and distributing of materials to PTMAs, to organizations, to individuals, as required.
- NWAC continues to receive input from other Aboriginal organizations and individuals via web site and emails to feed into the Final Report.

August 2011

- NWAC printing and distributing of materials to PTMAs, to organizations, to individuals, as required.
- A Workshop on Citizenship was held with the NWAC Board of Directors with women, youth, and Elders participating and giving feedback.
- NWAC Annual General Meeting Human Rights Directorate booth on Citizenship and materials were distributed to participants and feedback was received.
- NWAC continues to receive input from other Aboriginal organizations and individuals via web site and emails to feed into the Final Report.

September 2011

British Columbia Sessions (in lieu of PTMA Sessions)

Session in Victoria:

- NWAC delivers a Workshop on Citizenship with the Victoria Native Friendship Centre with women, youth, Elders and men participating and giving feedback.

Session in Vancouver Downtown Eastside:

- NWAC delivers a Workshop on Citizenship with the Vancouver Aboriginal Friendship Centre Society (VAFCS) with representatives participating and giving feedback from the following organizations and as individuals:
 - Urban Native Youth Association;
 - Pacific Association of Native Women;
 - Helping Spirit Lodge;
 - Aboriginal Mothers Centre;
 - Kla-how-eya Aboriginal Centre;
 - Vancouver Aboriginal Friendship Centre staff;
 - VAFCS Board Members; and
 - Elders

Session in Kamloops:

- NWAC delivers a Workshop on Citizenship with our BC PTMA at their 1st Planning Meeting with women, youth, and Elders participating and giving feedback.

Session in Qwantlen First Nations, Fort Langley:

- NWAC delivers a Workshop on Citizenship with women, youth, and Elders participating and giving feedback. Follow-up work is required to pursue issues regarding Registration with the Department of Aboriginal Affairs and Northern Development.

Tsleil-Waututh First Nation, Burnaby:

- NWAC was scheduled a Workshop on Citizenship with women, youth, and Elders, however, due to Chief and Council not having adequate time to approve the meeting, so it was cancelled. However, individual women, youth and Elders did give us feedback via email.
- NWAC printing and distributing materials to PTMAs, to organizations, to individuals, as required.
- NWAC continues to receive input from other Aboriginal organizations and individuals via web site and emails to feed into the Final Report.

October 2011

National Sessions

- NWAC participation and distribution of materials at the Indigenous Bar Association (IBA) Conference in Ottawa:
 - Documents on Citizenship and Nation-Building were given to individual women, youth and Elders present at IBA sessions for their feedback by email and fax.
 - Planning session with Deborah Young for future session with Manitoba University Students later in October.
 - Planning session with Indigenous Bar Association with Brenda Gunn for future distribution with her contacts at possible meeting in Winnipeg later in October.
 - Planning session with Ottawa University Aboriginal Law Students members to distribute materials for their feedback by email and fax.
 - Planning session with the Banff Centre to distribute materials and receive feedback from participants via email.

Saskatchewan Sessions (in collaboration with the PTMA)

- NWAC to deliver a Workshop on Citizenship for the Aboriginal Women's Circle Corporation Annual General Assembly with First Nations on and off-reserve and Métis participants, including representatives who are women, youth, Elders and participating and giving feedback.
- NWAC printing and distributing of materials to PTMAs, to organizations, to individuals, as required.
- NWAC planning for a Workshop on Citizenship with University of Manitoba Aboriginal Students in late October/early November.
- NWAC planning for a Workshop on Citizenship with Winnipeg Youth Circle of Women in late October/early November.
- NWAC planning for a Workshop on Citizenship with Elders Circle in Winnipeg in late October/early November.
- NWAC planning for a Workshop on Citizenship with women, youth, Elders in Northern Manitoba in late October/early November.
- NWAC ongoing printing and distribution of materials to PTMAs, to organizations, to individuals, as required.
- NWAC continues to receive input from other Aboriginal organizations and individuals via web site and emails to feed into the Final Report.
- NWAC begins to receive Reports from PTMAs and roll the information into the Final Report.

November 2011

Manitoba/Yellowknife Sessions (in lieu of PTMA Sessions) and Participation in Collaboration with other Aboriginal Organizations

- NWAC to participate in session in Edmonton with the AFN on Nation-Building and Citizenship in November.

- NWAC to participate in session with the Quebec Native Women on Nation-Building and Citizenship in November.
- NWAC to deliver a Workshop on Citizenship with University of Manitoba Aboriginal Students in late November.
- NWAC to deliver a Workshop on Citizenship with Winnipeg Youth Circle of Women in late November.
- NWAC to deliver a Workshop on Citizenship with Elders Circle in Winnipeg in late November.
- NWAC to deliver a Workshop on Citizenship with women, youth, Elders in Northern Manitoba in late November.
- NWAC ongoing printing and distributing of materials to PTMAs, to organizations, to individuals, as required.
- NWAC to finalize all budgets/accountability with all PTMAs.
- NWAC continues to receive input from other Aboriginal organizations and individuals via web site and emails to feed into the Final Report.
- NWAC continues to receive Reports from PTMAs and roll the information into the Final Report.
- NWAC to work on finalizing the national NWAC Final Report to Government.

December 2011

- NWAC ongoing printing and distributing of materials to PTMAs, to organizations, to individuals, as required.
- NWAC continues to receive input from other Aboriginal organizations and individuals via web site and emails to feed into the Final Report.
- NWAC continues to receive Reports from PTMAs and roll the information into the Final Report.
- NWAC participation in the AFN Special Chiefs Assembly with the AFN and NAFC on Citizenship and Nation-Building.
- NWAC finalizes the national NWAC Final Report to Government.

This process led to the writing of 17 Reports by the Native Women's Association of Canada. We welcome you to access them on our website to read about the women's wisdom that we gathered at www.nwac.ca.

NWAC would like to thank all the Participants and our Provincial/Territorial Member Associations for taken part in this process and for the Department of Aboriginal Affairs and Northern Development for the funding to make it happen. We hope that this can be a beginning to further exchanges for years to come on this important conversation.

NWAC Final Report on the Reclaiming Our Nations Initiative on Citizenship and Nation-Building and Re- Building -- Gathering Women's Wisdom

Previous Recommendations Raised by Aboriginal People on "Indian" Registration (Historical Chronologically)

Historically, Aboriginal nations organized themselves with distinct structures of government. Clan systems, hereditary systems, federations, confederacies and systems of military, economic and cultural relationships and alliances among Nations are examples of what these structures entailed. ¹

Beginning in 1850, the government of Canada began to force their assimilation tactics on Aboriginal peoples in order to integrate them into Euro-Canadian society. In 1876, the Indian act was adopted by parliament in order to amalgamate many laws into the legislation. The Indian Act was and still is, set in place to control Aboriginal people in Canada by defining them as wards of the state.

The Act affected many aspects of Aboriginal life. For instance, it defined who was and was not Indian, prevented Aboriginal people from voting until 1960, controlled the right to freely leave and enter the reserve as one wished with the Pass system, and prohibited many Aboriginal ceremonies and political organizations. Discrimination stemmed from the inception of the Indian Act. Deeming who is able to be Indian and who is not, the Canadian government imposed the idea of a patriarchal society, which is diametrically opposed to the matrilineal societies of most Aboriginal Nations.

Until 1985, the department of Indian and Northern Affairs changed Indian registration unilaterally without any consultation with the very people it would affect the most. At the time, only First Nations men were able to pass on their status to their spouse (whether she be Aboriginal or not) and his children. Aboriginal women and their children who married out would automatically lose their status, as well as access to all her membership benefits. This has lead to First Nations women having to leave their home on reserves, along with loss of culture, traditions, spirituality, and language, that she and her family might have otherwise had access too in their community.

Many Aboriginal women in their communities still have to deal with “White devaluation”. As a result of this, Aboriginal women have been oppressed and have lost their voices. However this is changing and Aboriginal women are slowly regaining their strength and reclaiming their voices. Aboriginal communities will change drastically when all women reclaim their voices and reclaim their original responsibilities to their

¹ AFN, “Nation-building and Re-building: Supporting First Nation Governments.”

communities. As noted by the Canadian council on Social Development and the Native Women's Association of Canada, "it is not simply Aboriginal women who have been rendered powerless—it is Aboriginal society."² It is therefore part of the task of Aboriginal women in their communities to assist in reclaiming "our way of being".

In 1971, Jeannette Corbiere Lavell of the Wikwemikong Band (now President of NWAC) brought about a court action under the *Canadian Bill of Rights* to assert her right to equality and overturn ss. 12(1)(b) of the *Indian Act*. Her name had been removed from the band list for marrying a non-Aboriginal male, and she was the first Aboriginal women to challenge the operation of this provision. At the same time, Yvonne Bedard was challenging the refusal of the council of the Six Nations Indians to allow her to live on reserve in a house bequeathed to her by her mother, after her separation from her non-Aboriginal husband.

These women's position was opposed by the Government of Canada and by thirteen Aboriginal organizations who were provided intervener funding by the Department of Justice and Indian Affairs. The women received no funding for their case. They lost in the Supreme Court of Canada when the judge stated that there was no discrimination present because the Act applied to all Aboriginal women. Ms. Lavell's struggle resulted in the formation of the National Committee on Indian Rights for Indian Women (NCIRIW) and of the Ontario Native Women's Association and eventually the Native Women's Association of Canada. After Ms. Lavell's loss in the Supreme Court in 1973, renewed efforts to challenge ss. 12(1) (b) became the focus of NWAC's activities.

Sandra Lovelace, a Maliseet woman (now Senator), lost her *Indian Act* status and band membership when she married a non-Aboriginal male in 1970. After her divorce, she was forbidden to live again on her reserve, the Tobique reserve in New Brunswick. On December 29, 1977, she filed a complaint with the *International Covenant on Civil and Political Rights*. On July 30, 1981, the UN Human Rights Committee found Canada in violation of Article 27 of the *Covenant*, because it denied Sandra Lovelace the right to live in her community. She was denied access to her culture, her religion and her language contrary to Article 27. In her complaint, Ms. Lovelace argued that her major continuing loss as a result of ss. 12(1) (b) was of identity, of emotional ties to her friends and relations, and of the cultural benefits which result from living in an Indian community. The Committee found Article 27 of the *Covenant* to be the most directly relevant to these losses. The term "belonging to a minority" within the terms of Article 27 include those persons who are born and brought up on reserve, who have kept ties with

² Canadian Council on Social Development and the Native Women's Association of Canada *Voices of Aboriginal women: Aboriginal women speak about violence*. (Ottawa: CCSD) 1991 at 2.

their community and wish to maintain these ties. Sandra Lovelace continued to be denied the right to access to her culture and language in her community.

Although the Committee did not hold that Article 27 gives a right to reside on a reserve, it considered whether the restrictions on residence imposed by Canada have both a reasonable and objective justification and are consistent with the provisions of the *Covenant*, read as a whole, such as the provision against discrimination. The Committee held that the denial to Sandra Lovelace of the right to reside on the reserve was neither reasonable nor necessary to preserve the identity of the tribe.

The *Lovelace* decision focused international attention on Canada. In 1982, the Government of Canada empowered the Standing Committee of the House of Commons on Indian Affairs and Northern Development to review all legal and related institutional factors affecting the status, development and responsibilities of band Governments in Indian Reserves, a study on Aboriginal self-government which had long been sought by the Chiefs. However, before the study could proceed, the issue of sex discrimination against Indian women was referred to a Sub-Committee, the Minister of Indian Affairs made it clear that the actions of Aboriginal women had played a key role in bring the issue of ss. 12(1) (b) to the forefront. He also admitted that the enactment of the *Canadian Charter of Rights and Freedoms* in 1982 left little room for further postponement.

In its testimony before the Sub-Committee, NWAC emphasized that both the *Charter* and Canada's obligations under international covenants required removal of sexual discrimination from the *Indian Act*. The opposing point of view, taken among others of the Assembly of First Nations, emphasized that the rights in section 15 of the *Charter* are individual rights and inconsistent with the right to self government, which means that only those whom First Nations declare to be members could be members.

Near the end of the 1984 Parliament, the Government responded to the Report on Aboriginal women and the *Indian Act* by bringing forth Bill C-47, which failed to achieve passage. On June 28, 1985, after the general election had returned to new Government, Bill C-31 was passed. Bill C-31 ended the entitlement of Indian males to pass their status to their non-Indian wives. It ended the statutory excommunication of Indian women upon marriage to non-Indian men. It reinstated Indian status to women who had lost their status under ss. 12(1) (b), and their children. However these gains were offset by other provisions bringing the legacy of trouble and continuing discrimination.

The problems caused by Bill C-31 are examined in more detail next. Since 1985, all Aboriginals have been subject to the "second generation" cut off; therefore Bill C-31 did

not remedy the issue of gender discrimination. For example First Nations women with status could pass on status to their children, but the grandchildren of the women were only entitled status if their father was a registered (6) (1) (a) Indian.

The Government of Canada has failed to address the concerns raised about the discriminatory effects of Bill C-31 on Indigenous women. The second generation cut-off rule affects male and female persons equally. This is an overly simplistic and factually inaccurate characterization of the legislation. The legislative provision creates two classes of individuals, under section 6 (1) and section 6 (2) respectively. The descendants of those individuals classified under section 6 (2) are more likely to reach the second-generation cut-off point one generation sooner than the descendants of those classified under section 6 (1). First Nations women reinstated under Bill C-31 (after having been stripped of status in an overtly discriminatory manner) are more likely than their male relatives to be classified under section 6 (2). This is why Bill C-31 contains residual discrimination, and the Government has failed to provide a remedy for this violation.

The discriminatory practices such as, denying the right; of women and their children to Indian status, belonging to a band, registration of children whose paternity is contested or not recognized, the division of property when a couple separates and so forth, contravenes with the Canadian Charter of Rights and Freedoms as well as the United Declaration on the Rights of Indigenous peoples. As it states in article 2 of the United Nations Declaration on the Rights of Indigenous peoples, “Indigenous peoples and individuals are free and equal to all other peoples and individuals and have the right to be free from any kind of discrimination, in the exercise of their rights, in particular that based on their indigenous origin or identity.”

Bill C-31 ostensibly to remove discriminatory provisions of the Act related to membership and Indian status, has lead to continued residual gender discrimination against First Nations women and their descendants as well as to a two-tiered status system that negatively impacts all First Nations individuals.

Sharon McIvor was born a non-status Indian in 1948. Neither of Sharon’s parents were entitled to status (both were children of non-Indian fathers), so she believed that she was not entitled to status under the earlier legislation. Regardless of her parents being status Indians or not, Sharon would have inevitably lost her status under the former section 12 (1) (b), because she married a non-Indian Charles Grismer in 1970. After many years the application McIvor applied for under sections 6 (1) and 6 (2) of Bill C-31, which came into force in 1985, McIvor was able to obtain status under section 6 (1) (c) and her son Jacob Grismer, born before 1985, was also able to attain status under section 6(2). The problem with Bill C-31 was that it did not allow Jacob Grismer to pass his status on to his

children. On the foundation that the status provisions contained residual discrimination on the basis of sex, Sharon McIvor and her son confronted the “second generation cut-off” primarily focusing on section 6 of the 1985 amendments to the Indian act.

At the trial, it was stated by the judge that, “section 6 of the Indian Act violated the equality rights of Sharon McIvor and Jacob Grismer under equality guarantees in section 15 of the Charter.”³ The judge ruled in favour that section 6 of the *Indian Act* was unconstitutional, and made an order granting the right to Indian status to anyone with a female ancestor who had lost their status upon marriage to a non-Indian⁴.

The Government of Canada appealed the trial decision, when the judge fashioned a broad complex remedy to alleviate the Act’s sex discrimination. It was found by the B.C. Court of Appeal that the judge had made a mistake in granting a solution to the discrimination faced by Aboriginal people in granting status to those on the basis of matrilineal descent.

Unlike the Government of Canada, Sharon McIvor filed an application seeking leave to appeal to the Supreme Court of Canada on June 4, 2009. A few months later the Supreme Court denied leave to appeal, and the government of Canada proceeded with legislative amendments and indicated a willingness to work with First Nations’ organizations to facilitate the necessary bill”.⁵

Bill C-3 directly responds to British Columbia Court of appeal verdict based on the *McIvor* decision. Bill C-3, announced by Minister Chuck Strahl of Indian Affairs and Northern Development and Federal Interlocutor for Métis and Non-Status Indians, allows for the grand-children of women who lost status as a result of marrying non-Indian men entitled to registration (Indian status) in accordance with the *Indian Act*. First Nations and other

Aboriginal groups indentified a number of issues on Indian registration, Band membership, and First Nations citizenship that went beyond the scope of the decision and the legislative amendments passed under Bill C-3. There will continue to be residual discrimination facing First Nations women based on arbitrary rules contained in the *Act*. For instance, women who lived common law prior to 1951 will not be able to pass their status to their descendants on an equal basis to others. The Federal government is also

³ McIvor vs. Canada (Registrar, Indian and Northern Affairs), 2007 BCSC 827.

⁴ The Canadian Bar Association. *Bill C-3-Gender Equity in Indian Registration Act, April 2010*

⁵ The Canadian Bar Association. *Bill C-3-Gender Equity in Indian Registration Act, April 2010*

missing the opportunity to address the issue of unknown or unstated paternity which continues to exclude the children of Aboriginal women who fall into that category.

Unstated paternity is a matter that simply requires a policy decision to increase the equality rights of First Nations women. Bill C-3 only eliminates gender discriminations for some individuals. Non-status Indians continue to suffer discrimination, because they had an Indian grandmother and instead of an Indian grandfather. For instance, a grandchild born before 1985 descended from an Indian grandfather would be able to transmit status for one generation longer than those descended from an Indian grandmother.

The power of the *Indian Act* to change lives, has led to the detrimental impacts on First Nations culture, language, and community. Due to the fact that the Government of Canada only recognizes status Indians as “real” Indians, non-status Indians are not considered treaty beneficiaries.

Section (2) of Bill C-3 recreates section 6 (1) (a) of the *Indian Act*, and will not accomplish the goal to eliminate gender discrimination as so states in the *McIvor Decision*.

In response to the multitude of complaints regarding the Bill and existing policies, the federal government announced its intention to launch an exploratory process on Indian registration, Band membership and Aboriginal citizenship on March 11, 2010. The purpose of the exploratory process was to identify, examine, and discuss the broader issues associated Indian registration, Band membership and Aboriginal citizenship that go beyond the McIvor decision and the parameters of Bill C-3 *Equity in Indian Registration Act*.

The Native women’s Association of Canada has urged the Government to commit to a full and transparent process to explore the complex and broader issues related to citizenship beyond this short process recently undertaken. Such a review would include provision to National Aboriginal organizations whose members do not have adequate resources to enable full grassroots engagement, in exploring solutions. Funding should also empower provincial and regional organizations, and First Nations, to engage fully with the complexities of the issues, and come to consensus on as many issues as possible.

To adequately understand the breadth of comments that NWAC received during this process, people are encouraged to view the 15 Reports that have been completed by NWAC on the sessions undertaken, in addition to the Reports which have been done by the Provincial and Territorial Member Associations. All of which are posted on the

NWAC website. www.nwac.ca - under the Human Rights Department, in the Citizenship and Nation-Building section.

NWAC Workshops on Citizenship and Nation-Building and Re- Building – Common Remarks

First Nations were organized on the basis of Indigenous Nations with distinct structures of government. These structures included Hereditary Systems, Clan Systems, Federations, Confederacies and Military Systems, Economic and Cultural relationships and alliances among all Nations. The current Indian Act structure of reserves and the governance on reserves that have resulted from the imposition of the Indian Act does not reflect First Nations political, legal, or traditional governance. There is general consensus among First Nations that this situation must change.

Many of the participants who provided feedback on the topic of Nation-Building and Re-Building discussed our personal responsibilities - responsibilities to the family, community, their Nation and to the Mother Earth, air, water and animals as being essential in the reclaiming our roles within our Nations.

Participants indicated that we must use our traditional ways and continue with our cultural practices and that our languages must be kept alive. Most of the participants acknowledged that we needed to be well understood and re-taught to women, to men, to youth, as well as to the whole community. For we can find strength from traditional values will bring strength back to communities. By understanding roles and responsibilities from those traditional values. we will strengthen our identity and provide a strong sense of well-being.

At every session that was held, our participants have indicated that this process was only one small step in the ongoing process that needs to continue to happen among First Nations Peoples in discussing the issue of citizenship, membership, identity and Nationhood. This process was not deemed to be any form of consultation, enabling Government to unilaterally make changes to the Indian Act, impacting on our communities.

The Government has legal duties and must adhere to them. They must work collaboratively with our organizations, governments, communities and families through a lengthy, inclusive, and comprehensive consultation process over the next five to ten years before they contemplate making any further changes so that everyone has an opportunity to engage in the work that needs to unfold.

Participants at every session expressed concern with an Exploratory Process that lasts from April to November 2011, and stated that it was insufficient time to reflect on how we can move from the systemic barriers within current Indian Registration legislation within the *Indian Act* and policies within the Department of Aboriginal Affairs and Northern Development, to true methods of Nation-Building among our communities across the country.

Women repeatedly indicated that there needs to be a one-year, two-year, five-year, ten-year workplan (at the very least) and an ongoing process for collaboration and meetings between the Government of Canada and First Nations' Governments and among First Nations' women both on and off reserves, their families and communities. Participants regularly commented that our leadership and organizations need to continue to gather information, have more opportunities for time to discuss options and to strategize on how to move forward on the topic of rebuilding our Nations in an inclusive manner.

Our women have indicated that we need to focus on rebuilding and supporting our governance structures, supporting women's participation in decision-making and increasing women's participation and inclusion in any consultations that occur to strengthen our Nations. They have also acknowledged that there are best practices across the country for inclusive approaches to citizenship and we need to continue to build on these positive efforts.

We have been told that in order for further positive change to take place, there needs to be full engagement of our people, our communities, and our Nations. First Nations must be able to determine the tools they need to develop inclusive and healthy Nations, based on the fulfillment of our rights to self-determination and by affirming effective, efficient and successful First Nations governments.

Participants repeatedly reiterated that the Government of Canada needs to take a broader and more inclusive approach to Indian Registration, expanding on the scope, beyond Bill C- 3 *Gender Equity in Indian Registration Act*, which was identified as a narrow interpretation to the *McIvor* decision. They also stated that the Government needs to commit to an in depth process to explore the complex and broader issues related to citizenship, membership and identity.

Another feature of the rules of Indian status attracted less attention. Starting in 1951, the so-called "double-mother rule" deprived of their Indian status persons who had only one Indian grandparent, that is, persons having less than 50 percent Indian blood. In 1985, this feature of the old Indian Act was carried over in Bill C-31. It became known as the "second generation cut-off rule." Understanding the detailed operation of that rule is

crucial. Section 6(1) of the Indian Act states that you have Indian status if both your parents have that status. Section 6(2) of the Indian Act states that you are Indian if one of your parents is Indian under section 6(1). As a result, a “6(2) Indian” cannot, alone, transmit his or her Indian status to his or her children. Another way of stating that rule is to say that in order to be Indian, you must have two Indian grandparents. Or, to put it differently, Indian status is lost after two generations of marriages with non-Indians.

Although not made explicit, section 6 amounts to a form of blood quantum requirement (50% Indian blood is needed to have Indian status), with the calculation taking only two generations of ancestors into account.

The precise problem at the heart of the *McIvor* case was related to the transition between the old and the new regimes. It is usually referred to as “residual discrimination.” This phenomenon was caused by the fact that, in 1985, all previously registered Indians were granted 6(1) status. This included not only persons who had 50 percent Indian blood, but also the non-Indian wives of Indian men, who gained status upon marriage under the old rules. In addition, women who had lost status under the old rules, for having married a non-Indian, regained Indian status, but their (non-indigenous) husbands were not granted status. Hence, children of Indian women who “married out” before 1985 would have 6(2) status, as their fathers would not have Indian status.

In contrast, children of Indian men who married non-Indian women before 1985 would have 6 (1) status, as both their parents would be considered Indian, the father because of his Indian blood, and the non-native mother because she had married an Indian. Assuming these children subsequently marry non-Indians, one can see the stark effects of “residual discrimination:” in the first case, the grandchildren would not have Indian status, because their only Indian parent has 6(2) status. In the second case, however, the grandchildren would have Indian status, because their Indian parent has 6(1) status. Thus, the second generation cut-off rule operates one generation sooner when the Indian grandparent is a woman.

However, one cannot deny that the differential treatment of grandchildren according to the gender of their Indian grandparent also results from the second generation cut-off rule itself. If Indian status could be transmitted by descent regardless of how many Indian grandparents one has, there would be no “residual discrimination.” Indeed, the residual discrimination problem consists of what is often referred to as intersectional discrimination, which means discrimination based on a combination of two or more prohibited grounds of distinction.

There were other complaints due to the problematic policies that are currently implemented within the Department of Aboriginal Affairs and Northern Development Canada (AANDC and referred to as the Department). The policy which is termed, "Unstated Paternity" requires a father to sign the birth registration of a child where the First Nations couple is not married, in order for the child to receive full or accurate registration. Women have indicated that the Departmental policy should in fact be more accurately called, "Unrecognized Paternity" as even in cases where First Nations women have indicated who the father is on the Birth Certificate, the Department will strike out the name from the Indian Registry, if the father does not sign to confirm what the mother has indicated on the forms.

Many men may choose to refuse to sign the birth registration for a number of reasons such as they don't want to pay child support, they have impregnated one woman yet they are currently with another, they impregnated someone through incest or rape, and/or they want to punish the women and see this as another opportunity to exert power over her. The fact that he will not sign will usually lead to the child not receiving the accurate level of status with full entitlements, if the father is in fact a status Indian under the Indian Act.

In some cases, this is opposite to what is required within provinces where their birth registration policies which insist that the mother to indicate who the father is and they act on behalf of the woman in pursuing child support, even if the father has not signed the birth certificate. Particularly in such provinces as Quebec where single mothers who are receiving social assistance must indicate who the father is so that the province can try to force him to pay child support to reduce what the province will provide to the woman and child through social assistance.

In addition, numerous people contacted NWAC to state that when they raised their problems with the national Indian Registrar, and there was no Departmental policy in place, that the Registrar had the authority to unilaterally decide who is or who is not an "Indian" under the *Indian Act* on a case by case basis. They noted that this inconsistent approach is unacceptable and unequal before the law.

For example, in at several instances women had children with the same father while the couple was not married. The father had signed the birth registration forms for one child but not the other. The couple then broke up and the father refused to sign the forms for the second child. The mother paid for genetic testing and had a certificate indicating that with 99.9 percent certainty, these children had to have been born of the same father.

Initially the Department refused to give this child status because there was no Departmental policy in place to deal with this circumstance but eventually the Indian

Registrar did in fact give the child status in these cases. However, it should be noted, that the women who paid for them stated that the test was expensive, and placed another burden on women, who often are already facing poverty and many other challenges, to have to lobby to see that their children have status and benefits. The women have indicated that there is a severe lack of transparency in this process; a lack of access to the Registrar by email and phone, and no consistency in the process when dealing with Indian Registration overall.

People repeatedly called to talk about cases where they had grandparents or parents who had been disenfranchised, or whose family documents had been lost in church fires and were unable to access status and benefits, when it was clear that the people were born and raised on their reserve (and were still living there in some cases), spoke their language, and practiced their culture and were by all means qualified to be a status Indian by their community, yet they were deemed to still not have Indian status, according to either a certain provision of the Indian Act, an existing Departmental policy, or lack thereof, and the unilateral decision by the national Indian Registrar to declare them a non-status Indian under the Act.

People continuously called to explain that Bill C-3 did not restore their "proper" registration, meaning if they were once a status Indian under s. 6. 1 (a) but lost their status when they married a non-status Indian, or a non-Indian, (but had their status restored in 1985), they still did not now receive their original status, at a level equal to their male siblings as is the case in the *McIvor case*.

Women often noted the heavy financial burden they faced when having to obtain "long form" birth certificates to be able to apply for Indian status under the Bill C-3 Application Process as it was a requirement. Also, many people contacted NWAC to ask for help in filling out the forms, indicating that they found them to be overly complicated and unclear. Further, the requirements of having a lawyer, doctor, principal, etc. who had known them for a certain period of time were also seen as a challenge, due to the mobility of many women and their families struggling in poverty and with housing issues.

In addition, First Nations demand more accountability for the standard of service they receive in processing applications for Indian status. Some people have been waiting from 1 to 13 years and repeatedly are told that the Department is looking into it and will get back to them but never do. They went on to note that people who called the Manitoba Service Center that was set up to process Bill C-3 Applications received phone messages stating that the caller would receive a call back within 24 hours but had waited months without any response to their multiple messages regarding their case.

NWAC spoke about the need for a process that must include adequate funding for National Aboriginal Organizations in order to respond to the numerous requests, complaints, and emails that came in to the organization about the problems women are facing with their personal situations regarding Indian Registration.

The demands for information, forms, research on the topic were many and quite regular from people contacting or coming to the NWAC Office for help. Similarly, the Provincial/Territorial Members experienced numerous requests within their area for forms, help in filling out the forms, problems with locating documents, problems they were experiencing regarding their specific file were steady as well.

Many people expressed their preference to call NWAC (or the PTMA) rather than the Department because they said they would be assured that their requests would be responded to, whereas, they had been waiting for months or longer, to hear back the Department, if they received a response at all. (This function took up a significant amount of time and was an unanticipated demand on the NWAC staff. Although staff had anticipated that they would get some calls, or email enquiries, far more requests came in than could have been imagined. Receiving and responding to the many requests that came in could have been a full-time position within NWAC alone. In the future, if similar initiatives were to take place dealing with Indian Registration, having Departmental staff or additional funds to support staffing within the NGOs on-site would be necessary.)

Our Provincial/Territorial Member Associations also requested that more funding needs to go to them to empower provincial and territorial organizations to facilitate their own meetings but within a longer timeframe. They stated that First Nations Organizations need to be able to fully engage with the grassroots communities in exploring all possible solutions given the complexities of the issues over several years, meeting regularly. They indicated that they would require additional funds to help them to come to a consensus on as many issues as possible over the coming years and not simply for an eight-month Exploratory Process.

Many participants indicated their appreciation for NWAC's ongoing commitment and work in advancing Aboriginal rights and to addressing issues at a national level and international level to ensure that programs, policies and legislation take into account the impacts for both Aboriginal women and men, and are designed to improve the lives of our people.

More time needs to be allotted for women to be able to make arrangements so that they can physically participate at meetings, given that many of them face challenges with their time already, as they work and/or go to school, and are the caregivers for not only their

children but for their parents. These and other requirements have to be taken into account when carrying out initiatives over a short timeframe to ensure the full participation of women on important topics that impact on the future of our people, and which require input from more than half the Aboriginal population.

Other factors that need to be considered when carrying out such an initiative are that people in northern or remote communities are still out hunting, fishing or trapping, or busy during specific seasons with other cultural events and this can limit when they can participate in meetings.

Many women referred specifically to the United Nations Declaration on the Rights of Indigenous Peoples, and other international instruments, as the minimum standard of human rights. They indicated that the Declaration's principles of respect and recognition must guide the future work and any partnerships between First Nations and the Government of Canada.

Participants affirmed that Article 3 of the UN Declaration: "Indigenous peoples have the right to self-determination. By Virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development." There are numerous articles that affirm the right of self-determination, including related rights to lands, resources and territories and to indigenous cultural traditions and customs and systems of governance in all aspects of life. One of the general provisions of the Declaration sums up the vision of the advocates who fought for the adoption of the Declaration. It is Article 43, which states that, "The rights recognized herein constitute the minimum standards for the survival, dignity and well-being of the indigenous peoples of the world."

Women, men and Elders repeatedly reminded us that it is our right to determine our own membership according to traditional and historical practices, which are affirmed in our Treaties. They regularly commented how this is a fundamental right of every one of our Nations and we need to return to the Treaty standard of rights and not those imposed by federal/provincial/territorial governments in any agreements. Our citizenship and identity must be enforced and maintained by our own Peoples and not determined by the Government of Canada. In almost all cases, participants indicated that our citizenship must be inclusive as possible rather than limiting in nature.

People were clear to remind us that we must help to protect those who are most vulnerable in our communities such as our children in care, youth, those who are disabled, those healing from Indian Residential Schools along with their families, etc. as an important step in the re-building of our Nations.

Participants reiterated the importance of returning to the spirit and intent of our Treaties when setting the standards for accessing resources and benefits from economic development within our territories (deriving from the relationship with the Crown) and when negotiating modern agreements with governments.

Conclusion

NWAC would like to refer you to the other 15 Final Reports that they have completed with more than 250 pages of information where women, men, youth and Elders expressed their views on the topic of Nation Building and Re-Building as the beginning to a conversation that needs to happen regarding citizenship. These reports can be found at www.nwac.ca - under the Human Rights section entitled, "Nation-Building." In addition, the reports from our Provincial/Territorial Member Associations will also be posted there.

NWAC would like to thank all the Participants and our Provincial/Territorial Member Associations for taken part in this process and for the Department of Aboriginal Affairs and Northern Development for the funding to make it happen. We hope that this can be a beginning to further exchanges for years to come on this important conversation.

Sample Questionnaire Answers - Native Women's Association of Canada and AGA Participants - (Some Examples)

1. What role do you see for Elders, youth, women, men and families in the re-building of your Nation? How will/should the diverse voices be heard in the process? How will everyone be involved in the implementation?

- All community members need to be part of the decision-making process in re-building Nations. This is the only way to get true community-buy-in and an outcome model based on community consensus. The inclusion of diverse voices is necessary to promote and respond to change, especially at the onset of planning and strategy development.
- The diversity within our populations is important to address, as is the concept and/or vision of what “re-building Nations” means. It is acknowledged that the definition may differ from group to group, resulting in outcomes that do not necessarily reflect what actual needs are.
- Before beginning the re-building discussion, efforts need to be undertaken that educate and inform Indigenous peoples about their specific Nation, colonialism, impacts of the *Indian Act* and other legislation or policies that have negatively impacted Indigenous peoples.
- Only when all the facts are in hand and reviewed are people ready to make any informed decisions. Depending on the group size, diversity can be sought by having people with like-minds work with each other, and perhaps even working on something specific to what makes that group unique. For example, a group of seniors with disabilities may want to ensure that there is a place for them within the new re-building of Nations framework.
- We need our language. Our language is our culture. Go out on the land where there are no cell phone, computers or televisions and reconnect with the land regularly.

- We need to have our Elders working with the community and sharing how life was and what good things they experienced, we need to learn from the past.
- Our ancestors wanted us to live, women to share from experiences educating themselves to help give our communities courage to change our past to create a better tomorrow. Men to be open-minded and help work with the women so they can have a united voice to create change.
- Youth and children to learn from their parents and families. We need to work together not apart. If we create an inclusive body of everyone by sharing through internet, community functions may be using the media interviewing people and making a collective voice.
- We need to implement the Seven teachings and other sacred traditions.
- We need to come together in an united way to improve the lives of future generations, while taking good care of our Elders.

2. What are the key steps and activities you deem necessary for Nation Re-Building? What actions must to be taken? What would be the outcomes?

- The first step would be to inform all Indigenous peoples that the systems that govern their lives are changing and that their voice is required to make real and substantive change to their current living situation and community.
- This should be followed by an awareness and educational campaign designed to ensure that Indigenous peoples are properly informed of the issues and are able to make informed decisions. The educational and awareness campaign should include pieces on the *Indian Act*, assimilation policies (unstated paternity) and legislation (residential school, 60's scoop). T
- We need to obtain the historical or archival knowledge that explores traditional modes of governance, special care and attention should be focused on Aboriginal seniors, elders, teachers, and medicinal person. Clarification on identity and identity issues need to be addressed, as

people cannot move forward if they cannot identify and objectify who they are and where they want and need to be.

- An environmental scan and literature review detailing governance systems currently in operation that resemble or are based on traditional systems should be undertaken, and be made to include how customs transmit to policy and practice in the modern world.
- Once knowledge has been gathered and disseminated among the people then the time for dialogue on re-building Nations can begin.
- Managing expectations and social change should be worked into the concept of nation-building, for example, economic development may be identified as an element within nation building, for a community with high rates of government dependence mechanisms need to be put into place that transitions people from one stage of being to another.
- The ultimate outcome would be a better informed, stronger, and healthier group of people who have a vested interest in their lives and the lives of their children seven generations to come.
- We must get our language back. Have the Elders work with daycares, and young kids in schools, we need to start them learning at a young age.
- Forgiveness of the past mistakes within our Nations, our communities and families has to be a first step to change.
- Acknowledging that we can't fix everything, but it starts with each person.
- Ceremonies and services can start to heal us, using whatever works.
- Nurturing ourselves, families, communities and Nation by celebrating, culture and language. The outcomes would be great, there is no room for abuse in a sacred circle of sharing and loving.
- Recognize it, identify it, define it, own it = nation building.

3. What would be the most important resource that you would need for Nation Re-Building? How would you make sure that you have them available to you? Would these be different for women/men/Elders/youth?

- The most important resource for Nation re-building is “informed and educated” participants who recognize the value and need for an Indigenous system of governance. Programming needs to include educational and awareness building elements, such as: traditional systems of governance, customs, traditions, gendered roles, community functions and systems, and operations.
- The second most important resource is the ability for communities to implement new systems of governance that are recognized both on and off communities across North America.
- Systems of inclusion would extend beyond boundaries and borders, thereby ensuring the voice of off-reserve people are heard.
- We need our Elders to teach our language, culture and laws. They are one of our biggest resources. This should be done with families attending, like living in the old villages back in time, to see the roles that we all can play.
- Individuals who are open minded and willing to help their community and family. Sharing information, giving honorariums to those that contribute. Making a database of people who are willing to contribute.
- Using different tribes and one representative from each role can be beneficial when including all the voices and we could learn from one another.
- Yes, funding from governments is needed for the friendship centres.
- Accept no INAC money to stategize within the community, it has too many limitations.
- Get rid of Chief and Council system within the *Indian Act*.

4. How can we use our culture, traditions, and inherent rights to advance our efforts? What accountability mechanisms have been put into place to ensure equality and benefits to everyone, over the long-term? How and who will you track your progress?

- The concept behind the seven teachings as well as the need to plan ahead “seven generations” should be a key element to the Nation-building exercise. The educational and awareness campaign should

incorporate culture, traditions and inherent rights as part of the messaging.

- If we practice our culture, our language, our inherent rights then we will be stronger as a Nation.
- The language teaches us about the past , present and future.
- Ceremony should be at most as this is what our ancestors used when they signed Treaties.
- Culture has to be included in anything, we do because this is what we are. Using an open door policy of making sure we use a circular way of doing business, sharing information and creating a strong team of non-political people, grassroots is what we need.
- People who have lived have experience to offer, not just those with an education.
- We can create a database that everyone can use. Look at Facebook, everyone can use it. That's information sharing in a very public way.
- We need accountability, with the respect and humor of our culture, to move forward with backing up our inherent rights.

5. Do you know of any traditional roles that women and men held in relation to governance and decision-making within your nation?

Could they be useful today?

- Traditional roles enabled healthy communities; everyone knew what their roles and responsibilities were and what was required of them to ensure a strong and stable community function.
- Today, these roles are not recognized and acknowledged, leaving a vulnerable population where young men do not participate in the teachings and rituals around the rites of passage, and young women do not participate in the moon-time teachings.
- Both sexes now pass into adulthood without the principals that since time immemorial have served to guide the development of healthy sustainable communities.
- Women today are the one that keep, bring back, and carry on traditions, even if it was not our role traditionally but many say it was then too.

- Using a 4 Council system that had representation of everyone and giving veto power to the grandmother's. However, we have to be aware of what residential schools has done to us to ensure that lateral violence is not perpetuated among us.
- We don't always work together but we can agree to disagree that would be more effective than blaming each other.
- Men and women need to work together, rather than trying to overpower each other. We all have gifts that can be shared with each other.
- Using clans can be useful because we all have different teachings.
- See the list of culturally relevant documents on the topic of sovereignty and Nation-Building, prepared by NWAC for further information.

6. In the past, what resources were the most important in helping you achieve success in your challenge? Do you know of any best practices/ model that is being used by a Nation that may be useful to others?

- The Union of Ontario Indians (Anishnabek Nation) is currently developing a constitution and membership code that does not rely on the government imposing terms of membership.
- The most important resource is family, self-determination and being a team player, recognizing we all have something to give.
- The James Bay Cree still celebrate their culture by supporting financially the goose hunts for families.
- When you spend time with your family, you can improve financially, emotionally, mentally, physically and spiritually, and you can heal from anything.
- We have to respect that some people do things differently, it doesn't mean we are right and they are wrong, we are unique and do things that don't always please others.
- Listen, ask questions of your grandparents and sit awhile.

7. What role do you deem appropriate for other governments (federal and provincial) and with the private industry in advancing your goals?

- The only role that government bodies and the private industry should have in this process, is that of “financial supporter” and cheerleader. Supporting positive change where communities govern themselves in ways which promote equality and equity, will result in positive socio-economic outcomes, improved health and educational attainments.
- Governments are the ones who should pay for our re-building given that they were the one who contributed to our loss of language and culture.
- Others can support our culture by allowing smudging in our schools and meetings rooms and by recruiting Aboriginals.
- The Governments need to work with our communities to share the economic benefits from the resources within our territories.
- Supporting community events.
- Supporting ceremonies. Governments can help by funding an promoting language and culture.
- The can fund the education about First Nations' past and working towards a better tomorrow.
- Save everyone's Treaty money and create a small investment to own our land on reserve.
- Don't sell our water, save our water, trees, animals and air rights.
- Use their money against them. save our own "private" money for our initiatives.

Thank you for your input; it will be included into a final report and posted on our website at www.nwac.ca

Sample Best Practice in Reclaiming and Rebuilding our Nations

Anishinaabe Chi-Naaknigewin

The Anishinabek Nation have set out a written constitution (“Chi-Naaknigewin”), exercising sovereign and inherent treaty rights to establish and empower the Anishinabek Nation Government as a traditional Government. The official language is Anishinaabemowin and English remains as a secondary language.

The Chi-Naaknigewin sets out the principles to guide the government structure, referring to the seven sacred gifts given to Anishinabe: Love, Truth, Respect, Wisdom, Humility, Honesty and Bravery. These are principles which flow through the entirety of the Chi-Naaknigewin. The Anishinabek Nation Government consists of the Grand Council, while the Elders Council, Women’s Council and a Youth Council will advise the Grand Council. The law-making powers claimed by the government are viewed as an inherent rights bestowed by the Creator and the Anishinabek Nation Government has the authority to enact any laws necessary in order to protect and preserve Anishinaabe culture, languages, customs, traditions, and practices for the betterment of the Anishinabek.

The Anishinabek Nation have created a model of inclusion by referring to the citizens of the Anishinabek Nation as “E’Dbendaagzijig”, which translates to *Thos e Who Belong*. Everyone recognized as such by the Anishinabek Nation or the Grand Council is considered to be a citizen. In Article 6 of the Chi-Naaknigewin, the Anishinabek Nation Government plans to establish processes to ensure that the citizens of the nation participate and are consulted with in its law-making and policy procedures. In this manner, the Anishinabek Nation Government has the power to enact any laws they see fit, but they will do so in consultation with the very people and community these laws will effect directly. Furthermore, any constitutional amendments must be reviewed and considered by each Council, and if the Grand Council decides to proceed and submit the proposed amendment to each Anishinabek First Nation for approval, the Grand Council must obtain at least a majority approval by First Nation Council Resolution from the First Nations, in consultation with E’Dbendaagzijig.

Another method that fosters inclusion is noted in Article 8, where the Anishinabek Nation outlines the relationship of laws between their laws and individual First Nation laws. It is held that these laws are equally operative, however where there are First Nation laws, the Anishinabek Nation will yield to these laws and they will take precedence.

NDWA Brochure

The adoption of the Anishinaabe Chi-Naaknigewin is viewed as the affirmation of Anishinaabe Nationhood and is considered a “rights-based agenda” in action. These acts were taken by the collective of 55,000 plus Anishinaabe citizens, recognizing and

asserting Inherent rights by empowering self-governance. The strength of this collective action is significant because it is a major step toward reaching set goals of the Anishinabek Nation (mainly that the Anishinabek want to exercise their right to self-determination in a way that will require Canada to recognize it).

It is noted that by adopting a Chi-Naaknigewin and native tribes that have exercised “de facto sovereignty” are more successful in creating their own forms of government than those who do not. The creation of a written Chi-Naaknigewin cultivates inclusion and furthers these goals because it represents a joint effort of the citizens and the Anishinabek Nation Government to create a stable government structure that is transparent and accessible to all. In this manner, the rules will be entrenched and they cannot be changed without the consent and consultation of the People which the laws govern. The Traditional Clan System of Government sets the foundation of the Anishinaabe government, ultimately determining citizenship roles, responsibilities and issues. The Anishinaabe Chi-Naaknigewin will inform the Anishinabek Nation Government, working together to provide peace, order, and good governance for the Anishinabek Nation.

E’Dbeendaagzijig “Inclusion and Reconnection” (Power-point presentation)

The Anishinabek Nation is currently comprised of thirty-nine (39) First Nations, representing approximately 55,000 people from four regions of Ontario (Northern Superior, Lake Huron, Southeast, and Southwest). The Anishinabek Nation’s vision is inclusive in nature as a community-driven process, seeking to build a self-governing system that maintains inherent aboriginal and treaty rights and improves the quality of life overall for the Anishinabek people.

The explicit rejection of the Indian Act represents a desire to adopt a system that redefines who an Anishinabek citizen is and what criteria compose citizenry based on traditional governments, rather than the exclusive imposed structure and concept of Indian Status. This is viewed as a fundamental issue at the core of constitutionally protected Aboriginal and Treaty rights, including the inherent right of self-government and the human rights of self-determination for indigenous peoples. By identifying this common thread among Anishinabek people, it serves as a starting point to move forward in establishing and elevating the Anishinabek Nation, adopting and utilizing the “One-Parent Rule to determine citizenship rather than what has been imposed by the Indian Act. The “One-Parent Rule” was accepted overall as being the only way to ensure that the Anishinabek people continue to exist and in order to protect their lands.

Following consultations in developing the E’Dbendaagzijig Naaknigewin, it was stressed that Citizenship was the issue and must be defined as such. This is distinguished from membership because Citizenship refers to belonging to a Nation, rather than simply a

social group. This presents the need to revert to a traditional nationhood mindset that must be adopted to make the goals of the Anishinabek people into a reality, refusing to succumb to the isolationism of the Indian Act. As distinct from membership, Nations have their own land, own government, culture, language and spirituality, and this distinction better serves the goals of the Anishinabek people in establishing the Anishinabek Nation in the way that the people have envisioned it. It is recognized that a template for First Nations to follow is needed, and rules can change with each First Nation election. Strong Chiefs and Councils are needed to follow and push for what grassroots people and citizens dictate.

A cultural criterion that unites citizens consists of: Grandfathers' teachings to help explain the history of the Anishinabek people, the use of the Clan System to determine citizenship roles, responsibilities and issues, and the Anishinaabe Language itself. Cultural practice and involvement is widely supported and identified as a unifying aspect of the Anishinabek Nation, promoting language-speakers, healing, traditional teachings, spirituality, Clan teachings, participation in social gatherings, and the knowledge and practice of the 7 Grandfather Teachings. It is argued that the Anishinabek citizenship should be universal with mobility of citizens throughout the Anishinabek Nation, further promoting a sense of unity.

However, it is also noted that in order to encourage inclusiveness, the acceptance of those who practice other religious traditions, such as Christianity, is essential. Furthermore, special exceptions can be made to grant citizenship to non-Anishinaabe people through marriage, or recognized by years spent in the community and contributions to the Anishinabek Nation. These special exceptions will have to pass a screening process established by the Anishinabek Nation Government, stressing a need to include a section in the Chi-Naaknigewin to address Dual Citizenship.

In reference to the actual process of how and who decides citizenship, a 5 step process has been designed:

- 1) Applications (new citizens, adoptions, naturalizations) or Nomination by Sponsor/ Guarantor to be taken by a Registrar at the community level, facilitated by a central Registry.
- 2) Committee Review (community committee members to include those who are recognized for wisdom and fairness).
- 3) Approval / Disapproval at the community level.
- 4) Appeals & Redress Process – absolutely necessary.
- 5) Community/First Nation/Anishinabek Nation acceptance.

A Final Appeals Committee is to be formed at the Anishinabek Nation level, and it is suggested that the process be reviewed on a regular basis (3-5 years suggested).