

onihcikiskwapowin – moving forward

Establishing Next Steps in membership/election code development



Objectives and Goals

- Enable members to understand where we have been (history) on the question of membership and election code
- Demonstrate the issues presented by human rights complaints, administrative law matters and governance requirements
- Create a clear path to success with an updated membership/election code

Membership/election code - History

➤ Pre 1876 – Treaty No. 6

- leaders of the nation decided membership based on kinship, traditional adoptions and lineage
- selection process of leadership was a combination of traditional leadership (women) and role players within the nation
- members chose their leaders based on who was identified either by heritage or traditional methods

History continued

- Post 1876 – Indian Act imposition
 - Leaders chosen by ‘voting’
 - Election’s were held under the Indian Act
 - Changes to approach came during the 1960’s
 - Saddle Lake – Tribal Custom Election Code (1965)
 - It’s how we’ve run our elections; however between 2000 and now there have been several attempts at updating/amending the Tribal Custom code
 - Despite these attempts – the 1965 code has now been successfully challenged in 2016.

History – Then and Now

Update the code – why?

- 1. We are a nation and nation's have laws that reflect governance and authority.
- 2. We are being challenged successfully by band members utilizing the Canadian Human Rights legislative standards as well as those seeking administrative redress by the Federal Courts.
- 3. The code is dated and needs to be updated/amended in accordance of our way of life (ceremony, tradition, language, fairness) and the manner by which we live together.
- We need to ensure everyone has a say and can ensure we can decide who we are and how we will govern in a way all band members can support

Current Issues: What is Bill S-3

- An Act to Amend the Indian Act (elimination of sex-based inequities in registration)
- Amends the Indian Act to provide new entitlements to registration in the Indian Registrar in response to the *Descheneaux Case*.
- *Supreme Court of Quebec (2015)*...to provide that the persons who become so entitled also have the right to have their name entered in a Band List...

What does it mean to First Nations?

- Increased numbers of people added to the membership/band list without any additional dollars attached regarding funding for services, including health, education and housing, etc.
- Increased number of people added without increased land base and infrastructure to address the need
- Federal 2% cap on overall funding remains in place despite Canada's promise to remove it and discuss new formula based on treaty.
- Canadian Human Rights Tribunal has already indicated that INAC under funds children on reserve and that underfunding also extends to our treaty rights to health, education, housing.

The Survival of Indigenous Peoples

- Bill S-3 is intended to be part of Indian Act reform and a long-standing push to remove sex-based discrimination in the Act. Bill C-31 in 1985 and Mclvor (Bill C-3) in 2010-2011 was the first of these significant court cases.
- Other significant issues – including undisclosed or unknown paternity, the 2nd-generation cutoff, federal authority to determine status, and jurisdiction over citizenship...must be addressed in the Nation to Nation conversation.
- This conversation is essential as the 2nd-generation cutoff has been designed to and will result in the eradication of status Indians in Canada within 100 years.
- Determining citizenship/membership is a function of the basic and fundamental governance mechanisms of a nation. No other nation should have that influence and yet Canada continues to impose expectations on us 150 years later.
- This conversation offers us all a most significant opportunity to define ourselves: nehiyawewin? iyiniwak? Treaty? Status? Registered? Red Ticket? Indigenous? Cree? Aboriginal?

INAC's Action Plan

➤ Two Stages

1. Canada talked to First Nations and Indigenous groups about amendments to the Indian Act to address sex-based inequities in *Descheneaux*. Bill S-3 was introduced to the Senate on October 25, 2016.
 2. Canada launched a 'collaborative process' to address the broader issues relating to Indian registration, Band membership and citizenship with a view to reform.
- 2nd stage set to be implemented July 3, 2017 once the Bill passes through House of Commons and Senate readings and royal assent.
- 19 Million has been set aside over 5 years to deal with the registration of those will become entitled as a result of the new legislation
- Significant time and administrative effort will be put into place for processing and verifying individuals in each nation impacted.

onihcikiskwapowin – Action Plan

- SLCN will be impacted if there are new members needing to be added to our band list.
- SLCN is a band where registration and membership continue to be connected to the federal Indian Registrar however we have our own office and provide these services ourselves.
- SLCN is acting in order to discuss with all nation members the issues surrounding membership with a 'made in Saddle Lake' plan for the future.

Next Steps

- Membership/Election Code – Working Group to build on the early band member discussions of spring, summer, fall 2017, and now
- Look at key mechanisms and bring to community members for discussion and direction (in SL, GFL, Edmonton)
- Create a website or link to current to demonstrate progress to date (underway)
- Hired coordinator and technical writer (complete – hiring process for writer underway)
- New schedule of activities and focus group sessions to align with long term planning initiatives (underway)
- New membership and election code for final ratification by December 2019.