

KAHNAWÀ:KE MEMBERSHIP LAW
FIRST HEARING – MEETING #2
Karonhianonhnha School
6, Onerahtohkó:wa/May 2015
6:00 PM – 8:30 PM

RECORD OF DISCUSSION

FACILITATORS:

Leslie Beauvais-Skye (KLCC Interim Coordinator)
Joe Delaronde
Paul Nicholas (Co-Facilitator)
Ron Skye
Tonia Williams (Co-Facilitator)

RESOURCE PEOPLE:

Rose-Ann Morris (Lead – Resource Person)
Alexis Shackleton
Shari Lahache
Arlene Beauvais

RECORDERS:

Caroline McComber
Kellyann Meloche

6:00 P.M. **OPENING** – Kahsennenhawe Sky-Deer

6:05 P.M. **INTRODUCTION/MEETING GUIDELINES** – Leslie Beauvais-Skye

6:10 P.M. **KAHNAWÀ:KE MEMBERSHIP LAW AMENDMENTS ON:
JURISDICTION, DEFINITIONS & ROLE OF REGISTRAR** - Rose-Ann Morris

8:25 P.M. **NEXT STEPS** – Kahsennenhawe Sky-Deer

8:30 P.M. **CLOSING** – Kahsennenhawe Sky-Deer

Group 1

Facilitator: Ron Skye & Tonia Williams
Resource Persons: Rose-Ann Morris & Alexis Shackleton
Group Speaker: Ron Skye
Recorder: Kellyann Meloche

JURISDICTION

DISCUSSION:

- First section on jurisdiction, no changes from this group. Draft is accepted.
 - Question on why we had to get the secure cards from Montreal, rather than from the Registrar.
 - Being on our KKR (registry) has nothing to do with the Indian Affairs rules for registration. Note that the federal members on federal Kahnawà:ke band list has 4000 + registered with INAC more than the KKR.
 - Does the registrar have the right to stop AANDC from giving a band card?
 - No, they have different criteria for Indian registration.
- 3.2 This law is an exercise of the collective rights of the Kanien'kehá:ka of Kahnawà:ke **using a participatory democratic process** to determine who is recognized as a Kanien'kehá:ka of Kahnawà:ke. This law is paramount (proposed by Group 2).

OUTCOME:

First section on jurisdiction had no changes from this group. Consensus reached and the Draft is accepted. Group 2 did come back and request an addition to the paragraph. Group 1, agreed to their addition.

PARKING LOT ITEMS:

- Difference between what Canada identifies as a member of Kahnawà:ke and what/how we determine. This is a jurisdiction issue that needs to be addressed. (*AANDC issues band cards to those registered who meet their criteria*)
- Conflict of information that's given, example AFNQL court settlement for fuel tax.

CONSENSUS REACHED: Group 1 and 2 reached consensus to draft Jurisdiction section with additional wording on process.

DEFINITIONS

DISCUSSION:

Adoption: *means the legal acceptance of a child of another person as one's own child,*

- This definition is agreed to.

Approved Kahnawà:ke Resident: *means a person who has been confirmed to have permission to reside within the territory and to receive those privileges as provided in this Law, provided the person's permission to be an approved Kahnawà:ke Resident has not been suspended or revoked,*

- Participant asked that this definition not be placed in the law until we get to that part of the law which mentions "Approved Kahnawà:ke Resident" and at that time define it.
- This definition is agreed to.

Child: *means a person who has not yet reached his or her age of majority,*

- This definition is agreed to.

Cohabit: *means living with a non-indigenous person within the Territory,*

- "So you're going to use non-indigenous in this law to describe a non-native?"
- Clarify that a non-indigenous person living with an indigenous.
- (discussion from Group 1) Approved Kahnawà:ke resident people might not necessarily be indigenous, limiting it to KKR and Not approved Kahnawà:ke residents
- This definition is agreed to.

Common-law relationship: *means a conjugal relationship, not solemnized by a marriage ceremony, law or custom, between two persons who have lived together and have been publicly represented as spouses for not less than (5) years,*

- This definition is agreed to.

Community ties: *means a person's overall participation in community events, volunteer activities, charitable works, positive contribution to the Kanien'kehá:ka of Kahnawà:ke and maintenance of family ties to meet established criteria,*

- A relationship with a native and a non-native and now their ties are the children because the child has native blood. That's the only ties they have.
- We should remove "family ties" because it has its own definition.

- Can we add the word indigenous?
- So this only pertains to people who do not meet the criteria?
- We shouldn't have this definition in here at all because it implies the ability to become a resident or member.
- For the COE, it was the most difficult decision on who can reside in Kahnawà:ke, not to become a member; it was allowing someone to stay here.
- Friendships and working in Kahnawà:ke should also be added to have community ties.
 - Public works?
 - Private?
 - All the same?
- Should definition mention either before and/or after 1981.
- This word should be defined at each section at which it's stated.
- Group 1 would like to keep the definition as is without adding "to meet established criteria"
 - Group 1 discussed Group 2 proposal to not change draft.
 - Put the word criteria somewhere in this definition
 - Group feels strongly on keeping this word in order to close any possible loop-holes.
- Suggestion to skip over definitions right now, get into the Law sections and come back to relevant definitions as section is reviewed. "we want to discuss the meat of the law"

Meeting was stopped here for this evening.

OUTCOME:

No consensus reached by Group 1 on draft community ties.

PARKING LOT ITEMS:

CONSENSUS REACHED:

Both groups reached consensus on: Adoption as drafted, Approved Kahnawà:ke Resident as drafted, Child as drafted, Cohabit as drafted, common-law relationship as drafted.

Group 2

Facilitator: Joe Delaronde
Resource Persons: Shari Lahache & Arlene Beauvais
Group Speaker: Dale Dione
Recorder: Caroline McComber

Joe Delaronde (Facilitator) opened the group discussion presenting the tracked revisions version of the *Kahnawà:ke Membership Law* to guide and review with the group on the revisions made to the Law along with an overview of the agenda items:

JURISDICTION

DISCUSSION:

The facilitator opened the discussion on Jurisdiction questioning whether the Group agrees to the current proposed amendments.

(Excerpt from the amended Membership Law)

3.2 *This Law is an exercise of the collective rights of the Kanien'kehá:ka of Kahnawà:ke to determine who is recognized as a Kanien'kehá:ka of Kahnawà:ke. This Law is paramount to and supersedes the laws, regulations and policies of the government of Canada, or any other foreign government, concerning recognition of who is a Kanien'kehá:ka of Kahnawà:ke, or matters related thereto.*

Further to the Group discussion, it was recommended for clarity purposes that it is identified that the CDMP process as applied is a valid one by including *using a participatory democratic process* to determine who is recognized...) to Jurisdiction §3.2.

CONSENSUS REACHED: Unanimous decision to add recommendation.

FINAL OUTCOME – Group 1 & 2

Consensus by both working Groups reached to accept the proposed amendments as is along with the inclusion of the additional aforementioned language.

DEFINITIONS

DISCUSSION:

Adoption: *means the legal acceptance of a child of another person as one's own child,*

CONSENSUS REACHED: Consensus by both Groups reached to accept the proposed amended definition as is.

Approved Kahnawà:ke Resident: *means a person who has been confirmed to have permission to reside within the Territory and to receive those privileges as provided in this Law, provided the person's permission to be an Approved Kahnawà:ke Resident has not been suspended or revoked,*

CONSENSUS REACHED: Consensus by both Groups reached to accept the proposed amended definition as is.

Child: *means a person who has not yet reached his or her age of majority,*

CONSENSUS REACHED: Consensus by both Groups reached to accept the proposed amended definition as is.

Cohabit: *means living with a non-Indigenous person within the Territory,*

CONSENSUS REACHED: Consensus by both Groups reached to accept the proposed amended definition as is.

Common-law relationship: *means a conjugal relationship, not solemnized by a marriage ceremony, law or custom, between two persons who have lived together and have been publicly represented as spouses for not less than five (5) years;*

CONSENSUS REACHED: Consensus by both Groups reached to accept the proposed amended definition as is.

Community ties: *means a person's overall participation in community events, volunteer activities, charitable works, positive contribution to the Kanien'kehá:ka of Kahnawà:ke and maintenance of Family ties,*

CONSENSUS REACHED: Consensus was reached by Group **Two** to accept the proposed amended definition as is.

Dependent child: means a person who has reached the age of majority but who, as the result of physical or mental limitations, lives with and is cared for by a Kanien'kehá:ka of Kahnawà:ke parent(s) or guardian(s),

Further to the Group discussion, it was recommended to replace “**child**” with “**person**”.

CONSENSUS REACHED: Consensus was reached by Group **Two** to accept the proposed amended definition with the additional recommended change.

Family ties: means the bond that exists between a person their spouse, sibling, parent, grandparent or child who resides in the Territory,

Further to the Group discussion, it was recommended for grammatical purposes to insert a comma after “**person,**”

CONSENSUS REACHED: Consensus was reached by Group **Two** to accept the proposed amended definition as is.

Guardian: means any person, other than a parent of the child, who is under a legal duty to provide for the child,

CONSENSUS REACHED: Consensus was reached by Group **Two** to accept the proposed amended definition as is.

Indigenous: for the purposes of this Law means persons of an Indigenous Nation that is Indigenous to what is currently known as Canada and the United States of America, including the Inuit,

In question was whether **Indigenous** encompasses both state and federally recognized native people. Clarity was provided by the Resource Team that verifiable proof of Indigenous lineage is mandatory by the Membership Department.

CONSENSUS REACHED: Consensus was reached by Group **Two** to accept the proposed amended definition as is.

Indigenous lineage: means direct descent from at least four (4) Indigenous great-grandparents, verified by proof acceptable to the Registrar and, if necessary, by the Administrative Tribunal, the Court of Kahnawà:ke or the Kahnawà:ke Court of Appeal, as the case may be,

CONSENSUS REACHED: Consensus was reached by Group **Two** to accept the proposed amended definition as is.

Instatement: *means recognizing, for the first time, a person to be a Kanien'kehá:ka of Kahnawà:ke in accordance with this Law,*

CONSENSUS REACHED: Consensus was reached by Group **Two** to accept the proposed amended definition as is.

Kahnawà:ke Kanien'kehá:ka Registry: *means the list of Kanien'kehá:ka of Kahnawà:ke maintained by the Registrar in accordance with this Law and, for greater certainty, does not mean any lists kept by the Department of Aboriginal Affairs and Northern Development (Canada) or any other foreign government,*

CONSENSUS REACHED: Consensus was reached by Group **Two** to accept the proposed amended definition as is.

Kahnawà:ke Kanien'kehá:ka Registry Advisory Board: *means the body established to provide non-binding advice and guidance to the Registrar,*

CONSENSUS REACHED: Consensus was reached by Group **Two** to accept the proposed amended definition as is.

Kanien'kehá:ka Great Grandparent: *means a great grandparent who 1) has Kanien'kehá:ka lineage or 2) was a Mohawk on the Mohawk Registry or 3) was/is a member or recognized as a Kanien'kehá:ka of Kahnawà:ke on the Kahnawà:ke Kanien'kehá:ka Registry.*

Further to the Group discussion, it was strongly recommended to include the Drafting Team's comments to the amended Law: ***Great-Grandparent exclude persons who are "acquired status"***. (See Record of Discussion 2013-06-10, page 4.)

CONSENSUS REACHED: Consensus was reached by Group **Two** to accept the proposed amended definition with the additional recommended change.

At this juncture Group One presented their recommendation that **Community ties** definition include the following:

Community ties: *means a person's overall participation in community events, volunteer activities, charitable works, positive contribution to the Kanien'kehá:ka of Kahnawà:ke and maintenance of Family ties **"to meet established criteria,***

The rationale being that the current definition may be interpreted to allow non-natives to reside in Kahnawà:ke.

Group Two presented back to Group One that they maintain their earlier position to accept the proposed amended definition as is.

FINAL OUTCOME – Group 1 & 2: Consensus reached by Group Two with no consensus from Group One.

PARKING LOT:

1. “*Community ties*” definition deferred to the next community hearing (date to be determined)
2. The last paragraph of the Preamble (“**titled: Entsitehwahárahne**”) was recognized as a spelling error. (Correct spelling “**Entsitewaháhara’ne**” verified through Chera Warisó:se Lahache, General Manager, Language & Culture Training Program, Tiakoniarotáhrhon, Tsi Niionkwarihò:ten Tsitewaháhara’n Center.

Chief Kahsennenhawe Sky-Deer concluded that for next hearing, the discussion will commence with the proposed amendments to the Registrar section and that the definitions will be readdressed as they correspond to the Law’s sections accordingly.