

KAHNAWÀ:KE MEMBERSHIP LAW
FIRST HEARING – Meeting #15
Golden Age Club
13, Seskehkó:wa /September 2016
6:00 PM– 8:30 PM

RECORD OF DISCUSSION

FACILITATORS:

Joe Delaronde
Ron Skye
Linda Delormier
Leslie Skye - KLCC

RESOURCE PEOPLE:

Chief Kahsennenhawe Sky-Deer (Lead)
Chief Arlene Jacobs
Rose-Ann Morris
Alexis Shackleton
Shari Lahache
Arlene Beauvais
Kevin Fleischer

RECORDER:

Caroline McComber

AGENDA

6:00 P.M. **OPENING** - Leslie Skye

6:05 P.M. **INTRODUCTION/MEETING GUIDELINES** - Kahsennenhawe Sky-Deer

6:10 P.M. **KAHNAWÀ:KE MEMBERSHIP LAW AMENDMENTS:**

- **SEC.16 ENTITLEMENTS OF KANIEN'KEHÁ:KA OF KAHNAWÀ:KE**
- **SEC. 18 RESPONSIBILITIES OF KANIEN'KEHÁ:KA OF KAHNAWÀ:KE**
- **SEC. 20.1 KANIEN'KEHÁ:KA OF KAHNAWÀ:KE PLEDGE AND OATH OF RESPECT**
- **ANY RELEVANT/RELATED DEFINITIONS** - Kahsennenhawe Sky-Deer

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

8:30 P.M. **CLOSING** - Leslie Skye

Ron Skye addressed the participants in regard to the CDMP format arrangement making inquiry to whether the group would prefer to divide into two groups to engage in more detailed discussions. The participants agreed that because of the numbers in attendance, one group would suffice for the evening.

Facilitator Joe Delaronde opened the evening's session addressing that the participants consider deferring further discussion regarding Section 15, 17, 19, 20.2 of the amended law related to Non-Member Resident suggesting that these sections would be more appropriately addressed and deliberated in the Community Decision Making Process (CDMP) for a Residency Law proposing that for this evening the focus remain specifically on "Entitlements".

Chief Kahsennenhawe Sky-Deer conveyed that requests have been received for the development of a Residency Law, therefore sections for Non-Member Resident may best be captured within that proposed new Residency Law for those individuals that fall outside of the recognized Kanien'kehá:ka of Kahnawà:ke Registry (KKR) criteria (*i.e., individuals not meeting the four Great Grandparents criterion, individuals with acquired rights status, individuals from other Native communities not wanting to transfer their membership but wish to remain in Kahnawà:ke with their spouse etc.*). Further, the Membership Law should not serve as an "umbrella" legislation place holding areas more appropriate to other pieces of legislation.

DISCUSSION:

There was opposition with the proposal for the addition of a Residency Law with concerns related to the separation of people and land. A proposal was presented to write regulations in relation to the sections concerning Non-Member Resident concurrently while the Membership Law is being further developed rather than going through the lengthy CDMP process for a separate law. Chief Kahsennenhawe Sky-Deer cautioned that the law currently states that if an individual has lineage, they can reside within the community therefore a Residency Law may be essential in addressing residency specific issues. There appears to be a need that distinguishes recognition (membership) and residency issues therefore further discussion should take place in the CDMP on a proposed Residency Law. The current Law contains no definitive rule over who can and who cannot reside on the territory. Chief Kahsennenhawe Sky-Deer further expressed that she would make recommendations for the proposed Residency Law going through the CDMP as Type II legislation ("*laws that affect a segment or specific interest within the community...*") and for this evening the participants consider the proposal of placing the components that relate to residency into the "parking lot" moving forward with recognition. Furthermore these sections would be discussed and deliberated on at the final sessions of the hearings whereby the community will decide on the development of a separate Residency Law. Thereafter, if a Residency Law is deemed not warranted, then the community can obtain a legal opinion that residency shall be best captured within a regulation(s) of the Membership Law.

PARKING LOT ITEMS:

Section(s)

- 15 - APPLICATION PROCESS/ APPROVED KAHNAWÀ:KE RESIDENTS
- 17 - PRIVLEDGES OF APPROVED KAHNAWÀ:KE RESIDENTS ~~NON-MEMBER RESIDENTS~~
- 19 - OBLIGATIONS OF APPROVED KAHNAWÀ:KE RESIDENTS ~~NON-MEMBER~~

- 20 - KANIEN'KEHÁ:KA OF KAHNAWÀ:KE PLEDGE AND OATH OF RESPECT
- 20.2 - Any person who is eligible to be given permission to be an Approved Kahnawà:ke Residents non-member resident will swear to solemnly affirm an Oath of Respect in the form provided in the Regulations, affirming that:
 - a) he or she will respect the Approved Kahnawà:ke Residents non-member resident obligation set out in the Law, and
 - b) he or she will respect all conditions, limitations or restrictions associated with being an Approved Kahnawà:ke Residents non-member resident

CONSENSUS REACHED:

Consensus was reached to follow through with the evening's revised agenda setting aside Section(s) 15, 17, 19 and 20.2 to be deliberated later on.

ENTITLEMENTS OF KANIEN'KEHÁ:KA OF KAHNAWÀ:KE

16.1 ~~15.1~~ Subject to Kahnawà:ke's laws, regulations and policies, ~~members of the~~ Kanien'kehá:ka of Kahnawà:ke have ~~the following~~, entitlements, and privileges with regards to benefits and services, to the extent they are available:

- ~~a) to reside within the Territory,~~
- ~~b) to participate in the selection of Kahnawà:ke leaders,~~
- ~~c) to seek and hold a leadership position,~~
- ~~d) to own and transfer to other members, interests in lands within the Territory,~~
- ~~e) to receive education services,~~
- ~~f) to own and operate a business,~~
- ~~g) to receive housing assistance,~~
- ~~h) to receive services from social, health, welfare and economic departments or programs of the Mohawk Council of Kahnawà:ke,~~
- ~~i) to be buried on land within the Territory.~~

DISCUSSION:

Rose-Ann Morris explained that the Membership Law went through the CDMP to get the mandate to redraft/amend its contents conveying further the Drafting Team's rationale in striking the listing from the Entitlements of Kanien'kehá:ka of Kahnawà:ke as these were deemed not relevant to the revised Kanien'kehá:ka of Kahnawà:ke Law.

- a) to reside within the Territory, - The Registrar suggested that this can be better captured within the proposed Residency Law,
- b) to participate in the selection of Kahnawà:ke leaders, and
- c) to seek and hold a leadership position, - The Registrar advised that this is addressed within the current MCK Election Law,
- d) to own and transfer to other members, interests in lands within the Territory, - The Registrar suggested that this would be best captured within a Land Code or Law,

- e) to receive education services),
- f) to own and operate a business,
- g) to receive housing assistance, and
- h) to receive services from social, health, welfare and economic departments or programs of the Mohawk Council of Kahnawà:ke - The Registrar advised that social and federal programs are not dependent on being a member,
- i) to be buried on land within the Territory, - The Registrar recommended that this could be better addressed within its own law.

CONSENSUS REACHED:

Although there were three (3) objections, Consensus was reached to accept the proposed amendments along with the removal of all clauses.

RESPONSIBILITIES OF KANIEN'KEHÁ:KA OF KAHNAWÀ:KE

18.1 All Kanien'kehá:ka of Kahnawà:ke have the responsibility to:

- a) honor the customs and traditions of the Kanien'kehá:ka of Kahnawà:ke and must comply with the codes, laws and regulations applicable in the Mohawk Territory of Kahnawà:ke
- b) respect and protect Mother Earth,
- c) contribute to the preservation and advancement of the community of Kahnawà:ke,
- d) is identified as having, or is willing to avail themselves of the established Kahnawà:ke process of affiliation in seeking a Kanien'kehá:ka clan.
- e) respect and protect children, persons, personal property and lands within the Territory,
- f) respect and encourage the use of Kanien'kehá:ka and Kanien'kehá:ka culture, and maintain Community ties with Kahnawà:ke.

DISCUSSION:

There was a proposal to replace the wording "honor" and replace with "respect and protect" for consistency purposes.

CONSENSUS REACHED:

Consensus was reached on Section 18 with Honor the customs..." being replaced by "Respect and protect the customs..."

KANIEN'KEHÁ:KA OF KAHNAWÀ:KE PLEDGE AND OATH OF RESPECT

20.1 Any person who is eligible to be recognized as a Kanien'kehá:ka of Kahnawà:ke, will swear or solemnly affirm a Kanien'kehá:ka of Kahnawà:ke Pledge and Oath of Respect, in the form provided in the Regulations, affirming that:

- a) he or she will respect the responsibilities of a Kanien'kehá:ka of Kahnawà:ke, as set out in this Law, and
- b) he or she will respect all conditions, limitations or restrictions, if any, associated with recognition.

DISCUSSION:

There was commentary on the Oath and Pledge process in that it appears very colonial. Proposed was a social event or welcoming ceremony held by the Language and Culture Programs Department maybe a good alternative, a better means and natural progression of integrating into our culture along with referencing Section 18 into Section 20.

CONSENSUS REACHED:

Consensus was reached on Section 20.1 with the agreement that there is a need for a formal Pledge process once an individual is recognized as a Kanien'kehá:ka of Kahnawà:ke, to 'welcoming ceremony,' (it was identified that the 'Oath and Respect' in Section 20.1 was inadvertently included in the heading).

Approved by:

Rose-Ann Morris,
Membership Registrar

Date

Chief Kahsennenhawe Sky-Deer

Date