

Native Women's Association of Canada

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

**Community Awareness and Engagement with the Listuguj
Mi'gmaq Government, Directors and Community Members**

Listuguj First Nations

Listuguj, Quebec

May 5, 2011

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 at all levels - 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 and their communities across Canada. NWAC has engaged and informed women, youth and Elders and their communities in discussions on nation-building, citizenship, and the relationships between our members, 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.

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.

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

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 and 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.

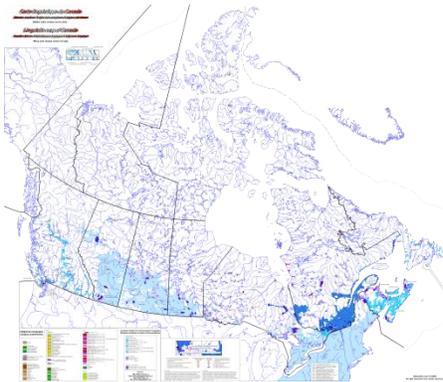
Participants affirmed that Article 3 of the UN Declaration: "Indigenous peoples have the right to self-determination. By Virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development." There are numerous articles that affirm the right 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."

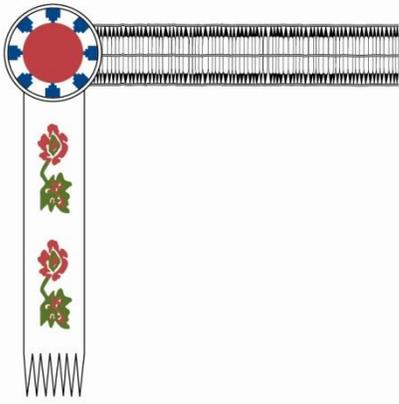
The women, men and Elders repeatedly reminded us that it is our right to determine our own membership according to traditional and historical practices, and which are affirmed in our Treaties, and is a fundamental right of every one of our Nations. Our citizenship and identity must be enforced and maintained by our own Peoples and not determined by the Government of Canada.



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

- **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.





**Native Women's
Association of Canada**

Session on: Bill C-3/Exploratory Process/Nation-Building

Listuguj, Quebec

May 5, 2011

A G E N D A

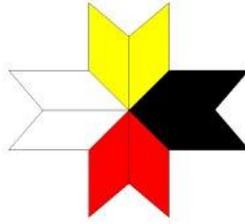
Opening Prayer

Opening Remarks from Chief Metallic

Presentation on Bill C-3/Exploratory Process and
Short Questionnaire on Nation-Building

Questions and Answers / Discussion

Next Steps/Wrap Up



Meeting Highlights

The NWAC Facilitator acknowledged the Peoples of the territory on whose land we had gathered and thanked the organizers for having us there to discuss issues impacting on our Nations. She acknowledged and thanked Brenda Gideon Miller, Councillor and the Chief Allison Metallic for helping to get the information out to the community members, government and program Directors in advance of the meeting and for forwarding invites so that they could attend the session. Then she acknowledged the Elder and turned the meeting over to her to start the Opening Prayer for the meeting.

The Elder did the Opening Prayer to start the meeting off in a good way, bringing everyone together for a common purpose. There were 15 participants present, were and men of all ages.

The NWAC Facilitator did an overview of the agenda and opened the meeting by introducing herself. She did an overview of the history of Indian Registration, why NWAC was there to discuss this initiative, and to discuss how we can move from the *Indian Act* to reclaiming our Nations.

Afterwards others were able to introduce themselves and able to talk about their thoughts and why they came to this meeting, and how they hope that their input will be used to advance issues for future generations.

The Facilitator provided an overview of some of the activities that we do at the Native Women's Association of Canada (NWAC), within the Human Rights and International Affairs Directorate. We provided the participants with a wealth of documentation that has been written by NWAC, by the Department of Aboriginal Affairs and Northern Development Canada (AANDC), and by other Aboriginal women and legal organizations on the topic of citizenship, membership, governance, and Nation-Building and Re-Building to ensure that those present could review materials on the topic and to engage others in the community in these discussions in the future.

NWAC also provided additional copies of materials so that each representative 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. Copies of the Questionnaire were distributed and in addition, others have been directed to the NWAC website to fill out the survey and return them to reclaimingournations@nwac.ca.

NWAC provided the history of relevant case law that have brought us to this point including the Lavell case, the United Nations complaint by the now Senator Sandra Lovelace, and then the subsequent Bill C-31, which saw many women and some of their children regain and gain Indian status under the Indian Act, yet many problems with registration continued.

Further discussion took place regarding Bill C-3 Equity in Indian Registration Act and the group discussed many of the challenges they are facing. They also discussed additional problems unrecognized paternity policies by the Department of AANDC and the fact that they feel their authority to govern and serve their citizens has been usurped by the federal government taking full control of the application process for people applying for status under the new Bill C-3.

Discussion took place regarding the Information Pamphlet and Forms on Bill C-3 and its purpose. The group discussed the passing of the actual law and the participants asked that NWAC and the Assembly of First Nations continue to lobby the Government to ensure that sufficient funding is allocated for new members' needs and for the First Nations' Governments to be able to serve their citizens.

The Listuguj Mi'gmaq First Nation is a Canadian First Nations community with a registered population of 3152 members who are primarily from Mi'gmaq descendants in 2003. This number has increased since then with the passing of Bill C-3 *Equity in Indian Registration Act*, most of although it is impossible to assess or plan for the needs of the community because the Department of Aboriginal Affairs and Northern Development Canada (AANDC) has opened a Service Canada office to process applications, yet this information is not being regularly shared with Chief and Council so they are unable to project the future needs of its members.

Close to 1900 members currently reside on the reserve that was set aside by Canada in 1853, for the exclusive use of the majority of Mi'gmaq in this region. The remaining Mi'gmaq citizens live off the reserve in areas all across North America but who are able to participate and stay informed about their community through Newsletters, Social Media and by participating in local cultural and events that take place throughout the year.

The community works with other Mi'gmaq communities in the Gaspé region of Quebec and in northern New Brunswick. Together, their elected Chiefs advance ancestral claims to self-government and to the traditional territory called Gespe'gewa'gi ('Kespékewáki), the last land. Gespe'gewa'gi is the Mi'gmaq Nation that extends from the Miramichi River to the tip of the Gaspé Peninsula, a land area that extends beyond the current Quebec/New Brunswick border. Atlantic salmon and other fruits of the waters and forests, including the harvesting of lumber are major resources for the Mi'gmaq Peoples.

Listuguj Government representatives and associated communities' leaders continue to try to negotiate with the Government of Quebec over their access to traditional lands and resources.

The people of the Mi'gmaq First Nation have been strong advocates for First Nations generally by working to advance Aboriginal and Treaty rights for Indigenous Peoples for many decades.

Rather than gathering new comments for the NWAC Questionnaire, the Listuguj First Nations Government referred NWAC to writings that answer all the questions in a well articulated manner regarding the historical forms of governance, how the Mi'gmaq people view themselves within the world, and how they want to proceed regarding Nation-Building and Re-Building. These documents included information and excerpts from: *Negotiating Traditional Governance in Gespe'gewa'gi* (Part One and Part Two); *Mi'gmewey Politics*, and *The Treaty Relationship between Mi'gmaq of Gespe'gewa'gi and The British Crown and Its Implication for the Province of Quebec* (2009) as a reference on the topics that were discussed.

The history, background and views written by Dr. Fred Metallic and Amy Chamberlin have been summarized below as an attempt to provide a general overview into the complex structures of the Mi'gmaq Peoples.

This information is available to the general public and are not taken from confidential documents. The participants at the meeting clearly articulated that this session was merely a preliminary meeting on the topic and that First Nations Governments would need much more time and funding in order to be able to continue the discussion and to provide further feedback on the topic over the years to come.

History-Background - Summary of Writings by Dr. Fred Metallic

Creation has given us relations within our territory that serve as the foundation of our language, our families and our way of life. These are the values that form the foundation of all of our relationships within our traditional homelands of Gespe'gewa'gi. (Summary from the research report "Mi'gmewey Politics: Mi'gmaq Political Traditions (2002). The full report is at www.migmawei.ca.

For thousands of years, the Mi'gmaq have lived and used our territory, which is called Mi'gma'gi. How we view and understand the world has transformed over the millennia, however, our core beliefs have remained the same. We cannot talk about governance, nation-building or re-building, and/or citizenship without first beginning to discuss our worldview.

Our perspective is embedded in our language, our stories, our practices, and in all the relationships that are formed between one another, and between all creations of the land. Our Creation Story teaches us about our principles and about who we are, where we came from, and how we are to live with each other in Mi'gma'gi. The Mi'gmaq worldview is complex and can be best described as the process of how we inter-relate with the rest of creation.

Specifically, the Creation Story maps out the members of the first family upon creation which consist of the Sun, the Moon, Gluscap, the Grandmother, the Marten, the Nephew and Gluscap's Mother. These seven refer to all the necessary teachings that are required to live knowledgeably. They have guided the Mi'kmaq on how to live in harmony, in how to hunt and fish in a way that is conscientious of their life cycles, principled on respect and appreciation, along with the teachings and ceremonies required to properly harvest the medicines while not harming the earth.

The connection that the Mi'kmaq have maintained to the land has been central in our relationships, in how we organization ourselves and within our traditional governance structures. These teachings have also taught us that we are not above or below anyone else; that the plant and animal life are our relations and we are connected, and that all things are filled with Spirit. Through ceremonies we enhance our connection to Spirit, and our spirituality forms the foundation of our way of being. Our teachings promote peace and harmony, which guides all of our relationships in Mi'gma'gi. Our daily prayers, rituals and ceremonies were and in some instances, still are, a big part of our lives and how we are able to show our respect, gratitude, and honour for all the gift that are part of creation.

For instance, the pipe ceremony was conducted at the beginning and at the end of gatherings to help ensure that all those present would be helped by Spirit, Spirit guides and helpers, and by our ancestors so as to provide us with their knowledge and guidance while we deliberate at the Mawiomi (gathering/assembly). The pipe would help those gathered to draw upon the wisdom of their ancestors in their coming to a decision in an honourable and respectful manner.

Governance

The family was and still remains at the core of the Mi'gmaq worldview. Everything and everyone is connected through our complex and extensive kinship family system with the language as our foundation for sharing our knowledge and understanding of our relationships. The Mi'qmag language evolved from the world around us, and our extended family represents a collective knowledge about Mi'gma'gi and ours and its history.

The importance of naming allows us to understand how we relate with Spirit, spirituality within our family, our extended family, and within our extended family system. For example, a child would be named after much prayer and meditation, ceremonies and connection to the Spirit world to guide us in our choices for names for children so as to embody the child's identity and to provide the child with guidance and principles on how they must live their life.

This approach was also used in naming parts of the Mi'gmaq territory. Mi'gma'gi is comprised of seven districts within the territory. They are: Unamagi, Esge'gewa'gi, Sugupne'gati,

Gespugwitg, Signigtawa'gi, Epegwitg aq Pigwtug, and Gespe'gewa'gi. Our ancestors gave us these names of our territory to tell us about the history of our land. Some the names for these districts describe early events that occurred prior to the ice age and have been passed on from one generation to the next in our ancestral language. How we named each part of the territory, describes the rivers, the mountains, the plants, the animals, and the seven distinct districts of Mi'gma'gi provides us with an understanding of our ancestors' relationship with the land and with all creation.

Treaties as Sacred Covenants

Along with all the teachings of the first family came the teachings of the sacred agreements with all creation, which include the plants, the animals, the birds, and the fish, and all living beings. These treaties extended the Mi'gmaq family and rules were then established to govern our relationships with all of our brothers and sisters. It is with this fundamental and deep beliefs, spirit and intent that our treaty-making process came to be in the agreements that we entered into with the Europeans. Essentially, the Mi'gmaq believed that they would be adding to their existent family and creating extended family through these new relationships. In addition, by having pipe ceremonies to conclude the treaties further solidified the recognition and importance of these spiritual and sacred relationship building agreements. Like other Nations, the Mi'gmaq recorded their treaties, rituals and practices through wampum belts and strings.

Elders had the further responsibility of maintaining this information and informing their extended families of the commitments made by oral tradition. Through stories and teachings, Elders would teach others what they needed to know about their history, the territory and their relationships. An important component of treaty signing was to have a young Mi'gmaq present (it is not know if they were female or male), who would eventually be expected to have a leadership role in one of the districts of the nation. The youth received their instruction and education on treaty-making, wampum records and strings, procedures and protocols. (By having youth there this likely ensured that the information would be maintained for a longer period of time.)

The Mi'gmaq continued to live, using the districts of Mi'ma'gi, developing systems of law, governance, naming practices, protocols, traditions and ceremonies. This way of life has sustained thousands of years, and continues to be practiced in the territory and to guide the Mi'gmaq still today. The Mi'gmaq people continue to be committed to these values and principles when dealing with reconciliation and recognition. They consist of: Gepmite'taqan (Respect); Mi'watmg (Giving Thanks); Mi'waultimng (Honour); Gegnu'mimajultimng (Protocols and Ceremonies); Wo'gmatultimng (How we are all related); Pi'taqati'gw (Sharing); and Mawilsutaqati'gw (Responsibility).

The Treaty Relationship between Mi'gmaq of Gespe'gewa'gi and the British Crown and Its Implication for the Province of Quebec

The following summary is based on the Mi'gmawei Mawiomi Secretariat research report entitled, "*Ta'n Angugamgewei Gisa'tu'tip Mi'gmewaq Gepegewei Gpnnno'lewuti – The Treaty Relationship between Mi'gmaq of Gespe'gewa'gi and the British Crown and its Implementation for the province of Quebec*" (2009). The full treaty report is available online at www.migmawei.ca.

Over time the Mi'gmaq organized themselves politically around our national territory, the seven traditional districts of Mi'gma'gi. The Sante Mawiomi (the Mi'gmaq Grand Council) is the traditional governing body of the Mi'gmaq.

For thousands of years the Mi'gmaq occupied the territory of Mi'gma'gi. From our Oral Traditions and Teachings and we know that long before Europeans arrived on our land, we made alliances, treaties and agreements with one another and with other Indigenous nations.

Conclusion

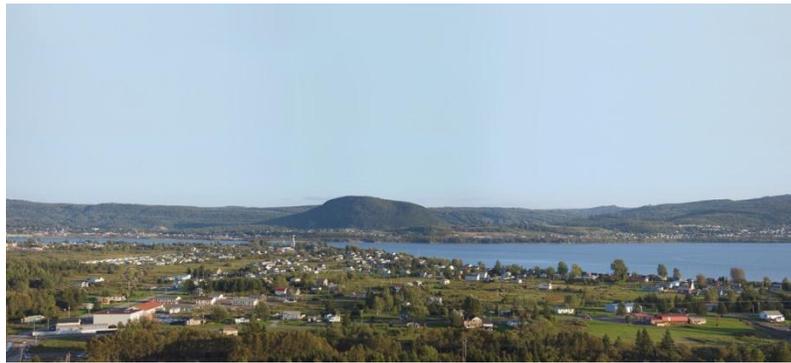
"The Mi'maq Nation entered into treaties with the British Crown. From smaller agreements of peace to formal treaty negotiations, each helped to build the relationship of peace and friendship, extending and strengthening family relations. Today the agreements and treaties signed two hundred years ago throughout Mi'gma'gi are valid and legally binding." (Excerpt from *The Treaty Relationship between Mi'gmaq of Gespe'gewa'gi and the British Crown and its Implementation for the province of Quebec* (2009) p.20)



Dr. Fred Metallic



The Listuguj Logo



The Listuguj Community and River

NWAC also participated in sessions put on by the Quebec Native Women (QNW) at the end November 2011 to further engage in the legal and policy discussion regarding identity and citizenship, which many believe is currently insufficient and defective. They conducted their own Questionnaire to obtain feedback on what the concepts of Aboriginal identity and citizenship mean to their membership, their own communities and Nations.

During the QNW sessions, many models of citizenship and membership were discussed such as the system in place in Kahnawake, which is restrictive in nature but which is intended to preserve the Mohawk culture and language and to discourage Mohawks from marrying "non-Indians"; the community-driven process that was developed by the Anishinabek Nation Law on Citizenship, which follows a "One-Parent Rule" tracing descendants to the Anishinabek First Nation through at least one parent; the Cree Naskapi James Bay and North Eastern Quebec Agreement, which aims to govern the relationship between the Cree, Naskapi and Inuit communities and the federal/provincial governments; and concepts of identity and citizenship at the international level within International Instruments such as the United Nations Declaration on the Rights of Indigenous Peoples.

NWAC also had a booth at the event and distributed 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. The President of NWAC participated in a panel on the topic, and the NWAC staff participated in group discussions, monitoring the Booth, and within the Plenary Sessions. Highlights of the messages heard from the women of Quebec on these issues, which were obtained through NWAC's participation in this event, is further reported on in their National Report.

