

**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 Saskatchewan Aboriginal Women Circle  
Corporation

Saskatoon, Saskatchewan  
October 22 & 23, 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 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.

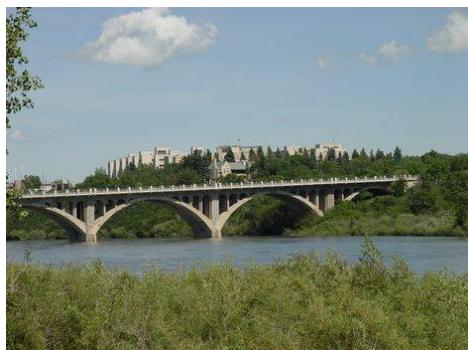
NWAC spoke about the need for a process that must include adequate funding for National Aboriginal Organizations in order to respond to the numerous requests, complaints, and emails that came in to the organization about the problems women are facing. The demands were many and quite regular from people 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.

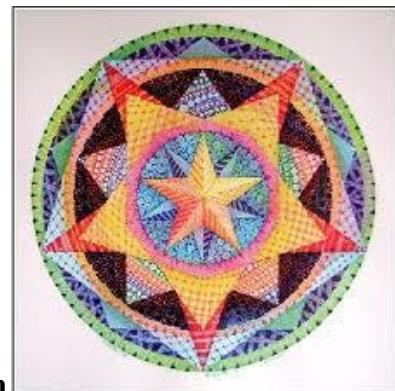
Many women referred specifically to the United Nations Declaration on the Rights of Indigenous Peoples as the standard for a principled framework for partnership between First Nations and the Government of Canada. The Declaration's principles of partnership and respect can guide this work.

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.



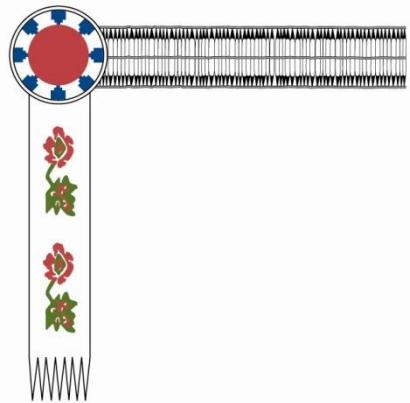
Saskatoon, Saskatchewan



Saskatchewan Aboriginal Women's Circle Corporation

## **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**

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

**Saskatchewan Aboriginal Women's Circle Corporation (SAWCC)**  
**Best Western**  
**Yellowknife, Saskatchewan**

**Saturday, October 22-23, 2011**

***Make Your Voice Be Heard!!***

**Agenda**

1. Opening Prayer by Elder
2. Opening Remarks by President of SAWCC
3. Introductions by NWAC and Participants
4. Presentation by Mary Eberts, Ariel F. Sallovs Chair in Human Rights at the College of Law, University of Saskatchewan
5. Presentation by the Native Women's Association of Canada – Citizenship and Nation-Building – Lunch will be provided.
6. Group Discussion
7. Questionnaires Completed and Report Back from Participants to the Group
8. Wrap-Up and Closing Prayer

## **Meeting Highlights**

The President of the Saskatchewan Aboriginal Women's Circle Corporation (SAWCC), Judy Hughes, began the meeting by thanking everyone for coming to and event on their time off, as volunteers, to participate in discussions on these important issues relating to Nation-Building and citizenship.

She also acknowledged and thanked the Elders, Alice-Regina from Red Feather First Nation and Sylvia Popowich, the Elder for SAWCC for the South for helping us through the discussions.

Ms. Hughes then acknowledged and thanked the President of the Native Women's Association of Canada (NWAC), Ms. Jeannette Corbiere Lavell for taking the time to come to Saskatoon to participate in these meetings and to speak as a panelist over the weekend. She then thanked and acknowledged the hard work of her staff, Board Members, Delegates, Youth, Elders and Community women and the many volunteers, along with the NWAC staff, for helping to organize and put together these meetings.

Ms. Hughes then turned the meeting over to the Elder to do an Opening Prayer to start the meeting off in a good way, bringing everyone together for a common purpose. There were more than 40 participants present, that were women and three were men. Several women had their children with them as well, listening to the discussions.

There were participants who were Ojibway, Cree, Métis, Mohawk, Mi'gmaq, Non-Status coming from many communities across Saskatchewan such as Red Pheasant First Nation, Ile la Crosse, Beauval, Yorkton, Mistawasis First Nation, Ministikwan First Nation, and Kahkewistahaw First Nation, etc.

The MC, Sandra Millar, then did an overview of the agenda and opened the meeting by introducing herself. She then asked the NWAC representative to do her presentation.

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 Judy Hughes, President of SAWCC for helping to get the information out to the community members in advance of the meeting and for helping to coordinate all the details so that the women could attend the session. Then she acknowledged and thanked the Elders for their prayers and important participation in the process.

She did an overview of the history of Indian Registration and relevant case law, why NWAC was there to discuss this initiative, and discussed ways on how we can move from the *Indian Act* to reclaiming our Nations that are being undertaken by other Nations across the country.

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 also provided materials with hard copies of materials from all of the Directorates at NWAC.

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 often encounter delays with either their Band Registration or have experienced delays with the Manitoba Office created to process the new Bill C-3 applications.

The group discussed the point that women need to build networks of supports amongst ourselves so that everyone can have access to materials. We are not competitors but supports, helping one another. It is important to help another and not to compete with each other. We can help others reach their goals and this will inevitably advance all of our goals.

NWAC staff committed to staying after the meeting to answer specific questions regarding registration so as not to take up time from the group about individual questions about how to fill out the forms, etc. but invited general questions throughout the meeting.

The group discussed the United Nations Declaration of Indigenous Rights the (UN-DRIP) as a document that refers to a minimum standard of rights for Indigenous peoples. It is important to note that Canada views this as an "aspirational" document rather than law, however, Indigenous Peoples view it as binding on all parties.

There was some discussion regarding Bill S-2, the Bill on Matrimonial Real Property as it is applied to Reserves and how this Government is trying to push things through Parliament without adequate input from First Nations. The Group discussed problems

with the Bill and has there is no training available for the Chief and Council, who must enforce the Bill, nor are there additional family supports or shelters in place.

There was also discussion regarding the amount of lawyers that the Government of Canada has on staff both in Ottawa and in the provinces and territories to oppose Aboriginal Peoples and how if the Government were signing on to the UNDRIP then why are they opposing our rights in practice within our territories.

The Participants spoke about the importance of Non-Government Aboriginal Organizations to participate at the United Nations to continue to hold the Government of Canada accountable domestically within Canada.

The Participants spoke about the problems with the "Double Mother Rule" as being too exclusive of our members, that Bill C-3 does not address equality before the law for women like Sharon McIvor who still does not have the same status as her brother, and the unending challenges with the Departmental policies such as the Unstated Paternity policy and the right of the Indian Registrar to decide on a case by case basis, where there is no Departmental policy in place.

Participants spoke about the need for our women to have a role in the economy, and that we need to access training and skills development from investments into Aboriginal Economic Development as a way of establishing financial security.

The women spoke about how our youth could potentially replace the Baby Boomer retirees, especially since they are the fastest growing population in Canada.

While lunch was being served, the NWAC Facilitator turned the meeting over to Mary Eberts, Ariel F. Sallows Chair in Human Rights at the College of Law, University of Saskatchewan to do a short presentation regarding a conference that she will be putting on in Saskatoon in March 2012.

Mary Eberts is known around the world for her groundbreaking work on behalf of women's equality, Aboriginal rights, and the Charter. She received her BA and LL.B. from the University of Western Ontario, and her LL.M. from the Harvard Law School. She was called to the bar of Ontario in 1974. From 1974 to 1980, she taught at the Faculty of Law, University of Toronto, leaving there to join the litigation department at Torys, where she became a partner in January 1984. In 1994, she established a small specialized litigation boutique firm in Toronto, from which she engaged in equality litigation across Canada. In 2004-2005, she held the Gordon Henderson Chair in Human Rights at the University of Ottawa. In January 2010, she took up an appointment to the

Ariel F. Sallows Chair in Human Rights at the College of Law, University of Saskatchewan.

In 1980, Ms. Eberts was retained by the Canadian Advisory Council on the Status of Women to provide advice on the draft *Canadian Charter of Rights and Freedoms*, and became deeply involved in the improvement of the *Charter's* guarantees of equality. She acted for the Ad Hoc Committee of Canadian Women on the Constitution with respect to the Meech Lake Accord and the Succession Reference, and for the Native Women's Association of Canada (NWAC) with respect to the Charlottetown Accord. She is a co-founder of the Women's Legal Education and Action Fund (LEAF), the first chair of its National Legal Committee, and acted as counsel in some of its early cases. She has been litigation counsel for NWAC since 1991. She has appeared in the Supreme Court of Canada, for LEAF and other equality-seeking clients, in many of the major equality cases since the coming into force of section 15. Notable constitutional cases where Ms. Eberts has appeared as counsel include:

- *Charkaoui v. Canada*, [2007] 1 SCR 350
- *Wynberg v. Ontario* (2006), 82 O.R. (3d) 561 (C.A.)
- *Mack v. Canada (Attorney General)* (2002), 60 O.R. (3d) (C.A.)
- *Lovelace v. Ontario*, [2000] 1 SCR 950
- *Corbière v. Canada (Minister of Indian and Northern Affairs)*, [1999] 2 S.C.R. 203
- *Reference re Secession of Quebec*, [1998] 2 SCR 217
- *Native Women's Assn. of Canada v. Canada*, [1994] 3 SCR 627
- *Thibaudeau v. The Queen*, [1995] 2 SCR 627
- *Sykes v. Canada* [1993] 4 SCR 695
- *Canadian Council of Churches v. Canada (Minister of Employment and Immigration)*, [1992] 1 SCR 236
- *Schachter v. Canada*, [1992] 2 SCR 679
- *McKinney v. University of Guelph*, [1990] 3 SCR 229
- *Borowski v. Canada (Attorney General)*, [1989] 1 SCR 342
- *Andrews v. Law Society of British Columbia*, [1989] 1 SCR 143

Ms. Eberts is a huge supporter of Aboriginal women's rights, and the group was happy to have had her attend the session.

Discussion took place regarding the limitations that still exist within Indian Registration and asked that NWAC continue to lobby the Government to continue to address them. The Group worked through the Questionnaire together and the next section of the Report has the overview of their responses.

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. (NWAC staff sent materials in advance to their Provincial Member Association - SAWCC 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 have been directed to the NWAC website to fill out the survey and return them to reclaimingournations@nwac.ca.

NWAC also had a booth at the SAWCC Annual General Meeting and were available to answer any questions that the participants had and stayed late both the Friday and Saturday night October 22 and 23, 2011, to meet with women individually regarding their concerns relating to Indian Registration, membership, 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.

The President of the Saskatchewan Aboriginal Women's Circle Corporation made closing remarks and invited the women to stay in touch throughout the year so that they can keep informed of all issues impacting on them and their communities both on and off reserves.

The Elder Sylvia Popowich did the Closing Prayer, thanked everyone for their participation, acknowledge both the President of SAWCC and the President of NWAC, the women, youth and Elders for their input and wished us all a safe journey home to our families.

## **Questionnaire Answers**

### **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?**

- Elders are the central keepers of knowledge and wisdom, language and culture. All leadership have to be the carriers of their First Nation concerns and implement the voice conveyed by the grassroots.
- We need both youth and Elders to change our future. The Helper's - women need to protect these two groups.
- Return to our traditional ways of looking for solutions.
- We need to work together for the next 7 generations to come.
- Important to build relationships.
- Women have been silent for too long and have been influenced by historical practices that discount the roles of women.
- Women did lots of work in economic development with quill work and crafts.
- The church has influenced a lot of women to be silent.
- The main thing is to work with the youth so that they know about the Treaties and how to work with the government. Youth are our future. Women are the backbone of our families and take care of the families.
- As families we have had some troubles with our children making bad choices.
- Our grandchildren are important. We have to make sure they don't succumb to peer pressure.
- Spirituality is important and we can do both Christian and Traditional.
- We have to look at the basic values of tradition and the church.
- We have to look after our children and to speak up when in public gatherings. To be respectful at wakes and public gatherings
- Respect and forgiveness are the most important places to start rebuilding.
- We need to appreciate each person's strength and not to be envious or competitive with each other. We cannot be jealous or angry at someone's strengths.
- When young women move to the city area life becomes fast and they often become scared. They need someplace safe to go to and someone who will listen and not judge.
- We need to appreciate our youth.

- The main challenge is that Indigenous women are afraid to speak up
- We have been given the title of “weaker vessel” and we need to change that perception.
- Women are the centre of their homes. They are the caregivers and caretakers and decision-makers. We must be the role model so that we can help our children to be agents for change.

**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?**

- Teaching youth and children about the Treaties.
- It is important to know the history of who we are and how the ancestors signed the Treaties and all that it entails. We should know our family history and the story of our Indian name. It is important to know the family history and what our names mean.
- We need to write down our family and community history to create pride and ownership.
- Learn our songs and translate them into an indigenous languages.
- Need to change the justice process when dealing with our youth who may be in trouble.
- Review the family history with our children.
- Anyone who comes into conflict with the justice system should use these methods. (Gladue Principle) Jail is not the answer we need more programs and services.
- Decisions must be community driven.
- More meetings on critical issues.

**Outcomes:**

- Youth need to learn how to work and stay clean and sober.
- Delancey Foundation to access grants for programs.
- Create women council fires to oversee justice and equity issues.
- Women need to write up a wills & take care of their estates.
- Create appeal or grievance process.

**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?**

- practice values
- ensure principles

- need to recognize traditional roles within our family systems
- within each clan each gender have various responsibilities built in

**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?**

- Return to project based learning and set goals and objectives
- If you are going to do something then keep your word.
- If we get off brain storming then we need to give feed back to get back on- track.
- Work with multiple partners to assess how to make the change
- There would be less crime.
- Money is not the answer
- Self-discipline Is necessary

**Family Values:**

- Respect
- Support
- Truth
- Work
- Unity

**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?**

- grandparents need to learn to be family mediators
- in the past chiefs were the voice of reason; they were not the decision makers
- we talked about the roles of grandparents as the peace makers
- it is important to teach roles of the family members. Women, Men, Elders, Youth.

**Rights and Responsibilities of parents:**

- It is hard for the youth to be more respectful if the parental role model is not good. Respect needs to be earned.
- If we have a clear mind and clear spirit then we can be balanced.
- In the past fathers taught their sons to provide for their family.

- In the past mothers taught their daughters how to provide for the family.

**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?**

- We need to uses ceremonies, 7 Teachings, Storytelling, participate in Lodges to help people connect with their identity.
- We need to have good leaders. What makes a good leader? People who can:
  - How to care for the community
  - Learn to have a self-restraining attitude
  - Deep respect for the men, women, youth
  - Teach respect for the environment, family, children, home, community, water, land, Home, cleanliness
  - To know the history of our family and be able to transfer that meaning to our children
  - knowing the Cree/Ojibwa meaning of our names
  - Knowing our language and knowing our stories.

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

- We need investor's from the Private Sector to assist with Special Projects.
- We need to resolve the federal/provincial/territorial jurisdictional problems with programs and services.

Please fill out the Questionnaire and submit your responses and any other comments that you may have regarding Nation-building and citizenship to [reclaimingournations@nwac.ca](mailto:reclaimingournations@nwac.ca) so that your voices can be heard. Thank you for your input; it will be included into a final report and posted on our website at [www.nwac.ca](http://www.nwac.ca).