

**KAHNAWÀ:KE MEMBERSHIP LAW
FIRST HEARING
Karonhianonhnha School
14, Onerahtókha/April 2015
6:00 PM– 8:30 PM**

RECORD OF DISCUSSION

FACILITATORS:

Leslie Beauvais-Skye (KLCC Interim Coordinator)
Ron Skye (Group 1)
Joe Delaronde (Group 2)
Paul Nicholas, Co-Facilitator

RESOURCE PEOPLE:

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

RECORDERS:

Kim Beauvais
Caroline McComber

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
PREAMBLE, TITLE, PURPOSE, JURISDICTION, & DEFINITIONS**
- Rose-Ann Morris

Question 1: Do the CDMP participants support the proposed amendments reviewed and discussed section by section?

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

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

Group 1

Facilitator: Ron Skye
Resource Person: Rose-Ann Morris
Group Speaker: Jessica Oesterreich
Recorder: Kim Beauvais

Q: Does the group support the KML amendments proposed or as discussed section by section?

PREAMBLE

DISCUSSION:

- Why was reference to the Great Law taken out of the preamble if the MCK was given the mandate to return to traditional government? It was felt that the reference to the Great Law should remain.
- Canadian Government – MCK law – should have no Great Law wording.
- If we are going to use the terminology of the Great Law, then there should be discussion with the Grand Council and the other Nations therein.

- Reference to the term aboriginal should be taken out – suggestions to use Kanien'kehá:ka or First Nations. Can it be put in quotation marks with a footnote indicating that it is in reference to the Canadian Constitution definition?
- Kahnawà:ke was originally a Christian community.

- Comment that people feel that they are being 'forced' to make a decision on something they don't understand. Rosanne explains the preamble

- In the fourth (4th) paragraph, take out "as part of" and reword to 'given'.

Given our inherent and Aboriginal right of self-government, we have the right to govern ourselves in relation to matters that are integral to our unique culture, identity traditions, languages and institutions and with respect to our connection to our people, land and resources.

OUTCOME:

CONSENSUS REACHED

Consensus was reached within the group to leave reference to The Great Law out of the document.

Consensus on term aboriginal in Preamble: The word Aboriginal is found in the Canadian Constitution. As such the word “Aboriginal” will remain in the Preamble but a footnote notation will be inserted that it is in reference to the Constitution of Canada.

Consensus reached on: In the fourth (4th) paragraph, take out “as part of” and reword to “Given”.

NOTE: Two community members objected and felt that the Great Law should be inserted into the document. However, consensus of Group 1 was to not make reference to it.

PARKING LOT ITEMS:

Community Member raised issue of membership vs citizenship. This was explained as MCK following Federal Government rules and laws and not those of the Confederacy. The Group identified that it was an issue that needed further discussion but was not relevant to the current discussion. It may be brought forward as a Kahnawà:ke Constitution or Charter initiative.

FINAL CONSENSUS REACHED:

After sending the changes to group 2 Consensus was reached within the group to leave reference to The Great Law out of the document.

Consensus on term aboriginal: putting a footnote indicating that it is in reference to the Constitution of Canada as indicated above. A footnote will be entered into the Preamble indicating that the word “Aboriginal” is a Canadian Constitution word and not one that is used by Kahnawa’kehrónon.

Consensus reached on: In the fourth (4th) paragraph, take out “as part of” and reword to ‘Given’.

All above areas were agreed to by group 2.

TITLE (omission of the term 'membership' in title and throughout)

DISCUSSION:

- Why not just change it to Kahnawa'kehró:non? There are some people who are Kahnawa'kehró:non but would not meet the criteria within this law.
- Kahnawa'kehró:non means you are a resident of Kahnawà:ke. Kanien'kehá:ka is the right word!

OUTCOME:

CONSENSUS REACHED

Consensus reached on: The title of this Law is the Kanien'kehá:ka of Kahnawà:ke Law.

Group 2 agreed.

PURPOSE

DISCUSSION:

- Some questions around section 2.2 (c) concerning the definition of “Approved Kahnawà:ke Residents”
- The ‘purpose’ sets out the criteria to further develop what a definition of an “Approved Kahnawà:ke Resident” would be and its definition. This will be discussed when that section is reviewed.

OUTCOME:

Agreement to maintain wording as is.

CONSENSUS REACHED:

Consensus reached on Section 2 “Purpose” as presented in the draft.

Group 2 agreed, therefore consensus was reached on all topics addressed.

Group 2

Facilitator: Joe Delaronde
Resource Person: Shari Lahache, Arlene Beauvais
Group Speaker: Heather Jacobs-Whyte
Recorder: Caroline McComber

Q: Does the group support the KML amendments proposed or as discussed section by section?

Joe Delaronde 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 question and order of topics for discussion.

PREAMBLE

DISCUSSION:

➤ **Specifically what Treaties is the Preamble making reference to?**

Joe Delaronde offered that there are none specific as the Preamble reflects in general the overall Treaties that had been previously entered in to.

➤ **What is the Preamble based on? Should it be based on the Constitution and/or the Elders Statement of 1999? Why is there the exclusion of the term Fundamental Human Rights?**

Rose-Ann Morris (Membership Registrar) briefed the group explaining that the Preamble was condensed similar to the Kahnawà:ke Family Homes and Matrimonial Interests Law to provide consistency for any future legislation. In essence the Preamble may become standardized for all new Laws.

➤ **Concern was expressed that the Great Law was excluded from the revised Preamble**

One group member expressed that they believe that the fourth (4) paragraph **“integral to our unique culture, identity, traditions, languages and institutions”** encompasses as well as identifies the “Great Law” in other words.

➤ **Expressed was that the Preamble should include the Clan System – strengthening the Clans for the future.**

Joe Delaronde reiterated that this hearing is structured to discuss the current amendments to the Law only. Joe offered that the inclusion of a Clan System may be revisited in the future

and that any community member at any time is well within their right to recommend future amendment(s) to the Law.

- **Further one group member expressed that they were not in favor of the new Preamble with the preference that it remain as originally written. In addition conveying that amongst this group that there are many group members who are traditionalists that will not come forward in protest/objection to the new Preamble as currently written.**

Joe offered that this hearing is an open forum for all to voice their position encouraging that without your voice there can be no change.

- **Further recommended for the new Preamble is to revise the fourth (4) paragraph to read “Given our inherent and...” in place of “As part of...”**

Group II fully agreed to the proposed revision to the Preamble.

CONSENSUS REACHED:

Group II reached **consensus** to accept the new Preamble with opposition from two (2) group members. In conclusion, the group was satisfied with the answers to their inquiries along with the acceptance of the viewpoints (translations) from their fellow group members for all the above areas of concerns along with the revision to the Preamble (**paragraph four**).

TITLE

DISCUSSION:

- **How will the community differentiate the Law newly titled as Kanien'kehá:ka of Kahnawà:ke as the Membership Law where the term "Membership" is removed from the new title?**

Chief Kahsennenhawe Sky-Deer provided that removal of the terminology "Membership" was essential due to the Federal Band List using that exact term which is Indian Act terminology. The Drafting Team proposed that instead of stating that individuals are "members" of the Kanien'kehá:ka of Kahnawà:ke, the terminology be that they are "**recognized**" as a Kanien'kehá:ka of Kahnawà:ke. The change in terminology is what necessitates the new proposed title.

- **Expressed by one group member is the new title better reflects who are as Kanien'kehá:ka of Kahnawà:ke with another member offering that the distinction of the Law and its new title would be clearly referenced within the Law's definitions.**

CONSENSUS REACHED:

Group II reached **consensus** to accept the new title of **Kanien'kehá:ka of Kahnawà:ke** with opposition from two (2) group members.

PURPOSE

DISCUSSION:

- **Recommended was that the last sentence of §2.2 (b) be removed as it appears repetitive**

After further deliberation, the group members agreed that both (a) and (b) of §2.2 should remain as currently written,

- a) identifying those persons who are recognized as Kanien'kehá:ka of Kahnawà:ke and establishing the entitlements and responsibilities associated with recognition,
 - b) determining the recognition of persons who are entitled to apply for recognition as a Kanien'kehá:ka of Kahnawà:ke and to establish the entitlements and responsibilities associated with recognition,
- **Addressed by the group was the issue in keeping “Residents” as stated in (c) separate from this Law because of the newly proposed Residency Legislation as this may complicate interpretation between the two.**
- c) determining those persons who are Approved Kahnawà:ke Residents and establish their privileges and obligations, and

Joe Delaronde offered that this may need to be amended in the future dependent on the outcome of the proposed Residency Legislation.

CONSENSUS REACHED:

Group II reached consensus to accept the Law's amended Purpose.