



Proposal to the Wahta People:

**Community Engagement
and
Citizenship Code Development**

Proposal
The Whata People: Citizenship and Community Engagement

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Resumes enclosed (3). References available upon request.

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I. INTRODUCTION AND OVERVIEW

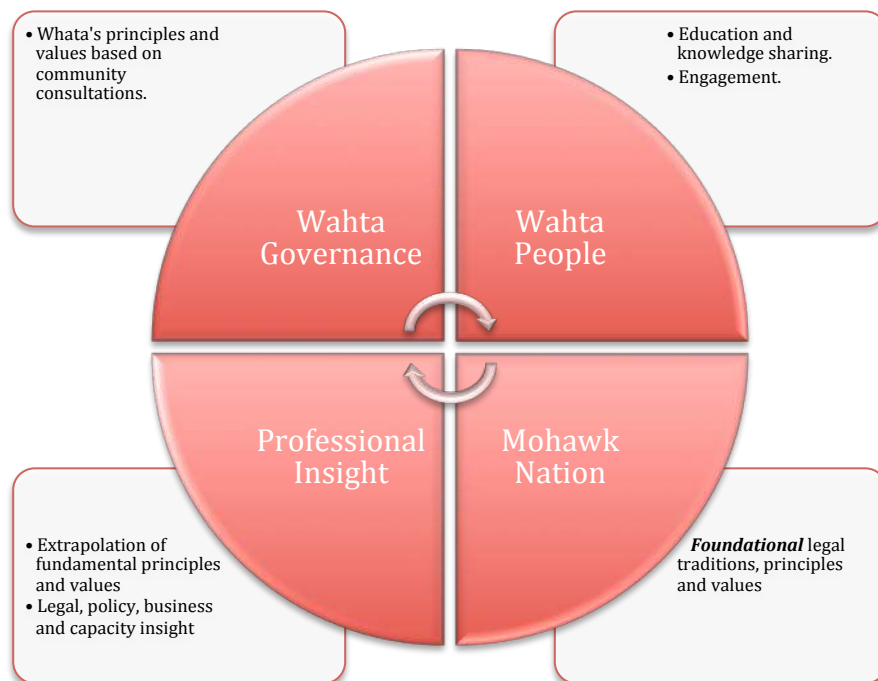
This is a proposal tendered by Waneek Horn-Miller, Dr. Kahente Horn-Miller and Alisa Lombard L.L.L, JD to design and implement a community focused and driven engagement and education process on citizenship and support the Wahta Mohawk Nation in its development of a new Citizenship code. The code will be brought to the community for a vote through a referendum process.

The design proposed project methodology is driven at the base by the knowledge of the community in close consultation with the Whata Mohawk Nation governing body and its other governing structures with moral authority.

The fundamental values extrapolated from community consultations is infused with our professional knowledge and presented to Whata and the community for feedback. The community values and principles pertaining to citizenship distilled from the community consultation process will reflect a sound and accurate expression of the community's values which will guide the framework for development of the Wahta Mohawk Nation Citizenship Code.

II. METHODOLOGY

Figure A: *Cooperative, engaged and principled relation based model*



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Our methodology is simple and effective.

(1) The first phase will focus on consultation with the Wahta Nation governing body and identified key stakeholders to identify key documentation and materials for review and topics for community education.

(2) In the second phase, we will develop an education and communication strategy to ensure all stakeholders have the same access and understanding to knowledge on the history, laws, customs and future nation building implications related to Wahta identity and citizenship.

(3) The third phase will focus on repeated, targeted and meaningful community engagement opportunities through various channels to identify core principles that will guide the development of the Wahta Nation Citizenship Code.

(4) The fourth phase will focus on the consolidation, review and report on phases 1-3 above of the project. Each phase will be scrutinized, vetted and approved by the community in a meaningful way. It is through this iterative process that we will be able to co-develop a Wahta Nation Citizenship Code that reflects the traditions and future aspirations of the Whata people and their unique and complex relationships with each other, other Okwehonweh peoples, the Whata and external parties and the element that unites us all, the land.

(5) The fifth and final phase of this project will be the presentation of the Draft Wahta Nation Citizenship Code to the community for their review prior to the community referendum.

III. GENERAL APPROACH

1) Preliminary Consultation / Research

Securing the Knowledge Base, is ensuring the base of knowledge must be secured and space created to allow knowledge to flow freely among and between all affected people and collectivities of people situated in the methodological circle depicted in *Figure A*.

A preliminary consultation and research schedule will be defined after meeting with the Wahta Nation governing body and identified key stakeholders to develop a list of research materials, documents for review and topics for community education. These documents will include materials that describe legal principles relating to citizenship, nationhood, jurisdiction and self-government. A series of seminal cases establish a complex western legal framework in which citizenship under the Indian Act and the Constitution exists.

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Daniels v Canada (Indian Affairs and Northern Development), 2016 SCC 12 recently clarified jurisdictional disputes over Métis and non-status Indians. In the result, Métis and non-status Indians are now firmly within federal jurisdiction. This bears no immediate impact upon membership in a Band as section 6 of the Indian Act and Citizenship codes are untouched. In the bigger picture, perhaps, *Daniels* may offer opportunities for Indian Act Bands to expand their membership on the basis of principles of inclusion. Such principles do not emanate from the *Daniels* decision, but may find contemporary support within it.

Successive legislative initiatives resulting from international (*Re Lovelace*) and domestic (*Mclvor v Canada*) actions have amended the gender discrimination layers of section 6 of the *Indian Act*. None, however, have examined whether section 6 (the legislation's determination of who is and who is not an Indian for the purposes of the Indian Act) is itself reconcilable with the principles and rights contained in section 35 of the constitution, namely, the inherent right to self-government.

Some may contend that the inherent right to self-government clearly contains a right to determine one's own citizens and members, a proposition that the awkwardly instrumented *Indian Act* seemingly endorses with its option of adopting a Citizenship Code.

There is much to information to relay, both historically and legally, with respect to the original intentions of the *Indian Act* where citizenship is concerned. In a desire to move away from blood-quantum formulas and the prescriptive terms of the *Indian Act*, a foundational realization that other features, inherent to the Nation as a governance structure with its proper values, must guide belonging, is inevitable.

2) Community Education

In order for the community members to make an informed opinion on citizenship, it has been identified that there is a need for a two- fold approach for community consultation. First, there must be community education on specific topics related to and impacting citizenship.

Community education topic list will be finalized following preliminary consultation with the community, the Wahta Nation Governing Body, Legal and Sociological / Anthropological and Cultural Experts.

Suggested Topics Include:

- Indian Act Overview
- Membership Laws and the Indian Act
- Adoption (all forms, customary, western, Kaienerekowa)
- Indian Act and Indigenous women
- History of People at Wahta, how they came be there
- Membership vs Citizenship
- Other Indigenous Nations Examples of Citizenship codes
- What is Blood Quantum and what does it mean?

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- Legal / Legislative Topics Effecting Citizenship
- Section 6 of the Indian Act, Status (legislative and legal history)
- Blood quantum (origins)
- Collective survival and nation building (Section 35 of the Constitution Act, Schedule B 1982)

To ensure that there is inclusive participation of community members both on and off the territory, the education sessions will be facilitated in person and via the internet through the town hall software: <https://blab.im>

3) Community Consultation:

We will have continuous consultations throughout the process. The idea that sharing is medicine is a guiding principle. Anyone and everyone who wishes to contribute shall be heard.

Canadian courts have indicated that consultation must emanate from the community or at least have community support. We propose to take the process right to the community, through a tailored process that reaches out to key people and provides ample means and times to participate in whichever manner is most conducive to obtaining results.

The project consultation process will consist of targeted focus group feedback sessions, online surveys and one on one discussion with key community stakeholders. These sessions will serve in understanding what the community views as the important issues concerning citizenship and the development of a cohesive community identity in present day and into the future.

a. Focus Groups:

During the consultation process it is the intention of the consultants to ensure an environment of respect, openness and honesty that will foster the most honest data and opinion collection possible. It has been the experience of the Consultants that a large open forum for discussion on the topic of Wahta Citizenship could prove to be extremely emotional and unintentionally counterproductive to our goals.

Due to the highly sensitive and emotional nature of the issue of Citizenship, we will take a Focus Group approach to opinion and data collection. These smaller groups will facilitate a more comfortable and safe environment for community members to share their opinions on the topic. There will also be one-on-one sessions for identified community stakeholders to share their opinions.

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The consultants will facilitate focus groups that will include but not be limited to:

- Youth
- Men
- Women
- Elders
- Non-member Spouses

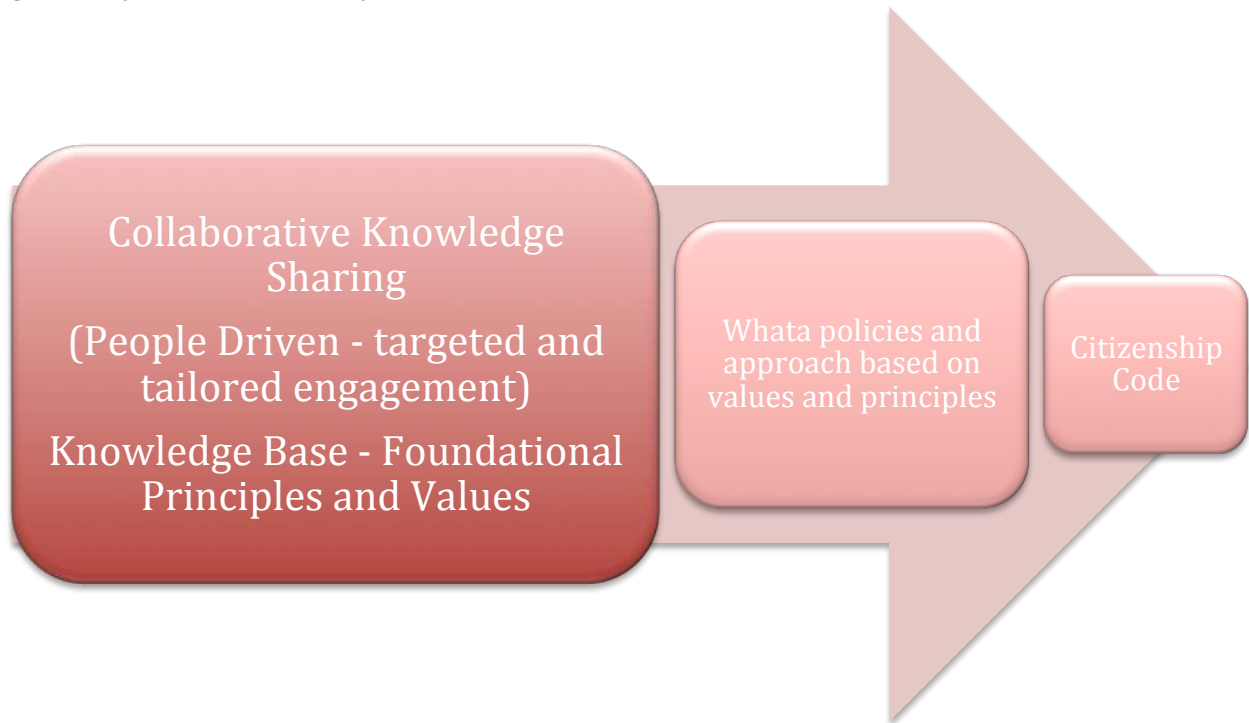
b. Online Survey

It has been identified there are approximately 600 Wahta community members whom do not live directly in the community. It is important to engage these community members in the highly important process of creating a Wahta Nation Citizenship Code in the most meaningful way possible. To achieve this we will develop an online survey as well as provide an email address, and Skype address for those who wish to participate but cannot due to distance or other circumstances.

In conjunction with the review of key legal and historical documentation, the community consultation will identify the guiding principles on which the values, and traditions that will direct the development of the new Wahta Nation Citizenship Code. Those principles will be high-level and general in nature, identifying key principles of governance steeped in Okwehonweh law and community values. As this important foundational work is done, we will take into account the ways in which Whata seeks to interact with other Mohawk communities and governance structures, the province, the federal government and proponents, and its overarching vision for, its economy, and the future of its People. Once these principles are identified, they may be used as guiding principals for a variety of purposes beyond the focus of the present project.

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Figure B: Information Generated from Consultation Sessions



4) Review / Summarize / feedback

The project team will review all data collected during the document review, community education, and community consultations to distill the guiding principles and values that will guide the creation of a new Wahta Nation Citizenship Code. This information will be presented back to the Wahta Nation governing body and the community. This will be a highly iterative process. We will engage with community stakeholders and the community at least once on the team's expression of its understanding of the guiding principles, requesting feedback, revision and additions. Further refinement of the guiding principles and process will emerge from these subsequent sessions.

5) Writing: Drafting of the Wahta Nation Citizenship Code

Once the guiding principles have been refined and established to the satisfaction of the People and Wahta Nation Governing body, the project team along with the dedicated Wahta Nation governing officers, will draft the New Wahta Nation Citizenship Code. The new Citizenship code will be made available for community review one month prior to the referendum process.

6) Reporting

At every stage of the project, we will seek the guidance and input of the Wahta Nation governing body. This includes on both inputs (our presentations to the community and identification of key stakeholders) as well as outputs (guiding

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principles and details of the consultation process or protocol). We will have open and honest lines of communication with the Wahta Nation Governing body members throughout the project, and will report our progress at regular intervals.

IV. DELIVERABLES

Each of the Deliverables will be fulfilled as follows:

- 1) Educational materials to support educational session on topics
- 2) Statement of principles and values: This will be developed following the community consultations, and will be presented to the community for refinement until satisfied that it accurately reflects community values and principles.
- 3) Guiding questions for focus groups, survey and stakeholder interviews
- 4) Summarized report of data collected during the community consultation process
- 5) New Wahta Nation Citizenship Code
- 6) Final project report

VI. WORKPLAN

Proposed Project Timeline:

April 30, 2016

- Presentation of project outline to the community
- Conduct preliminary feedback session

May 1, 2016 – June 30, 2016

- Documentation Review
 - Document bibliography developed following consultation with Wahta Nation Governing Body
- Consultation with Wahta Nation Governing Body
- Identify key stakeholders
- Identify project timeline
- Development of Community Engagement and Education Strategy
- Coordinate with band administration to publicize the first community session, which will clarify the goals of the project and ensure an even foundation of knowledge is in place for all community members to

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effectively contribute to identifying the guiding principles and details of a community consultation process.

- Develop a knowledge tool for presentation to the community, laying out citizenship as developed by Canadian courts and other communities.
- Community knowledge sharing topic list will be finalized following consultation with Wahta Nation Governing Body, Legal and Sociological / Anthropological and Cultural Experts
- Review draft with the Band Council and key members of community to ensure its effectiveness.
- Adjust overview per feedback.
- Remain available via Skype and email for any follow-up questions

July 1, 2016 – August 19th, 2016

- Community Education
 - Topic List will be finalized following Consultation with Wahta Nation Governing Body, Legal and Sociological / Anthropological and Cultural Experts
 - Education Sessions will be done facilitated in person and via the internet through the town hall software : <https://blab.im> or by Skype

August 20-September 30, 2016

- Develop guiding questions for focus groups and survey
- Coordinate with band administration to publicize focus groups and register participation
- Facilitate 4 focus Groups and targeted stakeholder interviews
 - Work with the Band Council and other contacts to identify key stakeholders to contact directly, to arrange consultations in the manner most appropriate to them
- Meet with the Wahta Governing Body officers to solicit their input.
- Also offer anonymous hotline for input, Skype and email

September 30, 2016 – November 15, 2016

- Review of Findings and Community Presentation
 - Present a synopsis of the data collected input from community consultation sessions, surveys and stakeholder interviews

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- Review existing policies to assess impact of draft principles and protocol, and highlight significant changes that should be brought to the attention of the community in the community presentation.
- Coordinate with Wahta Nation governing body to publicize the third community session, at which the findings will be presented for community feedback.
- Conduct large community session, small group sessions and interviews presenting the draft principles and protocols, incidental changes to existing policies, and capacity needs
- If needed, schedule follow-up one-on-one interviews and small group sessions with previously identified stakeholders to review findings.
- Post findings online and invite community input by phone and email
- Meet with the Wahta Nation Governing body to solicit their input.
- Revise based on feedback, adjusting needs assessment and policy review accordingly.
- Conduct additional consultation as required

November 16-January 15, 2016

- Draft New Wahta Nation Citizenship Code
 - Finalize guiding principles based on community consultations and Wahta Nation Governing Body input
 - Draft new Wahta Nation Citizenship Code
 - Review any needed changes to internal policies as required
 - Present final documents to Band Council and make final edits

January 16, 2017- February 15, 2017

- Community review of New Wahta Nation Citizenship Law
 - Present new Wahta Nation Citizenship Code back the community of Wahta, online and via mail one month prior to referendum
- Community Referendum
 - Date of Referendum on new Wahta Nation Citizenship Code to be determined by the Wahta Nation Governing body

February 16-March 30, 2017

- Final Project Report will be presented to the Wahta Nation Governing Body

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VII. EXPERIENCE

Together, our team has over 30 years experience in a variety of legal, cultural, and facilitation fields. Our CVs are attached and provide a comprehensive overview of our experience. Items that we would like to highlight include:

- Facilitation and Community Engagement
- Indigenous citizenship and governance experience
- Historical and Cultural knowledge Experience
- Legal expertise
- Networks
- Indigenous research methodologies

The Project Team Includes:

Waneek Horn-Miller (Project Lead)

Dr. Kahente Horn-Miller (PhD)(Historical and Cultural)

Alisa Lombard LL.L. JD(Legal and Policy)

Karonhiemhawe Linda Delormier (Focus Group Facilitation and Cultural)

Dr. Alex McComber (Focus Group Facilitation and Cultural)

VIII. BUDGET TIMELINE

Task	Resource (s)	Level of Effort (Days)	Completed By	Cost
Document Review and Materials Development				
Review of Documentation	A. Lombard K. Horn-Miller W. Horn-Miller	6.0	June 30, 2016	
Develop Community Engagement and Knowledge Sharing Strategy	A. Lombard K. Horn-Miller W. Horn-Miller	3.0	June 30, 2016	

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Consulting Meetings with Wahta Nation Governing Body, Identify Key Stake Holders, Identify and Review Project Timeline / Goals and Deliverables, Coordinate Communication for Community Engagement with Wahta Nation Governing Body, Develop Guiding Principals for Project with Wahta Nation Governing Body Meet Plan the Knowledge Sharing Sessions	W. Horn-Miller	3.0	June 30,2016	
Meet to review Feedback, Materials Developed for Community Engagement (2-3) Sessions on phone / Skype (1) in person	W. Horn-Miller (calls) A. Lombard K. Horn-Miller W. Horn-Miller (in Person)	1.0	June 30, 2016	
Project Mgmt and Admin. Support	Admin. Support	1.0		
				14,000
Community Knowledge Sharing				
6 Community Knowledge Sharing	A. Lombard K. Horn-Miller W. Horn-Miller	2.5	August 19, 2016	
Project Mgmt and Admin. Support	Admin. Support	2.0		
				3,500
Community Feedback Engagement				
5 Community Focus Groups Key Stakeholder Interviews	K.L. Delormier W. Horn-Miller A .Lombard K. Horn-Miller	7.0	September 30, 2016	

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Online Survey				
Project Mgmt and Admin. Support	Admin. Support	1.0		
				6,500
Community Engagement Review				
Review All Data Collected Community Presentation of Findings If Needed Plan Follow-up Review Meetings with Key Stakeholders Make Revisions	A. Lombard K. Horn-Miller W. Horn-Miller	10.0	November 15, 2016	
Project Mgmt and Admin. Support	Admin. Support	1.0		
				12,000
Drafting New Wahta Nation Citizenship Code				
Finalize Guiding Principals based on Community Engagement and Wahta Nation Governing Body Input Draft New Citizenship Code Review and Needed Changes to Internal Policies as required Present Final Document to Wahta Nation Governing Body	L. Lombard K. Horn-Miller W. Horn-Miller	15.0	January 15, 2017	
Project Mgmt and Admin. Support	Admin. Support	1.0		
				16,000
Present Final Wahta Nation Citizenship Code				
Present Final Wahta Nation Citizenship Code to Wahta Nation Governing Body	W. Horn-Miller L. Lombard K. Horn-Miller	4.0	January 15, 2017	

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Make any Final Edits Needed				
				4,000
Community Review of New Whata Nation Citizenship Code				
Present Final Wahta nation Citizenship code to Community via online, mail one month prior to Referendum	W. Horn-Miller A.Lombard K.Horn-Miller Whata Nation Governing Body	2.0	February, 15, 2017	
				4,000
Final Project Report	W. Horn-Miller A. Lombard K. Horn-Miller		March 30, 2017	
		59.5		60,000

Hourly Rates:

Waneek Horn-Miller

Facilitation:

\$1,000 / Day

Other:

\$500 / Day

Alisa Lombard LL.L.,JD

Legal:

\$1,125.00 / Day

Other:

\$500 / Day

Dr. Kahente Horn-Miller

Facilitation / Presentation:

\$1,000 /Day

Other:

\$500 / Day

Karonhienhawe Linda Delormier

Facilitation:

\$750 / Day