

**Wahta Membership Code Development:  
Community Engagement Report**

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## **Table of Contents:**

<b>Context</b>	<b>3</b>
<b>Community Engagement Introduction</b>	<b>3</b>
<b>Community Engagement Plan Overview:</b>	<b>4</b>
<b>Information Gathering Methodology:</b>	<b>5</b>
<b>Data Analysis</b>	<b>6</b>
<b>Theme 1:</b>	<b>6</b>
<b>“The Current Code will not meet the Needs of Community into the Future”</b>	
<b>Theme 2:</b>	<b>8</b>
<b>“Community still values but is conflicted over the use of Blood Quantum as a determinant for membership</b>	
<b>Theme 3</b>	<b>12</b>
<b>“The respondents Value their Wahta identity, History and Culture with a Strong Desire for the community of Wahta to Survive and Grow”</b>	
<b>Solutions:</b>	<b>14</b>

## **Context:**

In June 2016, Three Bears Consulting was contacted to help the Wahta Mohawk Council to develop a new Membership Code. This contact was motivated many factors including the mandate given to the Mohawk Council of Wahta from its membership. Three Bears Consulting did an extensive review of the available relevant documentation and past codes. There was also a new legal review and opinion done of the existing membership code by Three Bears Legal representative Alisa Lombard.

Lombard's review focused on the intended goal of the Membership code: *"the preservation of the cultural and political integrity of the Wahta Mohawks"* The legal opinion also took into account the implications of:

- The Canadian Charter of Human Rights and Freedoms
- Recent Quebec and Supreme Court legal decisions such as the Miller and Deschenaux decisions.

These recent legal developments have also set into motion the federal response and actions including the *Collaborative Process on Indian Registration, Band Membership and First Nations Citizenship, implemented in 2018.*

These recent decisions and the federal government's response to them, has put the emphasis on all Band Councils to focus on defining their membership laws and processes.

Following the Document Review, Updated Legal Opinion, and consultation with the Wahta Elected Council, a Community Engagement Plan was drafted a by Three Bears Consulting. The draft plan of *"Proposal to the Wahta People: Community Engagement and Citizenship Code Development"* was submitted and accepted in September 2016.

## **Community Engagement Introduction:**

The process for Indigenous communities to move beyond the external administration of their communities is a difficult, often confusing and a complicated experience. It has communities heading into a new unknown space where many factors, including the Canadian Charter of Human Rights, external courts, the Canadian Constitution and other external political factors remain part of their new landscape. Communities seeking to find autonomy must keep all these factors in mind as they proceed.

The community of Wahta as endured many community traumas, which began with the relocation of the Mohawk 32 families to the current location of Wahta. Overcoming this difficult history defines the resilience of the people of Wahta and is a great source of pride.

However, the evolution of Wahta as a community in the framework of the Indian Act has been challenging socially and politically. In an effort to achieve the desired goal of a new Wahta Citizenship Code, without inflicting further negativity or harm, it is imperative that a broad and extensive community engagement process as possible be carried out.

It is the perspective of Three Bears Consulting that if the new membership code is to find community validation it is important to harness communal and familial thinking throughout the engagement process. Furthermore, it is vital that a community's membership feel they are being heard, and their views matter to Chief and Council. Community engagement also helps with the perception that council is being transparent and open with the community. Finally, for the new code to be accepted in Wahta, it needs to be viewed as coming from the people of Wahta themselves, not at the sole direction of the Chief and Council. The best way to achieve this is through community engagement.

## **Community Engagement Plan Overview:**

- The Second Phase of the *"Proposal to the Wahta People: Community Engagement and Citizenship Code Development"* (September 2016-November 2016) was the development of the Community Engagement materials. Three Bears Consulting engaged with the Wahta Nation governing body to identify key stakeholders, documentation and materials for review and topics for community education. A community education strategy was developed and delivered to ensure all stakeholders have the same access and understanding of knowledge on the history, laws, customs and future nation building implications related to Wahta identity and citizenship. Two community education sessions were held in October 2016 and February 2017. Each session included the following two presentations:
  - a. "Getting to the Roots of Indigenous Citizenship, Membership and Identity," presented by Carleton University Assistant Professor Dr. Kahente Horn-Miller (Mohawk, Bear Clan) .
  - b. "The Indian Act and Identity; the law's construction of Indigenous Identity," Presented by Alisa Lombard, Miqmaq constitutional lawyer.
- The Third Phase (March 2018- September 2018) consisted of targeted and meaningful community engagement opportunities through various channels to identify core principles that will guide the development of the Wahta Nation Citizenship Code. The community was engaged in the following ways:
  - c. Three Community Engagement Sessions:
    - September 9, 2017
    - November 18, 2017
    - March 17, 2018
  - d. Key Stakeholder Interviews with
    - Community members:
    - Non-member spouses
  - e. Community Survey: 140 Responses
- This report constitutes the Fourth Phase of the development process. Three Bears has consolidated analyzed and evaluated phases 1-3. ,

## **Information Gathering Methodology:**

As stated in our project outline, the need for community engagement was central to our goal of helping Wahta create a membership code in a non-conflict inducing format. We engaged in the following ways:

### **Community meetings:**

The community meetings facilitated good conversation from a small group of members. However, they lacked significant attendance from key areas of membership, including:

- Under 20
- 20-35 years of age
  - With children
  - Without children
- Off territory
- Men above 35
- Non-member spouses

The lack of participation in Community Meetings could be due to various reasons, including: geographical challenges of the Wahta membership and lack of comfort in attending community meetings on sensitive issues such as membership. Even with the low turnout these meetings did cultivate good discussion and helped Three Bears Consulting gain a greater understanding of the issues surrounding membership in Wahta, therefore helping guide further outreach strategies.

### **The Survey**

The intention of the survey was to reach a broad group of Wahta membership. The survey enables those who live off the territory to be engaged in this process. The survey questions were formulated in collaboration with Councillor Teresa Greasely. They focused on gaining an understanding of the respondent's views on issues such as:

- How the current code affects their families
- Blood Quantum
- Views on how membership should be decided
- Community contribution and benefits
- Values they wished to see in the new code

There were 140 respondents to the survey. This was identified as a high number compared to past community surveys. This could be attributed to the very personal, emotional and volatile issues that surround Wahta membership. However, in reviewing the survey results it became clear there were some issues with how questions were perceived and understood by the respondents. Ultimately, the information collected was very valuable in gaining limited understanding of the opinions and feelings of those who participated.

## **Key Stakeholder Interviews:**

After facilitating three community meetings and understanding a need to further gain in depth information from the membership, a key stakeholder list was identified. Three Bears Consulting requested representation from a balanced number of stakeholders representing the diverse viewpoints of Wahta membership. This list included:

- Elders
- 20-35 year old male, female
- 20-35 year old parents
- Mohawk language speakers and cultural practitioners
- Non-member spouses

Approximately 24 interviews were done over a period of time between June and September 2018. The information gathered proved to be incredibly valuable not only on the issue of membership, but also in the overall current socio-political environment and future desires for Wahta.

## **Data Analysis:**

In analysing the data collected via the three methods, it was clear that the process of moving from community meetings, to the survey and then onto key stakeholder interviews, helped identify three main themes regarding membership in Wahta:

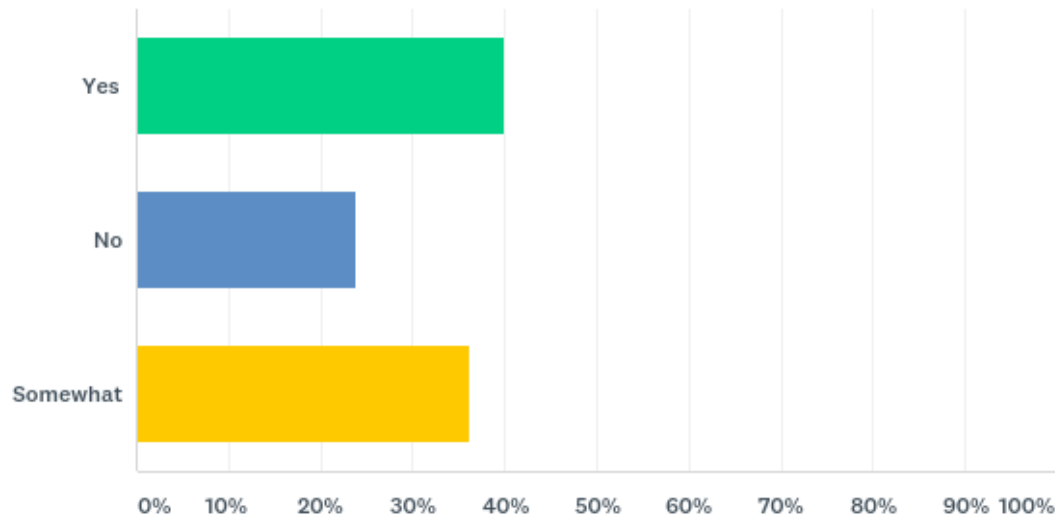
1. The current code will not meet the needs of community into the future
2. Community still values Blood Quantum but is conflicted over the use of quantum as a determinant for membership
3. The respondents value their Wahta identity, history and culture with a strong desire for the community of Wahta to survive and grow

## **Theme 1:**

### ***“The Current Code will not meet the Needs of Community into the Future”***

Throughout the community engagement, it became clear that the current code doesn't meet the needs of current and future Wahta membership. In the Survey, questions 1-3 dealt with how the community feels about the current membership code and its effects on their families. Though graph results show an acceptance of the code as adequate, the comments reflect very different and often conflicted opinions. This and other important issues were echoed quite strongly in the stakeholder interviews.

Beginning with the survey, we highlight this contrast as displayed in *Question 3: Do you feel that the current Wahta Mohawk Membership Code fits the needs of your family?* The graph results show an almost even number of responses to the responses of: Yes, No and Somewhat.



However, the comments made to this question had a focus around how the current and past membership codes have been administered, and how the code will sustain the community into the future. It was evident in the comments and the key stakeholder interviews that the members and non-members:

- Are suspicious of the motivations of non-resident members
- Lack confidence in the administration of the membership code and other governing aspect of the community
- Confused as to how people became members
- View membership as being used as a form of political currency
- Disempowered by lack of conflict resolution avenues

Note: I would like to elaborate on two of the above stated issues. In key stakeholder interviews it was stated by a wide range of membership that there was suspicion of the non-resident members. This can be personified in the following comment:

*"They want the good stuff, the land, the benefits, and services, but never experienced the trauma or the hardships."*

This can shed light on why there was the opinion that non-resident members shouldn't be allowed as weighty a vote as those who live on the territory because they are not directly impacted by the decisions made by the membership. It also feeds into the suspicion that membership is a form of currency and political power and therefor continuing in the divided reality of the community

In both the survey and the key stakeholder interviews, many opinions pointed to a requirement for a person to have a community tie in order to gain membership. While at the same time, concerns for their immediate family members, their roles and kinship to the community were voiced. This concern and internal conflict around the future of Wahta can be summed up in the following comment:

*"I personally don't believe every family member is entitled to become Mohawk if your bloodlines do not have a direct connection to an authentic family member of the Mohawk people then I say NO, absolutely not, because my bloodlines have an authentication and ties that go back to the beginning of our people. I would consider it to be a tragedy if my name was to be extinguished from the ledger of membership because of my son's percentage of blood quantum. So in this situation I would be all for creating a new code that allows every individual with a connection to the bloodlines (regardless of how small that connection may be), allowed to acquire membership status. Otherwise in my opinion, (and I don't mean in my time or even my son's time or his children's) ...but there will come a time that the Mohawk people will eventually cease to exist if we consider making rules that refuse generations of partial bloodlines."*

From data collected the current code is not adequate to meet the needs of the community, today and into the future.

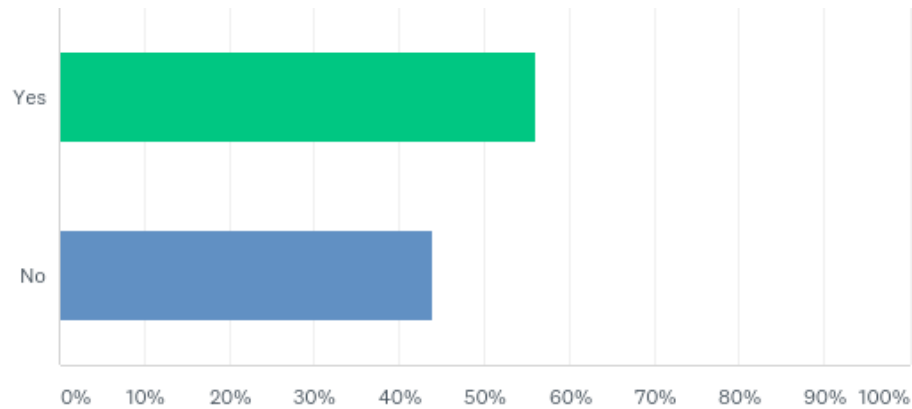
## **Theme 2:**

***"Community still values but is conflicted over the use of Blood Quantum as a determinant for membership"***

Our analysis leads us to understand that the current membership holds value for Blood Quantum measurement. This could be for a variety of reasons. Beginning with the over 130 years of damaging policies such as Blood Quantum measurement imposed on Indigenous communities by the Canadian government. The federal government used the concept of Blood Quantum because it is a simplistic way of determining who is "Indian" and who is not. For administration and financial reasons the government chose this policy for expediency and simplicity, without concern for community constitution, or community building. "Indians" were considered to be a race to be assimilated and reserves were to become extinct. These policies have left a damaging legacy on personal and communal identity that must be recognized in the context of Wahta if the community is to move beyond and into the future.

With this understanding, it was very important during our analytical process to keep in mind the impact of the Blood Quantum concept on the community psyche. The very idea of Blood Quantum elicits a deep visceral response from many. The term itself can cause an individual feel as though the very essence of Mohawk identity is being drained from the community with each generation. Wahta has had a difficult history that has created a membership that has a strong desire for survival. The fear of loss cannot be minimized when understanding the response to the questions regarding Blood Quantum within a membership and community.

A good representation of the conflicting feelings around Blood Quantum can be seen in the contrast in the graph and comments for Question 6: *Eligibility: Do you feel agree that 25% minimum blood quantum is a reasonable measure of determining membership?*



Initially, the graph results tell a story of the respondents accepting the Blood Quantum measurement of 25% as being adequate. However, in reviewing the comment, and in the key stakeholder interviews, there was evident personal conflict over use of Blood Quantum to assess membership. Many stated that they agreed that the use of 25% Blood Quantum was currently adequate, yet they understood that Blood Quantum being used to measure membership in the long term to be detrimental. They also understand that their future grandchildren will be excluded and many expressed a desire to reframe the membership criteria to honour generational kinship and familial ties to land and culture.

There some key sub-themes that emerged in analysis of the survey comments and the key stakeholder interviews with regarding blood quantum and community inclusion. These in include:

1. The Administration of the current and past membership codes:
2. The role of non-member spouses.
3. Alternatives to blood quantum

#### **Sub-theme 1: The Administration of the Current and Past Membership Codes:**

The question was asked if blood quantum has been applied fairly and accurately. Though the graph states a pretty even response to *yes* and *no*, it was indicated in the comments there is confusion around how it is administered. A contributing factor to this confusion is the historical differential treatment of male and female non-Mohawk spouses and its impact on “Blood Quantum” measurement.

Though not practiced currently this practice left an imprint that effects the current situation of clarity around membership. Some respondents viewed the past federal government policy of non-Indigenous women gaining membership and status, while Mohawk women lost it when marrying non-Indigenous (known as ‘non-Indian’ through the Indian act) effects the whole idea of the “purity” of the measurement of Blood Quantum. In a small tight knit community such as Wahta, where historical lineages are known, the unfair implementation of the Blood Quantum policy has led to a legacy of differential treatment resulting in personal trauma, familial division and community disquiet.

## **Sub-theme 2: Roles and Responsibilities of Members and of Non-member Spouses**

The current code doesn't have clear roles and responsibilities outlined for Wahta members let alone their non-Indigenous spouses. However, the rights of a member help define where they can live, and what they are able to do. This is drastically different when looking at the question of non-members spouses and what their official role and responsibilities is in Wahta. This issue was brought up in the comments section of the survey and during Key Stakeholder Interviews and needs to be included in the discussion around community building. This also needs to be looked at as part of the community's reality in that there has been a practice of members intermarrying with non-members that continues today and could into the future.

Some of the non-member spouses, though allowed to reside with their spouses in Wahta, have been subject to perceived oppressive treatment and discrimination. They currently carry little to no rights or recourse for their issues experienced within the community. It could be said that they are seen second-class citizens within Wahta.

As demonstrated in this comment, these experiences have been a source of pain for some Wahta members who are born of mixed-race marriages or are in a mixed-race relationship.

*"I shouldn't have to chose between my community and my partner."*

*"My father has lived here for 30 years, worked for the community and he raised us here, he should be able have some role. It hurts my mother and it hurts him."*

For some non-member spouses who have resided with their spouses for up to as much as 35 years in Wahta, its has caused great personal trauma and additional strife within their families. For others it has caused them to disconnect from the community, unwilling to participate in, or contribute to the community. Though this is not the experience of all non-member spouses, there are a significant number of comments to have it included an example of such in this report.

In key stakeholder interviews with some non-member spouses, there was an almost unanimous desire to participate in the community, learn the culture and raise their children within the community. Within the small group of non-member spouses, they defied the preconceived idea that all non-member spouses just want to become Mohawk and get rights. They all mentioned that they were proud of who they are and do not desire Native status or a to be Mohawk, but rather they lived in Wahta out of love for their spouse and a desire to raise their children in the community and reinforce their kinship connections.

*"Wahta is a wonderful place, my children are really valued here, I would like to have my voice heard and valued and be seen as a contributing part of the community"*

Therefore, the roles and responsibilities of non-member spouses of Wahta needs to be defined going forward. As members of Wahta families, these individuals need to be able to work and live with a level of safety and security consistent with the Canadian Charter of Human Rights.

Note: This does shed light on the question regarding a separate residency code that was included in the Survey. The need was expressed for a separate residency code, to address environmental and safety concerns and would pertain to Wahta Members as well as non-Members in a business relationship with a member. However, clear administration of this code and a dispute resolution process is once again important to ensure the membership not feeling that this is another oppressive measure to curb their individual rights.

### **Sub- theme 3: Alternatives to Blood Quantum**

In our analysis of the collected data, it has come to light that the community has confusion around the concept of Blood Quantum. A need for change was also expressed, to move from membership eligibility based only on Blood Quantum to something deeper, more traditionally based and with a community building focus. As stated in a key stakeholder interview:

*“To many membership means, they are part of a group, no connection to land or political focus, it comes down to who is entitled to resources. If this is the way you understand your identity, you soon will become a people that will have little interest in playing a role in maintaining a society, social cohesion and belonging to something.”*

With the multitude of issues identified, finding alternative ways for defining eligibility into Wahta membership is not an easy process. Question 11 of the survey addressed ways to determine membership. The top three were:

- Lineage (76.8%)
- One parent as a member (63.4%)
- Blood Quantum (57.4%).

The idea of lineage has emerged as being a viable alternative to blood quantum as the new measurement tool. However, there is a risk of mimicking the federal governments desire to simplify such a complex concept of membership down to a single calculation, and also puts the community at risk of repeating mistakes and further creating community harm.

If the concept of lineage is to be used in Wahta’s current socio-political environment, then some hard work needs to be done first. To define what lineage is and how to measure it is a classification that must be devised by the community itself. Most importantly, there must be confidence in the administration of this process and a neutral process to resolve conflicts that arise.

The current confusion around the process of membership and lack of confidence and trust in the process was clearly identified in the key stakeholder interviews as well as in the comments of the survey. A process needs to be developed to address these issues, that if otherwise ignored will lead to further community trauma and upheaval.

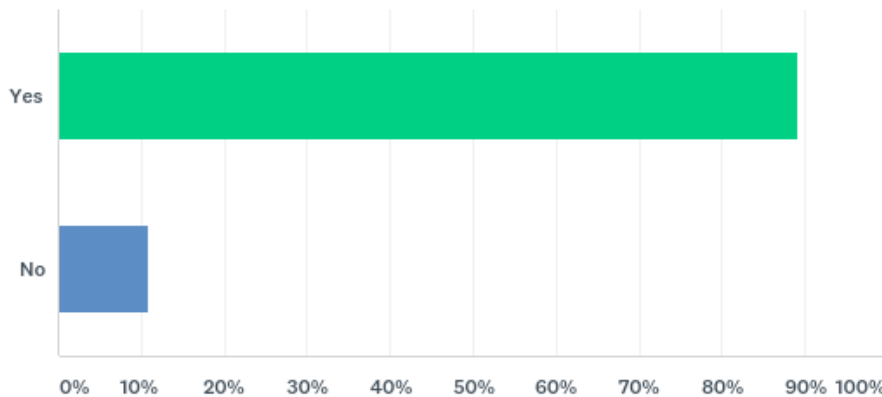
### Theme 3

***“The respondents Value their Wahta identity, History and Culture with a Strong Desire for the community of Wahta to Survive and Grow”***

Throughout the survey results, there was strong, positive connection to the Wahta identity and a desire to see the community survive and grow. This can be seen in the results of questions Question 4: *“Contribution and Entitlements as a member, do you feel its I important to contribute to the community? If so, how?”* and, *“Question 5: What do you think are the benefits of being a member?”*

#### The Value of Contribution

Beginning with question 4, you can see that an overwhelming percentage felt that community contribution was important



There were many ways that the respondents felt they could contribute including:

- Volunteering
- Participating
- Contribute
- Vote
- Voice opinion
- Be proud
- Know history
- Give feedback

In a deeper analysis of the data, three sub-themes around Contribution emerged.

### **Sub-theme 1: Lack Avenues to Contribute**

The first was an opinion that pervasive within the respondents who do not live on the territory. They valued and wished to contribute but did not know how to other than voting and doing online surveys. The fact that the larger portion of the Wahta membership resides off territory sheds light on the great importance for the community to identify ways for them to connect and contribute back. This would also meet the identified need for members who live off-territory to reintegrate and immerse into learning Wahta Mohawk culture; kinship practices, forms of governance, varied philosophies and worldview(s); to benefit cultural resurgence and an enriched quality of life for current and future generations.

### **Sub-theme 2: Areas in Need of Contribution**

The second sub-theme pertained to those who did live close or on the territory. Many felt that they would like to have more areas in need of support and ways to contribute identified by the community. This also must be met with realistic and accessible options.

### **Sub- theme 3: Comfortable Spaces**

The third sub-theme had to do with an individual's comfort level in participating. Though less pervasive than the first two issues, the issue around comfort levels and healthy spaces for contribution was shared by both on and off territory membership. The perceived lack of a comfortable, welcoming environment has led some not to participate in existing community events as much as they would like.

### **Benefits of Being a Wahta Mohawk**

The concept of benefits and what a member "gets" are issues that are often political and have long created division and conflict. In question 5: *"What do you think are the benefits of being a member?"* There are more positive attitudes towards benefits than popular opinion would have you believe.

The feelings towards benefits had a strong emphasis on identity and connection to Wahta. There was also the recurring theme of the off-territory population feeling that there was little to no benefits available to them, other than voting and being able to call Wahta as a place they could call home.

The top five benefits identified by the respondents were:

1. Culture
2. Benefits
3. Sense of belonging
4. Learning
5. Heritage

The top themes in the responses pointed out that benefits are viewed as coming from a deep and meaningful place. The comments also showed that membership had a wide

range of aspects they saw as key benefits. Along with identity and culture related benefits, many expressed that the financial, and land acquisition benefits were also very important to them. This can speak to an established perception from some of the population of Wahta, that there are members that only value their membership for the financial gain. Though it was mentioned, this was not expressed as deeply as expected.

There was also a desire for benefits that do not currently exist in Wahta. The most strongly voiced was the desire for a universally accessible Mohawk language and cultural programming and a school in the community.

With an eye on creating a membership code that is forward thinking and has a community building focus, it is vital to understand the important link between the value of contribution which helps define a person's role in the community and what benefits they desire and are entitled to. These play a central role in a member's understanding of who they are as a Wahta Mohawk. The passion around this issue was evident in the responses from those who were interviewed. For some, contribution was central to whom they were as a Wahta Mohawk:

*"Everyone talks about their rights as Ohnkwéhonwe but not as their role in society as Onkwéhonwe. For me, my meaning comes from that responsibility and contribution."*

While others felt quite differently:

*"We cannot expect them to contribute, because we are not contributing. None of us are, on or off."*

Analyzing views on contribution(s) and benefits is vital to understand the Wahta identity and hopes for the future. With such a diverse and geographically dispersed population, the lack of spaces for discussion around the issues of *contribution* and *benefits* has (and will continue to) add to the sense of underlying community conflict and impact social cohesion. Though there is a sense that the community is divided on many issues, there is one theme that rang true: these all stem from a desire to survive as a people.

## **Solutions:**

### **Recognition – Community Building – Building Trust**

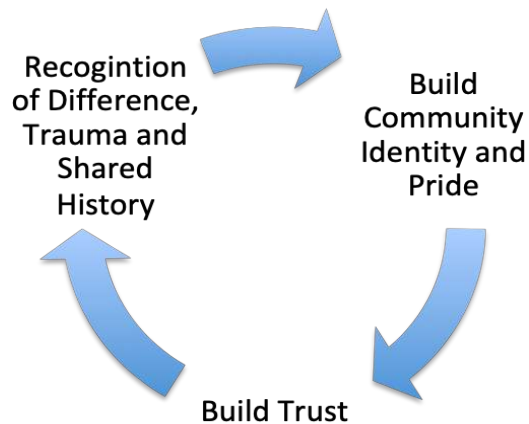
With such a large amount of feedback it was a challenge to encapsulate its essence in this report. It is the main goal of Three Bears Consulting to honour the privilege of being able to hear and understand the very personal and at times emotional perspectives on membership.

After reviewing the data collected, it would seem very abnormal for there not to be emotion involved in the discussion around what it means to be a Wahta Mohawk. The very essence of who the community is, has been born out of a desire to survive since the day the first residents stepped off the train in 1881. Though they face unique challenges, it

is of our opinion they have resilience built into their DNA and will collectively find their way through.

Though continued and constant community engagement is needed, we were able to identify some paths for finding solutions to the current situation and a way towards the successful acceptance of a new Wahta membership code.

This graphic outlines the cyclical relationship of our proposed solutions.



#### **Recognition: Of Difference, Trauma, and Shared History**

Wahta has endured some unspeakable traumas. Whether residing on or off the territory of Wahta, the fallout from the traumas is evident in the political and social divisions that exist today. These traumas will continue to cycle through each generation if they are not addressed in intentional and meaningful ways.

Many community members are feeling emotionally exhausted and bewildered as to where the community is going and their role in it. Trauma unaddressed is one of the most powerful community destroying weapons in existence. Moving forward, recognition of all experiences and a plan to heal must be central to any plan moving forward.

#### **Building Community: Identity and Pride:**

Through all the engagement there was very powerful desire expressed on all levels for the need to build culturally strong, peaceful and inclusive community. Central to many that were engaged was the need for a safe community for the children and the future. This was evident in the majority of people engaged being open to inclusion of all adopted children as well as having those who are disenfranchised being welcomed back.

Wahta is facing today what many other Indigenous communities will be dealing with in the near future. A population that is no longer defined by living on a clear geographical location, a fractured yet surviving community identity, a need for new and creative ways for community participation and a changing diverse familial landscape.

These are all elements that point to a culture, people and community trying to evolve, adapt and survive, but in need of a clear and concise direction.

### **Building Trust:**

Continuing on the path to a healthy and vital Wahta community cannot be seen as a destination, but rather a way of life central to all facets of Wahta. A healthy community is built by and maintained by strong, healthy, contributing and culturally confident Wahta members no matter where they live. It is vital that these members and their families have confidence in their government processes.

The data collected showed that there is a perception that has been a breakdown in communication, and trust and confidence in governance is not the current perceived state of affairs in Wahta. These feelings can be understood in the following comment:

*“Ultimately it’s about this entrenched inequity, unfairness, conflict that really arises at the level of decision-making.”*

Fortunately, this is not the desired situation for the future. The same stakeholders, whom expressed deep mistrust, also expressed a hope for the future. Many had excellent suggestions of what needs to be done to help the community to move forward:

- *Community vision statement*
- *A code of ethics*
- *Roles and Responsibilities for Elected Council*
- *Community values statement*
- *Conflict of interest provisions*
- *Independent complaints body*
- *Independent dispute resolution process*

All of these are sound recommendations that will serve the community to provide foundations for communicative, transparent and accountable governance practise and processes that breed trust within the membership and future community wellness.