

EXPLORATORY PROCESS ON INDIAN REGISTRATION, BAND MEMBERSHIP AND CITIZENSHIP: AN OVERVIEW

Background

During the 2009 engagement on the Government's plan to implement the *Mclvor* decision, First Nations and other Aboriginal groups identified a number of issues on Indian registration, Band membership and First Nations citizenship that went beyond the scope of the decision and the legislative amendments recently passed under Bill C-3. At that time, First Nations and other Aboriginal groups also called for a federal commitment to a joint process that would substantively examine and address these broader issues.

In response, the federal government announced its intention to launch an exploratory process on Indian registration, Band membership and Aboriginal citizenship on March 11, 2010, concurrently with the tabling of Bill C-3, *The Gender Equity in Indian Registration Act*. With the passage of Bill C-3 in December 2010, the exploratory process has been launched.

The purpose of the exploratory process is to identify, examine and discuss the broader issues associated with Indian registration, Band membership and Aboriginal citizenship that go beyond the *Mclvor* decision and the parameters of Bill C-3.

The exploratory process is an Aboriginal-led and inclusive initiative that is meant to discuss the broader issues, but, It is important to note that it is not a consultation and that the government has not pre-determined or pre-defined the agenda or questions in terms of subject-matters dealing with registration, membership and citizenship.

At the time of the initial announcement, the government invited the Assembly of First Nations (AFN), the Native Women's Association of Canada (NWAC), the National Association of Friendship Centres (NAFC), the Métis National Council (MNC) and the Congress of Aboriginal Peoples (CAP) to lead activities under the process at the national level based on the approval of their respective proposals.

With the exception of the AFN, all the national organizations (NWAC, NAFC, MNC and CAP) have identified activities that will involve their regional affiliates and will receive funding for these activities as part of their overall allocation which the national organizations will administer directly.

The Department will also consider proposals from First Nations Treaty, Nation and regional organizations who wish to lead activities under the process on behalf of their respective constituencies and/or membership.

There will be no direct funding to individual First Nations communities under the exploratory process. Instead First Nations governments, communities and individuals

will be encouraged to participate in the exploratory process through the activities of their organizations(s) at the national and/or regional levels.

Activities of the Exploratory Process

The federal government has not predefined the types of activities which organisations may want to lead. However, we are encouraging organizations to be creative and to utilize both traditional and new technologies in undertaking activities in order to solicit both elder and youth participation. Activities could include, but are not limited to:

- dialogue sessions at regional level;
- community engagement meetings; and
- when able, using web-based forums for discussion on chosen issues.

Topics of the Exploratory Process

The federal government has not pre-determined the questions or subject matters to be discussed. Some of subject-matters that go beyond the scope of Bill C-3 and which could be examined are:

- emerging concepts of First Nations membership, citizenship and identity;
- residual discrimination and second generation cut-off;
- the current system of Indian registration under the *Indian Act*;
- First Nations assertion of jurisdiction over citizenship and issues related to governance and identity;
- the relationship between programs and services and Indian status and Band membership; and
- unstated paternity.

Timeline for the Exploratory Process

Activities under the exploratory process can take place between April 2011 and December 2011 and the findings of the exercise will help inform the federal government's next steps on these issues.