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Seabird Island Band Report on the Results of the Membership Code Questionnaire FULL REPORT

Date: October 11, 2022

Our file: 2441

To: Seabird Island Band Members

From: Peter Nyhuus, DGW Law

Introduction

This Report contains data, summaries, and analysis of the responses DGW Law received from Seabird Members ("Members") who participated in the 2022 Membership Code Questionnaire ("Questionnaire").

The purpose of this report is to show Members the results of the Questionnaire, our analysis and interpretation of the results, and how the results could begin to be translated into rules for an updated Custom Membership Code. This Report also highlights key issues where there was not consensus among Questionnaire respondents and flags further questions and topics that we think should be asked of Members.

Background

Seabird has hired DGW Law to help review and update Seabird's Membership Code. The Membership Code is the legal document that determines who can and cannot become a Seabird Member. Seabird has controlled its own Membership List since 1987. Seabird believes it is now time for Members to review and discuss issues of Membership to see if the Membership Code can be improved.

Community engagement is a key part of the Membership Code review process. The Questionnaire is one way in which Members are being asked to participate in the project. The Questionnaire was intended to give DGW and Seabird an understanding of Members' opinions at the start of this engagement effort and to identify areas of consensus and disagreement.

Distribution & Statistics

The Questionnaire was made available online via Google Forms from May 10 to July 22, 2022. Paper questionnaires were distributed both at community meetings held on May 18 and door-to-door by Seabird staff members in late May.

DGW received 43 physical questionnaires and 74 online questionnaires, for a total of 117 completed Questionnaires. However, 11 questionnaires were not counted in this Report either because a respondent submitted multiple responses or because the respondent's identity/membership could not be confirmed. (In cases in which one respondent submitted two responses, we considered their second response, as we assume this indicates their most recent and relevant opinions.) So, this Report is based on the responses of 106 Members.

106 Members represent approximately 10% of Seabird's total population.¹

Critiques of Questionnaire and Methodology

A Questionnaire is a helpful but imperfect way of gathering opinions. Questions calling for simple "yes" or "no" answers may over-simplify complicated issues and leave little room for explaining nuanced opinions. While we strived to ask clear questions, in some cases, a question can be interpreted differently by different respondents.

While we think the Questionnaire responses provide a great starting point for developing a revised Membership Code, it should not be, and will not be, the only way DGW engages with, and learns from, Members.

DGW and Seabird have received constructive criticism and thoughtful suggestions about the Questionnaire and community engagement process. We include below a selection of comments we received about the Questionnaire and community engagement to date:

- **Many Members made comments requesting "not sure" as a possible answer to the multiple choice questions.** This is a good suggestion. Members are wrestling

¹ According to Canada's First Nation Profile on Seabird, Seabird has 1,077 members as of July 2022.

with these issues and may not be sure what rules the Membership Code should include. While decisions do have to be made eventually, at this early stage of community engagement, providing a “not sure” option would have allowed certain Members the opportunity to provide a more truthful answer, while providing us helpful information about the issues where Members have not yet made up their minds. Instead, undecided Members were faced with picking an option or choosing to not answer a question.

- **Some Members suggested splitting the Questionnaire up into separate, smaller parts.** We agree that this was a big Questionnaire and probably too long. However, it has given us great direction on many topics. Moving forward, we will try to make engagement activities shorter and more manageable, focusing on individual, smaller issues. As you will see in the Report, we have identified “Focus Areas” that should help guide and focus further discussions.
- **We received several comments that the questions were unclear, tricky, or vague.** While we did our best to write clear, understandable questions, we did not always succeed. Membership and Indian Status are complicated subjects, and it is hard to make them straightforward. We will continue to work on this.
- **We received a few comments asking for in-person visits and meetings instead of surveys.** More in-person and virtual meetings will be part of further rounds of community engagement.

Report Components

This Report is separated into four parts:

Part 1 – Questionnaire Responses

Part 2 – Analysis of Results

Part 3 – Summary of “Focus Areas” for Further Discussion

Part 4 – Preliminary Outline of Draft Membership Code

We will also provide a **Summary Report** offering a shorter review and analysis of the results, which focuses on Parts 2 and 3 of this Report.

Contact

If any Member has questions about the Questionnaire, this Report, or the community engagement process, please do not hesitate to reach out to DGW Law by contacting Lyn Berglund, Peter Nyhuus’ assistant. If you would like to speak with Peter, Lyn can book you an appointment. Lyn can be reached at lyn@dgwlaw.ca or by calling 250.361.9469.

PART 1 - QUESTIONNAIRE RESPONSES

In this first Part, we show the responses we obtained through the Questionnaire. For each question we asked in the Questionnaire, we present the following:

1. the question;
2. the responses, shown in the form of a graph;
3. a brief analysis of the results; and
4. a selection of the written responses, if applicable.²

Further in-depth review and analysis of the data is contained in Part 2.

The Questionnaire contained nine sections:

- A. About You
- B. Who should be a Member?
- C. Membership & Indian Status
- D. Membership or Citizenship
- E. Rights and Responsibilities
- F. Application Process
- G. Removals from Membership
- H. Amendment Process
- I. Other Questions & Feedback

We provide the responses in the same order, under the same section names.

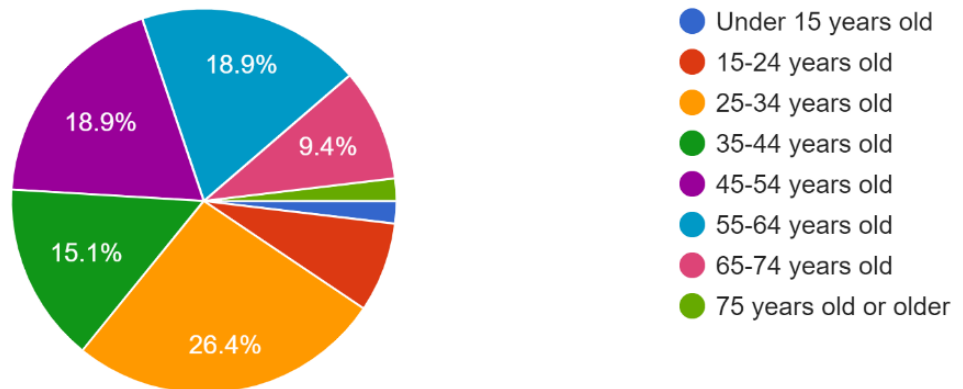
² In certain cases, we have abridged these responses for clarity and conciseness or to remove information that might identify the respondent or another person.

A. About You

The first few questions provide a brief picture of the demographics of the respondents who completed the Questionnaire. (For the following three questions, members were asked to choose one answer.)

1. Age:

106 responses

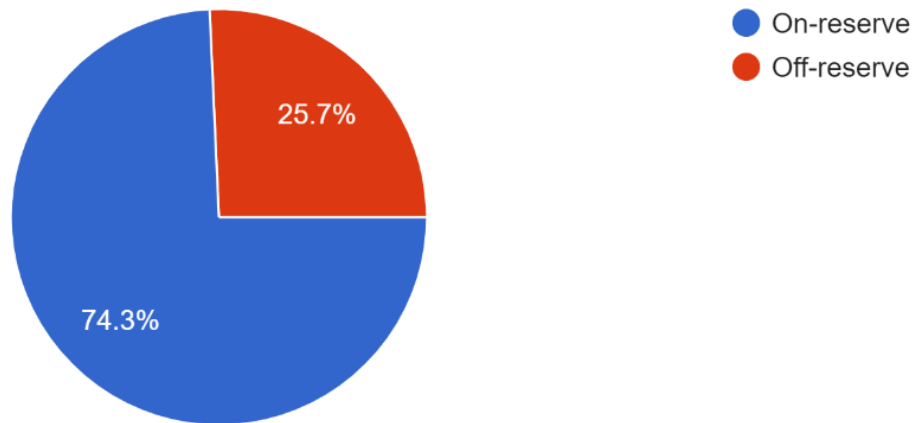


Brief Analysis

We received responses from all age groups. We received the most responses from Members aged 25 to 34 and the fewest responses from Seabird's most junior and senior Members: youth under 15 and elders over 75.

2. Residence:

105 responses



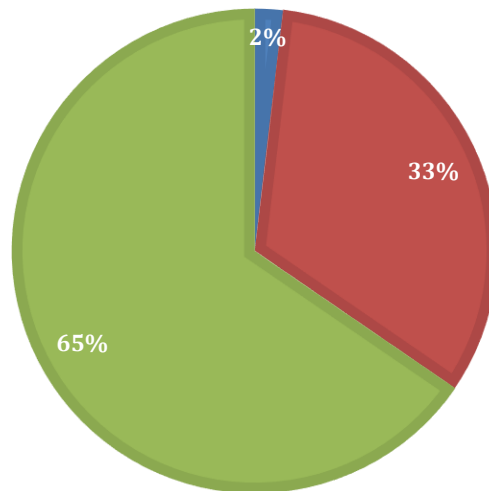
Brief Analysis

According to [Canada's data about Seabird's population](#), 677 Seabird members live on-reserve³ and 400 live off-reserve, meaning that 63% of Seabird members live on-reserve. While more on-reserve participation is to be expected in this kind of community consultation initiative, the ratio of on-reserve to off-reserve participation in the Questionnaire was slightly disproportionate in favour of on-reserve (74% to 26%). Seabird and DGW should continue to strive to include off-reserve members in engagement efforts related to this project.

³ "on-reserve" in this context includes both Seabird's reserve and other reserves.

3. Are you any of the following?

■ Seabird Chief and Council Member ■ Seabird Staff Member ■ Neither



Brief Analysis

Since Seabird Members who work for Seabird were asked to participate, we asked this question to confirm whether we were receiving responses from both staff members and non-staff members. Most respondents were not staff members.

B. Who should be a Member?

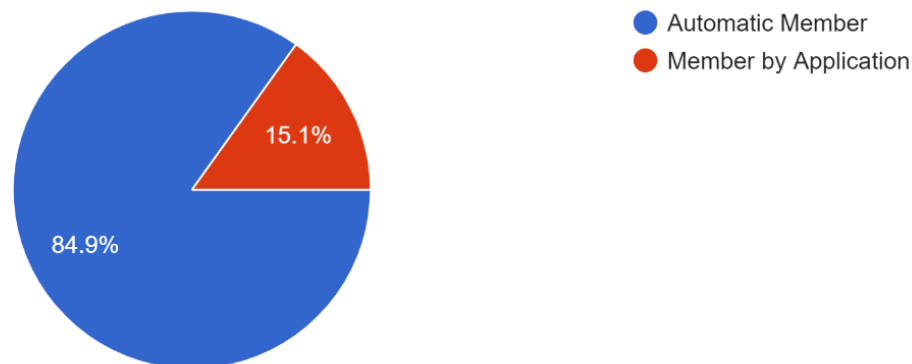
In the questions below, we asked how the revised Membership Code should treat various categories of people who wish to join Seabird Membership. For each question, we asked respondents to choose one of three options:

- **Automatic Member:** Select this option if you think the individual being discussed should have the right to become a Seabird Member. To join Seabird, all they would have to do is register (or be registered by their parent) and provide some supporting documents.
- **Member by Application:** Select this option if you think the individual being discussed should have to apply to become a Seabird Member. There would be an application process and the possibility that their Membership application could be denied.
- **Not a Member:** Select this option if you think the individual being discussed should not be allowed to become a Seabird Member, no matter what happens.

Biological Children of Members

4. A child born to one Seabird Member:

106 responses

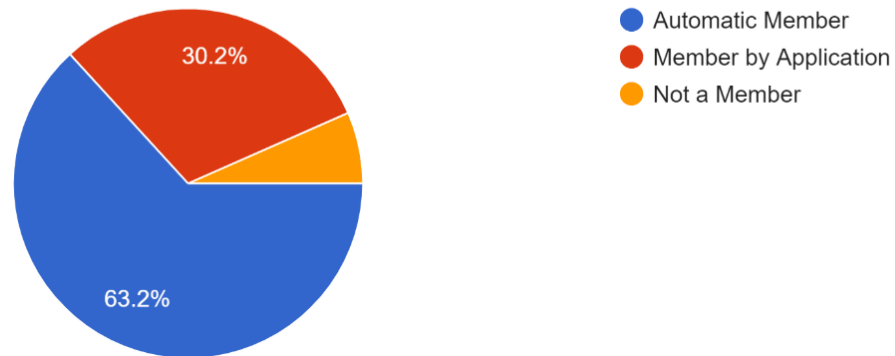


Brief Analysis

The direction from participants was clear on this question: a child born to one Seabird member should have a right to become a Member.

5. A child born to one Seabird Member (the child is not eligible for Indian Status):

106 responses



Brief Analysis

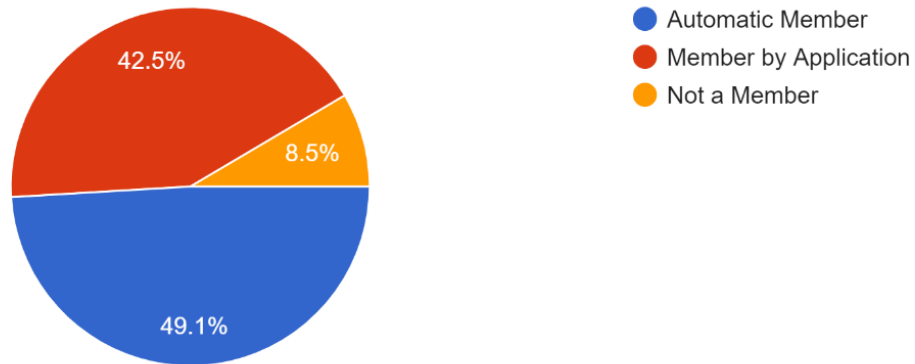
The above question asked participants whether they still think automatic membership should be provided to the child of a Seabird Member if the child cannot have Indian Status. While a clear majority (63%) still supported providing such a child with the right to membership, 30% of respondents thought there should be application process, while 7% thought the child should not be eligible for status.

This result contradicts the responses we received when asking about Status and Membership later in the Questionnaire (see questions #18 and #19). We discuss this issue further in the Analysis section (see **FOCUS AREA #1 – Indian Status**).

Adopted Children of Members

6. A child who is adopted by a Seabird Member (child is under the age of 19):

106 responses



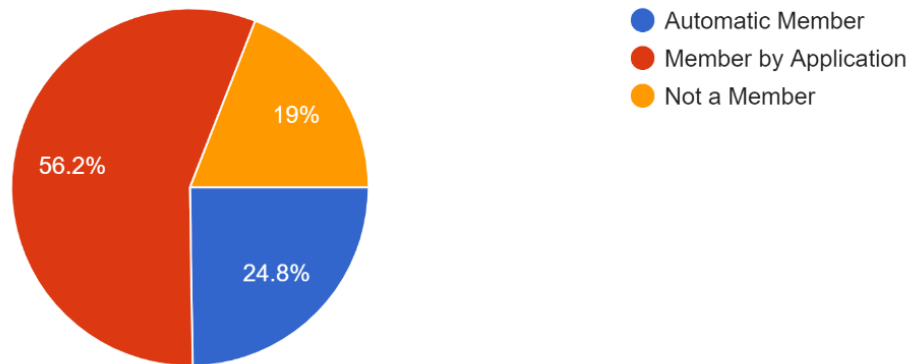
Brief Analysis

Most participants (91%) support the inclusion of adopted children in Membership. Participants were divided on whether Membership for adopted children should be automatic or by application. If we removed the “not a member” option, we assume that those participants would have chosen “Member by Application” – in that case, participants were truly divided 50/50 on the issue of how children should obtain Membership.

However, this result should be compared against Question #8, which asked a similar question about the treatment of adopted children in the application process and received slightly different responses.

7. A person who is adopted by a Seabird Member (person is over the age of 19):

105 responses

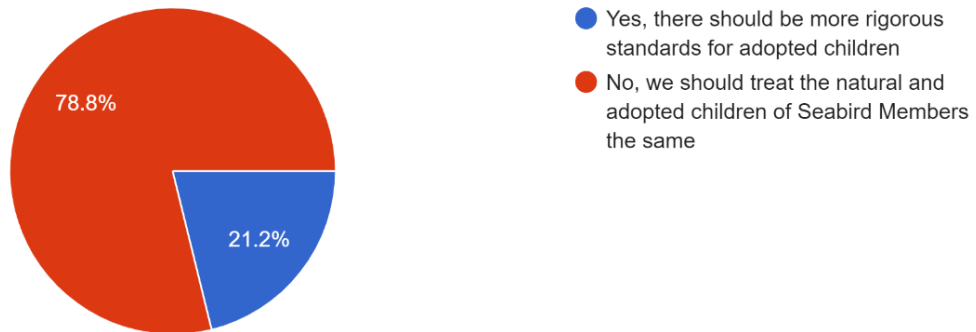


Brief Analysis

Participants still strongly supported the inclusion of persons adopted by Seabird Members as an adult, with 81% in favour. However, only a quarter of participants supported automatic membership for this category. In our view, the direction from the community is that an application process should be required for a person adopted as an adult.

8. Should the Code treat differently children who are naturally born to Seabird Members and children who are adopted by Seabird Members?

104 responses



Brief Analysis

When asked directly whether the Code should treat adopted children and naturally born children the same, a large majority of participants (79%) felt that both groups should be treated the same.

In our view, this response gives the clearest direction regarding adoptions: the participants wish for children adopted by Seabird members to be treated the same as those naturally born to Seabird members.

We note that this direction is consistent with the *Indian Act*, which allows children to be registered if their adopted parent has Status (and can pass on Status).

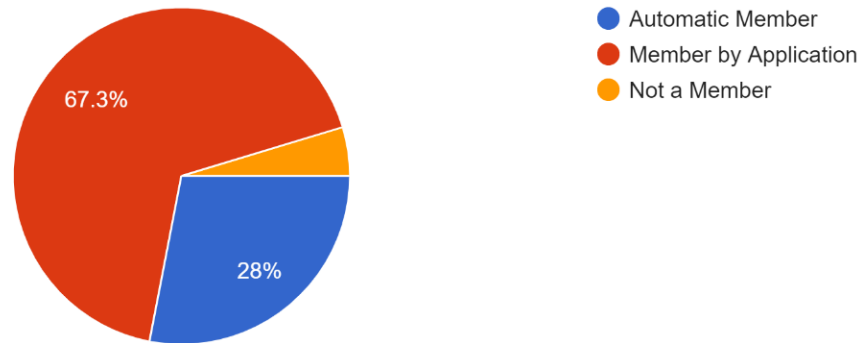
While it appears reasonable to design a registration process that requires proof of adoption, based on the direction we have received so far, we recommend a procedure that allows the adopted children of Members to otherwise share the same entitlement to Membership as naturally born children of Members.

However, given the direction provided by question #7, for adult adoptions, an application process would be appropriate.

Spouses of Members

9. The spouse of a Seabird Member who wishes to transfer to Seabird from another Band:

107 responses

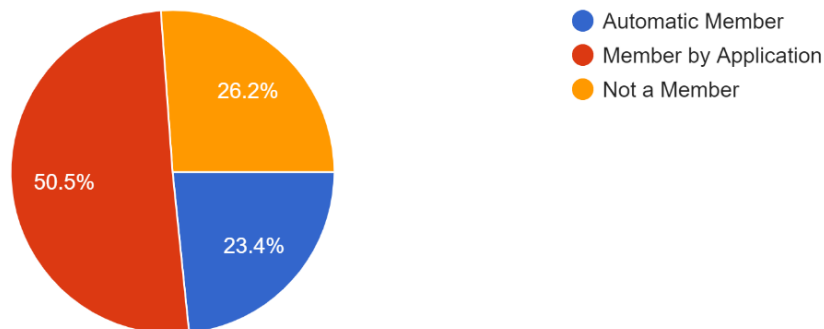


Brief Analysis

The majority of respondents believe that the spouse of a Seabird Member should have to apply to become a Member – membership should not be automatic. Only a small portion (less than 5%) believe that there should be no path to membership for a spouse.

10. The spouse of a Seabird Member who self-identifies as Indigenous but does not have Indian Status:

107 responses

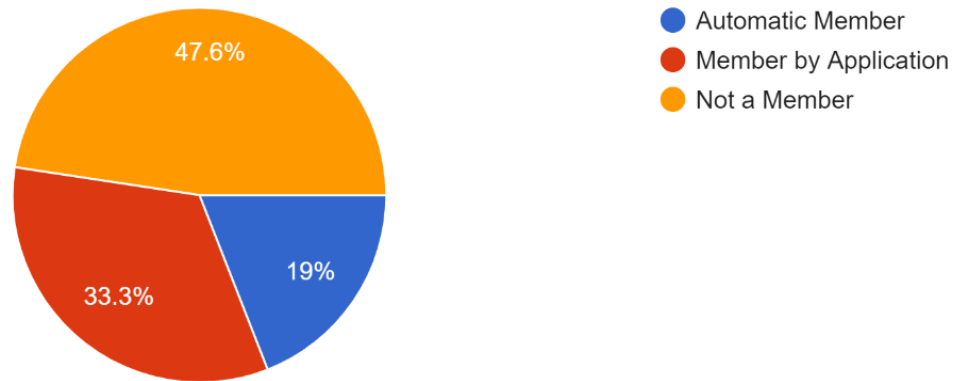


Brief Analysis

Nearly 75% of respondents felt that a non-Status spouse of a Seabird member should have a pathway to membership, with half of respondents believing the pathway should be by application. Note, this response conflicts with other responses received related to Status, see **FOCUS AREA #1 – Indian Status** for further discussion.

11. The spouse of a Seabird Member who is not Indigenous:

105 responses



Brief Analysis

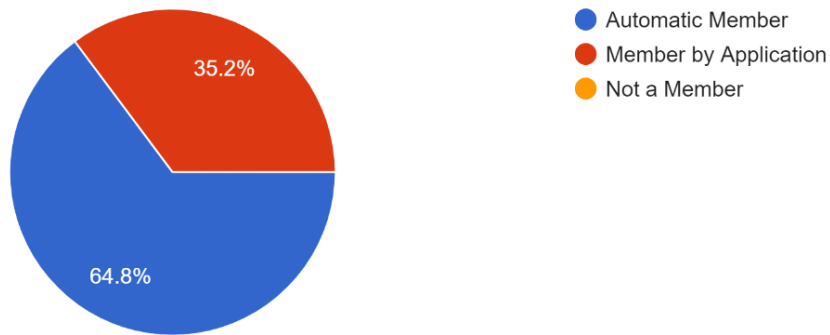
Just over half of respondents said they think that the spouse of a Seabird Member who is not Indigenous should be able to become a Seabird member, with most of those believing the spouse should have to apply. Nearly half of respondents thought there should not be a pathway to membership.

To summarize the direction we received in questions 9 through 11, regarding spouses: most participants seemed to agree that spouses should be allowed to become a Member if they have Status already. There was less agreement as to whether non-Status spouses should be allowed to join Seabird Membership. This issue is discussed further in **FOCUS AREA #1 – Indian Status**.

Reinstatements

12. A person who would have been a Seabird Member by birth but was adopted by non-Seabird Members and is now over 19 years of age and wants to return to Seabird:

105 responses

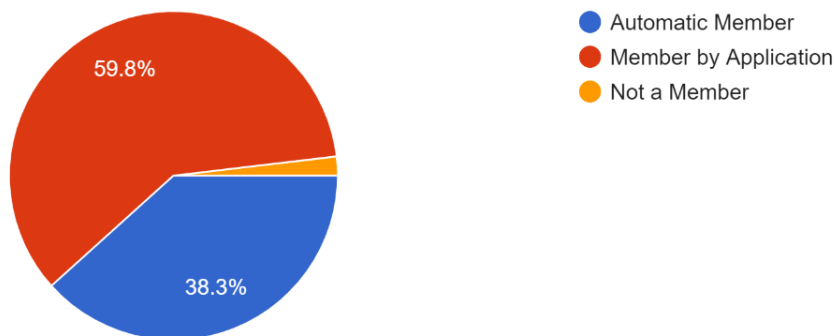


Brief Analysis

All participants agreed that a person who left Seabird as a child through adoption should be able to return to Seabird. About 65% thought it should be a right to return; that there should be no discretion or application process.

13. A person who voluntarily gave up their Membership at Seabird and now wishes to return to Seabird (perhaps they married out and now wish to return):

107 responses



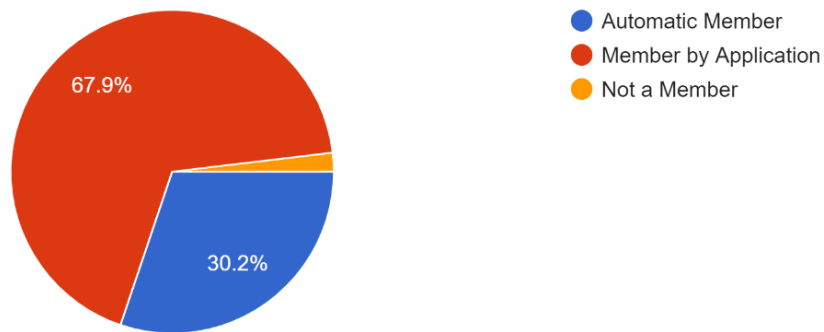
Brief Analysis

While the great majority of participants (98%) thought that those who voluntarily gave up their Membership should have the opportunity to return to Seabird, most of those thought that they should be required to apply.

Transfers

14. A person with Indian Status who wants to join Seabird and has a Seabird ancestor (perhaps the person has recently had their Status restored by Canada):

106 responses

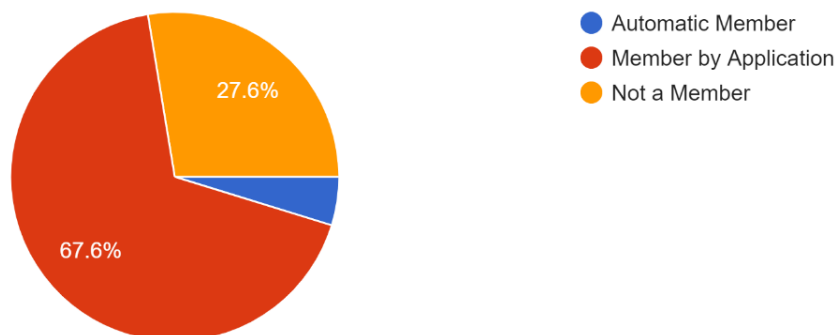


Brief Analysis

Participants agreed that persons with Status and a Seabird ancestor should have a path to Membership in Seabird. Nearly 70% thought they should be required to apply.

15. A person with Indian Status who wants to join Seabird or transfer to Seabird from another First Nation (the person does not have a Seabird ancestor or family member):

105 responses



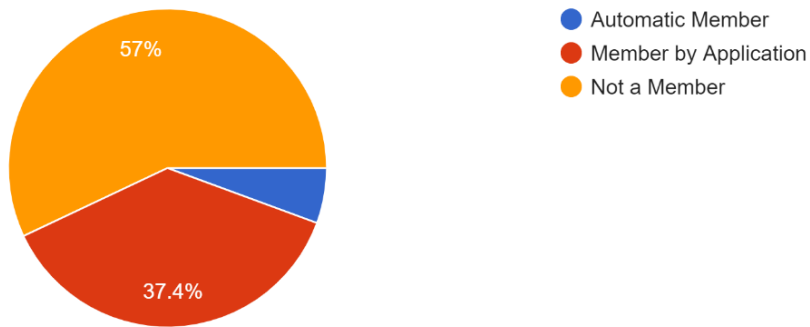
Brief Analysis

Just under 75% of respondents thought that a person without an ancestral or familial connection to Seabird should have a pathway to Membership; most of those in favour thought that the pathway should be by application; not automatic.

Others

16. A person who does not have Indian Status but is involved in the community and wants to be a Member:

107 responses



Brief Analysis

Providing Membership to people who become involved in the community was not a very popular option. Nearly 60% were against providing a path to Membership in this situation.

17. If you have any further thoughts, concerns, or opinions about who should be allowed to become a Seabird Member and by which process, please feel free to share them here:

We received many written comments in response to this Question. We have attempted to organize comments by topic:

- Regarding marriage and families:

"I think spouses who live here are overlooked. They should be able to at least have their voice heard on concerns that effect the community. I don't know how that should look - perhaps inclusion in some meetings? At least periodic surveying of their thoughts."

"Members should be the same when married"

"I have a non-native husband, I do not expect him to claim status or membership, but I expect that our children claim status and membership as well as their children."

"If you have family that is from Seabird that should be a member or if they are married or adopted but if not related or married in they shouldn't be"

- Regarding adoptions:

"Ensure we NEVER ALLOW CUSTOM ADOPTION. I see people trying to use this as excuse and if this is/was the case these individuals would have already been accepted, when we had that process in place."

"there [are] 2 types of adoption for First Nations; legal adoption and Indian adoption. This will be used [as] an argument in this area, need to specify in the code legal adoption if that is the case."

"A Child born to a status member should be automatic member, this is where the child will be growing up and learning their culture and to be around community. Adopted kids should be allowed and treating as same. They need a sense of belonging and where would they go if adopted parents pass away, we leave them on side of road? We have to think of 60's scoop and all the children who were taken away and are [now] starting to find their home, we should allow them with open arms because it was not their fault they got stolen. They should be able to connect with their ancestors' families and learn the culture that was taken from them."

- Regarding application process:

"The Application option for council to decide as it always has been is okay by me."

"Member by application should be approved by Bands membership."

"We have people who have waited years for a referendum to be accepted as a Band Member, when will this ever happen?"

"Why is the time between referendum votes so far in between to vote members in?"

"If you can prove your relations you should be able to apply to be a member."

"Review of family history, and decided from there upon application"

- Regarding Indigenous / Native / Status:

"I feel individuals who have ancestry here at Seabird should be allowed to become a member if they live here. It will affect future generations if they don't have membership (the kids and grandkids) people need to feel a sense of belonging a sense of community. If not "a part of" I think would create an "I don't care" attitude of the younger generation."

"No judgment, should have been ours from the start all along. No government involved. Suffered enough. Taking away our parents rights."

"Do not accept non-Natives"

"My children aren't status but identify themselves from Seabird and contribute by participating in ceremonies etc. so as a band member myself I feel they should be considered band members especially since we live on reserve for many years. Seabird is not a poor band and should be able to absorb some cost to individuals that aren't status/members by number. I feel they and my husband should be automatic members, I'm a band member and live on reserve [...]. I don't like when some programs exclude them because they're not status, they live here and should be included."

"If you're native then they should be giving membership and become a Seabird member"

- **Regarding dual membership and transfers:**

"Need to look at Dual Membership re: # of families Registered with us AND USA, they get all benefits from both! I thought when Registered they had to renounce any other Band registration."

"Members should not be allowed to keep transferring back and forth, following the money"

- **Regarding giving status to "involved" community persons without Status:**

"No, people just involved in community. Because people will just come do one thing and get membership and [leave]"

"Is a tough one because what if they only come to volunteer to get status then leave once status is given"

"Our people fought hard to be where we are today and of course we had help along the way but if we allow anyone to become a member we will eventually loose more then what we've gained. However if the "self identified" person or the "involved" person in the community can show they have native ancestry somewhere in there family lines that could be a different situation all together but if they can't prove that then we as a First Nation Community are allowing this person or persons to take advantage of us, for example this person or persons can literally get on committees and change our cultural protocols to how they think it should be whereas as a actual native born and raised in the culture knows its wrong but because this person or persons is on the committee they have more say then the non committee members."

"Anyone who lives on Seabird, benefits the community, and knows our culture should have the possibility for Band Member"

- Regarding this Questionnaire or engagement process:

“There should be an option to check that says “not sure””

“What a great opportunity”

“Looking at questions it feels like someone is trying to figure out how they CAN get their family member registered with Seabird”

“I think we should have information, from as far back as possible (at least 20 years), the number of Seabird members there are each year, the number of deaths (no longer on the membership list), births (new members) and see how the membership numbers have changed over time. I think we should have targets for how many new members we should accept every year. We can adjust our membership rules to control the size of our membership.”

“These are not cut and dry answers. These are dependent on the different levels of membership. Answers would change based on the different levels”

“Seabird members should stay the way it is.”

“I would like more special events like Victoria Day and pictures with my family and friends and more gatherings.”

- Regarding what rights/entitlements go along with Membership:

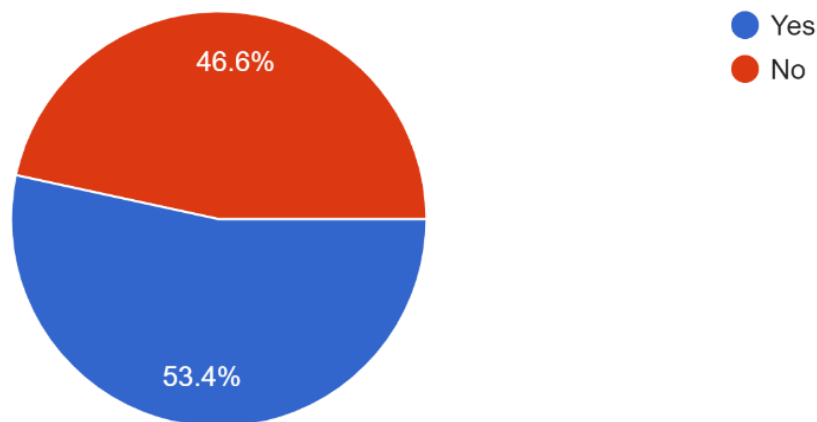
“I’m against allowing status or rights to a home for them. 100%”

“I think in the case of membership, it would be helpful to know what membership entails prior to asking people to fill out these questionnaires. I did answer but it was hard to decide given I have not been given a proper explanation of what member entails. Is membership the same as being registered for status?”

C. Membership & Indian Status

18. Should all new Seabird Members be required to have Indian Status?

103 responses

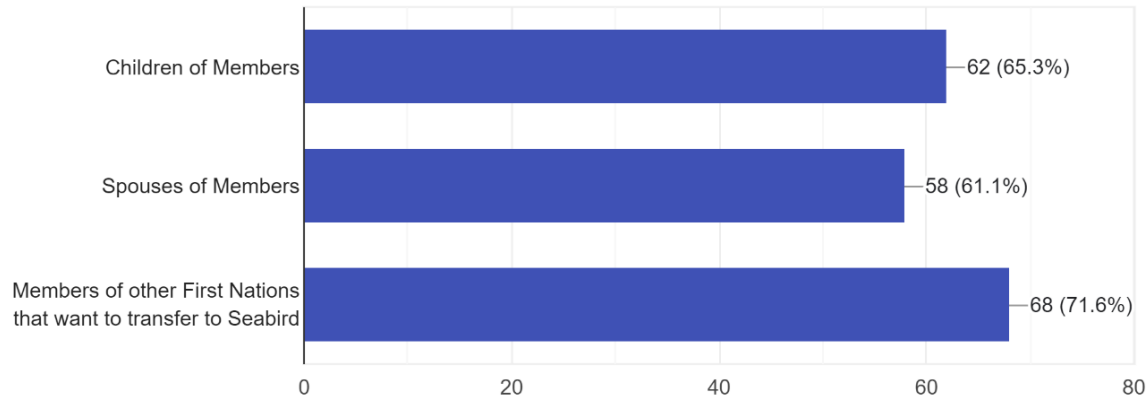


Brief Analysis

Respondents were divided as to whether Status should be required in order to become a Seabird Member. The responses to this question were very interesting considering some of the earlier responses about children and spouses, in which there was more willingness to welcome non-Status persons into Membership. This issue is discussed in the Analysis section at **FOCUS AREA #1 – Indian Status**.

19. Who should be required to have Indian Status to become a Seabird Member? (please check all that apply, if any)

95 responses



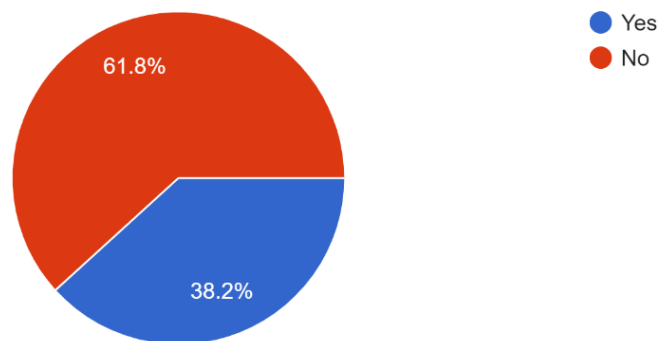
Brief Analysis

In hindsight, the Questionnaire should have provided a fourth option: "None". It is possible that, by not including this option, some respondents felt pressure to make a selection rather than leave it blank. The percentages shown in the chart above is based on the 95 respondents who chose to select an answer. The chart below assumes that the 11 people who did not respond to this question did so intentionally and provides percentages based on all 106 responses.



20. If in the future Canada agrees to provide Seabird funding based on the entire population of Seabird's membership (including non-Status members), would you support removing Indian Status as a requirement for Seabird membership?

102 responses



Brief Analysis

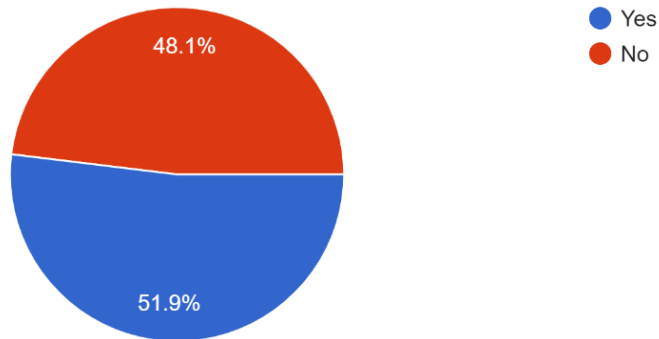
We asked this question to gauge the extent to which Canada's funding arrangement with Seabird would influence Members' feelings regarding the admission or non-admission of Non-Status Members. This was one of the issues we discussed when presenting on Membership issues at the first community meetings. Canada bases the funding it provides Seabird (and most other First Nations) on the amount of Status Members affiliated with the band (with those living on reserve weighing more heavily than those living off reserve) rather than actual band membership – so there is the concern that Seabird would be diluting its financial resources by admitting Non-Status Members.

Most participants did not like the idea of changing the Membership Code's requirements related to Status based on future financial arrangements with Canada.

We also acknowledge that, out of the context of the issue discussed at the community meetings, this may have been a confusing and overly hypothetical question.

21. Do you think Seabird should consider creating a second tier of Membership for non-Status persons who would otherwise qualify for Seabird Membership?

104 responses

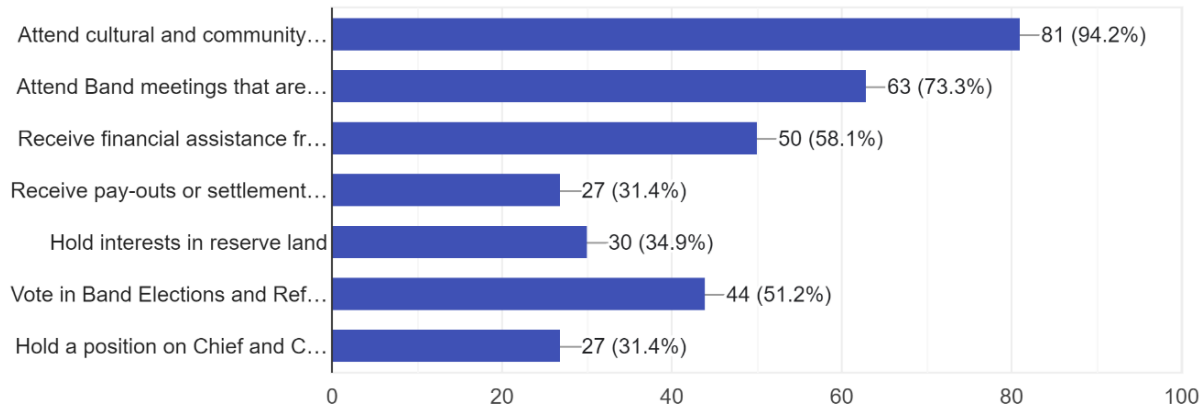


Brief Analysis

Participants were almost evenly divided on the idea of a “second tier” of Membership for Non-Status persons. We encourage readers of this Report to review the comments about this subject in Section 23, below. The issue of a “second tier” of Membership is discussed further in **FOCUS AREA #2 – Second Tier of Membership**.

22. If Seabird creates a second tier of Membership for non-Status persons, what benefits of Membership should these persons be entitled to? (please select all answers that you agree with)

86 responses



Brief Analysis

This question asked participants to think about what benefits would be given to a “second tier” (i.e., Non-Status) Member, if Seabird were to adopt this option. Note that only 86 of 106 respondents responded to this Question—presumably the 20 participants who did not respond either (1) did not agree with the idea of a second tier of Membership or (2) did not agree with providing a second tier of Membership with any of the benefits laid out. Note also that the percentages given are based on the 86 respondents to the question, not the entirety of the Questionnaire’s participants.

If Seabird were to include a second tier of Membership, respondents generally thought that those Non-Status Members should be entitled to attend cultural and community events and attend band meetings that are open to Members. Respondents were divided on whether Non-Status Members should be entitled to receive financial assistance from the Band that may be offered to Members or to vote in Band Elections and Referendums. Respondents were not supportive of Non-Status Members receiving pay-outs or settlement distributions; holding interests in reserve land; or holding a position on Chief and Council.

23. If you have any further thoughts or concerns about Indian Status, or would like to clarify any of your answers above, please do so here:

We received many written comments in response to this Question. We have attempted to organize comments by topic:

- Regarding Status, generally:

"Perhaps for a child born to a non-status member should be application-based? e.g. if my daughter (non-status) got approved and then she has a kid with a non-Indigenous person. Consecutive out-parenting. I realize blood quantum should have some role - I just don't know what. Especially if the person in question has low-quantum but is highly involved in the community/culture."

"Our status card defines us - where we're from."

"Seabird should not accept non-status people into the Band. They'll take over everything. Plus, the Band treats them better than their own Band members because they have money."

"If married or kids born to members but blood quantum too low should still be able to get help like any other member"

"I think Seabird is self-sufficient and should be able to absorb these costs, as stated above numbers will decrease because the government is making it harder to obtain status when you have a child with non-status, I think it's wrong because if my son has a child with someone non-status his children will lose their status which is so wrong! We shouldn't let the government decide this, if you're family member is seabird status their family should be automatically included."

- Regarding two-tiers of membership:

"Seabird already has "community member" tier members that aren't necessarily status, but live on reserve or marry onto / etc. and get certain access."

"No to second tier. We would be asking for trouble being told what we can and can't do by those who feel they are all powerful now"

"Regarding a second tier: would cause a divide, I think. Need more information and ask questions to answer this one."

"Perhaps start with a second tier and amend it as things smooth itself out... e.g. provide more comprehensive services to all in the future. Perhaps probation (e.g. 5 years for adults, 1 for children) includes no financial benefits."

"If you can prove your genealogy you can participate in membership stuff."

"There should NOT be a second tier of membership, this is not Costco, you either are or are not a member."

"Everybody should be equal"

"No second tier if you're not native then no status"

- **Regarding benefits of Membership for second tier Members:**

"Please clarify what you mean by "hold interests?" Do you mean something like certificate of possession? Or that they can have a vote in what happens with band (non-CP) land? I think there should be a second tier only for the reason that things get messy/political when it has to do with money/funding. I feel like there will be fighting if there's no more funding but comprehensive services need to be provided to a greater number of people. There may be the perception that people are only trying to get membership to get things for their kids/grandkids/etc."

"I feel like financial assistance for support for education should be a bit more relaxed and supportive for the (hypothetical) non-status members than services. They are trying to better themselves and become self-sufficient and may just need that little bit of extra support. Even if it is just a pro-rated amount."

"To have dental, medical, and education"

"Everyone is already allowed to attend cultural and community events, Band meetings but aren't allowed to ask or make any comments [at] the meetings"

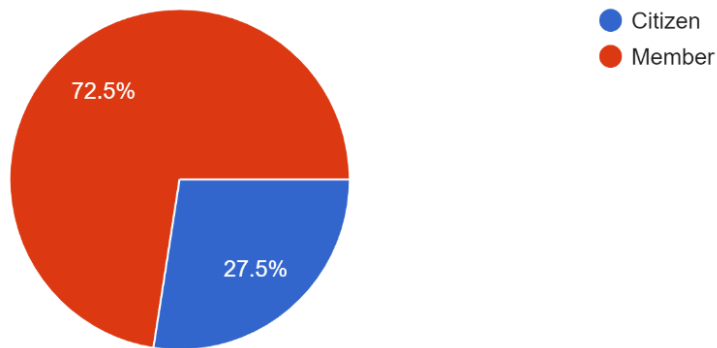
- **Regarding Seabird's resources**

We as Band Members are lucky to even see or get distributions! Yet they can buy apt bldg., land, and NOT ASK US if we would like to vote on purchases.

D. Membership or Citizenship

24. What word do you like better?

102 responses

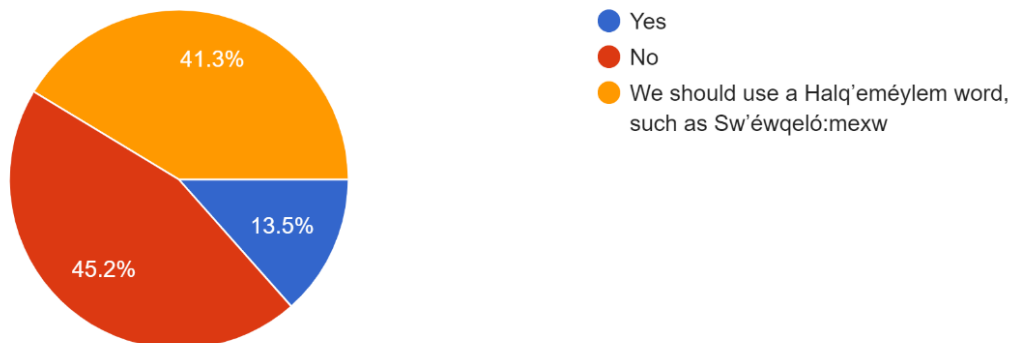


Brief Analysis

A large majority of respondents prefer the word "Member" to "Citizen".

25. Should the Membership Code use "Seabird Citizens" instead of "Seabird Members"?

104 responses



Brief Analysis

The responses to Questions 24 and 25 make clear that "Citizen" is not a popular option among Respondents. Respondents either wish to continue using the word "Member" or to adopt a Halq'eméylem word.

26. Please share any thoughts about the words "citizenship" and "membership". If you think there are other words (English or Halq'eméylem) that Seabird should think about using in the new Membership Code, please list them here:

We received many written comments in response to this Question. We have attempted to organize comments by topic:

- In support of a new term or word / other suggestions

"Let's get a new term. Both member and citizen are too colonial."

"Peoples" "descendants"

"Citizen is not us, membership is not us, just people"

"I think we should have various and define various categories with various rights and entitlements - Seabird member that lives on reserve, seabird member that does not live on reserve, non Seabird member that lives on reserve. We could also look at granting honorary membership with limited rights and entitlements."

"Enrollees"

- In support of the term "members"

"Again, members are where we're from thanks to our Ancestors."

"Think 'Citizen' is going back to Colonial days!"

"Don't like the word 'citizenship' to describe us as seabird members. Members sounds as though we are a part of the community."

"Should keep it how they have it under the Indian act"

"Use "member" or our native language name"

"Use our language and word member"

"Membership sounds more like a community in which we are suppose to be"

- In support of the term "citizenship"

"I think the word citizenship maybe because to me it means belonging and community. Membership that word to me gives a sense of divide. I'm having a hard time trying to express myself here...i.e.. gym membership, club membership, something you need to keep renewing. Once having citizenship you become part of that society for life."

"Citizen would create us equal and easier to understand with neighbour communities"

- Regarding Halq'eméylem or traditional words

"When using Halq'eméylem they need to make sure Halq'eméylem is spelt correctly"

"I think we should use Sw'éwqeló:mexw because we need to learn more Halq'eméylem words because why not?"

"We are a people [and] should use our language and practice our rights include the language in everything we do"

"Xwelmexw is my choice, we are not a municipality which is what I associate the term "citizen". If we want to decolonize, then I refer to myself as Xwelmexw from the Sto:lo Nation."

"If we are to steer clear of labels we were given at one time we should just go back to what we called ourselves before with a hint of modernism"

- Other comments

"I feel that citizenship means all people in the community and membership is more for the band members."

"To me citizen and citizenship could mean 2 different things to me, makes more sense to me to have Seabird Island Citizenship. Citizen seems to only in that one area, where as citizenship doesn't matter where you are you still have that citizenship."

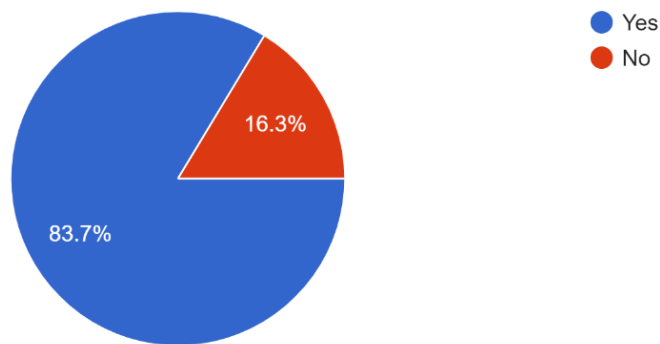
"Citizenship implies we OWN the land we are on, in truth the land owns us and we borrow the land from the next seven generations."

"Citizenship sounds too non indigenous and from people that are not first nation"

E. Rights and Responsibilities

27. Should Seabird create a document setting out the rights and responsibilities of Seabird Members and include it in the Membership Code?

104 responses



Brief Analysis

Most participants believe Seabird should create a document setting out the rights and responsibilities of Members and include it as part of the Membership Code. There is clear support for this initiative. The challenge is now to determine what those rights and responsibilities will be.

28. If there are specific rights and responsibilities that you wish to see included in the Membership Code, please share:

We received many written comments in response to this Question. We have attempted to organize comments by topic:

- Regarding land use and environmental protection

Responsibility to care for the land, this would include prevention of personal or familial (children) from damaging or endangering the balance of our local ecosystems. i.e.: removal of trees without permits, hunting animals on SIB and leaving carcass which in turn promote scavengers, chemical spills.

Responsibility to promote pollinators health and access to wild flowers, clean water, shelter - if each home had a small space to even have bird homes, or if SIB had "green spaces" to allow for locally indigenous wild flowers.

A clean living environment!!

Traditional Hunting Grounds

Get rid of permits/applications

Rights to hunt and fish on traditional land

Land entitlement/use

Respect the land/report any problems (Pesticides, etc.)

Fine for litter and damage to land

To care for community lands held, to be respectful of our resources.

- **Regarding voting and other participatory duties**

Responsibility to vote, to take part in discussions.

Keep contact information up to date

Keep involved in major decision making, if you don't live close participate online

- **Regarding respect and community**

Must at all times set a good example of Seabird" (or something similar meaning at all times they represent us and our people)

Respect each other especially our elders

Keep an orderly/clean yard - no abandoned vehicles/boats

No neglected animal ex. dogs tied up in yards/animals spayed or neutered/no animal abandonment

Animal ownership subject to SPCA

- **Regarding tradition**

Incorporate our traditional laws and our old teachings respect, humility, take care of land, compassion, helping each other, community

include sacred laws and protocols that our ancestors passed on to us

- **Regarding off-reserve Members**

Acknowledge the rights and responsibilities of off-reserve SIB Sw'ewqeló:mexw

- **Regarding laws**

The right to own our own home

- Regarding the idea of rights and responsibilities, generally

Yes to rights, no to responsibilities

I think the document would be what rights a member has, I don't know what would be written for responsibilities.

- Regarding Membership Committee

Committee people only allowed be on 3 years then other members should be given opportunity to be on and have say; Youth/member/elder

Committee members required to be participating in responsibilities, do reports, be active, get involved in presenting to community updates, go to community and introduce and make known their duties and responsibilities

Committee can only serve 3 years then new committee members go in and take part and has to show reports of what they did, doing

Bbe active with sharing and updating community and showing ideas and updates

- Criticism of Question

Unsure

I prefer a detailed survey to develop this.

29. Please share any ideas, thoughts, or concerns about the development of a rights and responsibilities document:

We received many written comments in response to this Question. We have attempted to organize comments by topic:

- Regarding the development process

It will be a long term process, and expensive but in the long term it will be within everyone's favour.

That it be given the time required to develop. That there be a process to remove the membership away upon specific terms.

Need more discussion on rights and responsibilities of the members of Seabird.

Vote on the final draft

Identify what is a right and responsibility

Vote of responsibilities, not automatic

Compile thoughts from Community List

Look at our stories, legends, talk to elders they have all the teachings that should go into the document add our language that our elders fought for us to use and keep; members be involved

Include or have membership involved!

Rights and responsibilities should be a high level description, something that will stand the test of time. Even though we have different benefits with ISC this may not be there in the future and we can not base decisions on things like that. the Membership code is there to protect our members not to have an out for Council.

Meaningful consultation with Elders and Youth: 3 generations past, present, 3 generations future = 7 generations

- Specific ideas for rights/responsibilities

It's a shared community, we should work together to keep it clean.

It is our responsibility to keep our people safe! For those that are BANNED, for good reason, be removed from our membership and ensure they not enter our Community. This has always been a Problem, only few people have access to know who they are, it should be on our Members Only Page for our children's safety!

If we have non status members, we should definitely have rules for them to follow.

Create and implement an off-reserve citizens section

Get rid of permitting

Follow similar responsibilities from cities that have been prosperous

[...] Addressing head of family in this it would be fair and this also would be next if a responsibility needed to be written.

White people live in town don't bring them here

- **Points for further discussion**

*Q for next meeting: Dual Citizenship - not just one band to keep membership. Example:
1 American Band 1 Canadian Band*

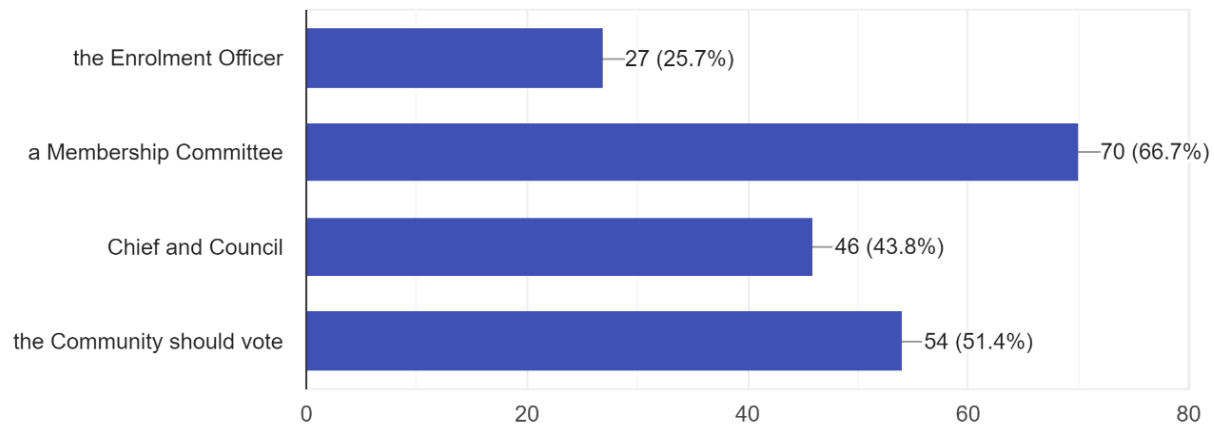
https://fngovernance.org/Reclaiming_Our_Identity/

What would Seabird members be entitled to?

F. Application Process

30. Who should make decisions about whether an Applicant is granted Membership? (please check all that apply)

105 responses



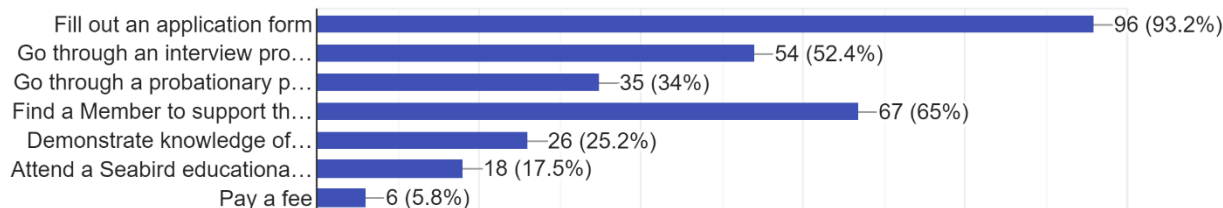
Brief Analysis

There is support for the establishment of a Membership Committee that would make decisions on Membership Applications. About half of respondents thought that the community should vote on Applications.

The establishment of a Membership Committee and the design of an Application Process is discussed further in **FOCUS AREA #4 – Establishing a Membership Committee** and in **FOCUS AREA #5 – Identifying decisionmakers for the Application Process**.

31. What should an Applicant have to do in order to apply for Membership? (please check all that apply)

103 responses



Brief Analysis

This question asked participants to consider what should be involved in the Application process.

There was strong support for:

- requiring applicants to fill out an application form; and
- requiring applicants to find a Member to support the application.

About half of respondents agreed with:

- requiring applicants to go through an interview process

The following options were not popular:

- requiring applicants to go through a probationary period;
- requiring applicants to demonstrate knowledge of Seabird culture;
- requiring applicants to attend a Seabird educational class; and
- requiring applicants to pay a fee.

We also provided an “other” category which allowed participants to write in their own response. We received the following suggestions:

- require applicant to gradually phase in;
- require an interview if no family ties;
- require applicant to demonstrate lineage via genealogist;
- provide lineage documentation, attest to their values, attest what they can bring to Seabird;
- require applicant to play an active role in the community e.g., volunteer/go to meetings/cultural events;
- require an initiation;
- first application should be free; any other applications would have a fee;

32. Please share any other thoughts about the application process:

We received many written comments in response to this Question. We have attempted to organize comments by topic:

- **Demonstrate/Present Knowledge of Seabird Culture**

I like the idea of knowledge of Seabird culture. It should be proceeded by opportunity to learn about it. Who decides if someone is knowledgeable enough? I think the enrolment officer should only be able to make recommendations.

Maybe they should show a demonstration of why they want to be and join

Verbal visit

Band members need to learn who we are before requiring applicants to show their knowledge.

Letter written by the applicant as to why they wish to be a member of Seabird

- **Voting**

How do we control for nepotism in this process? e.g., if it is a vote (by a committee, as a community, even with Chief and Council) who is to say they will vote no for my non-Status daughter but yes to their non-status cousin (from one of the bigger families that may hold more of a vote). What role should precedence set to negate this?

I know of other bands that have a similar process, and they hold an election/vote once a year for everyone wishing to join the band, sometimes they will provide an explanation of who they are and why they want to join to the community and the community votes.

All applicants who are applying for membership should be determined by community vote. This is for applicants who want membership (as in No. 14 and 15 questions).

An applicant who is not a descendant of a seabird member should be filling out paperwork on why they want to be a seabird member and the band members should vote whether we want them as a seabird member. An applicant who is a descendent of a seabird member should not have to go through this process they should be automatic acceptance same with children born of a band member they should not have to go through a process acceptance is their right by birth

- **Fees**

Fee - funds should go back to membership operations

Pay a fee: if trying to obtain land

- **Committee**

A committee should review the applications and then give the Chief and Council a list then they decide.

I would like a membership committee to review the applications before passing them to Chief and Council for the final decision

Who would be on the Membership Committee?

Tough to say, don't want people making decisions because they don't like the family etc. for personal reasons so if there should be a committee or whatever that it should be a good representation from different families etc.

We should have a point system whereby a membership committee/enrollment officer would assign a point for every item that we deem important for membership.

- **Ancestry**

Ancestry Ancestry Ancestry is key

Should show family tree be together certain amount of time also have face to face meeting to explain their side

- **Application**

The process should be the same one being used now. The people with family who are members now should fill out an application, other status people need to fill an application, then either become a member by being voted in by a referendum or by petition.

Parent(s) can fill out an application for their child

- **Ceremony**

A member would bring them forward at a formal declaration ceremony, the family matriarch would be responsible for that person's adoption.

- **Additional Comments**

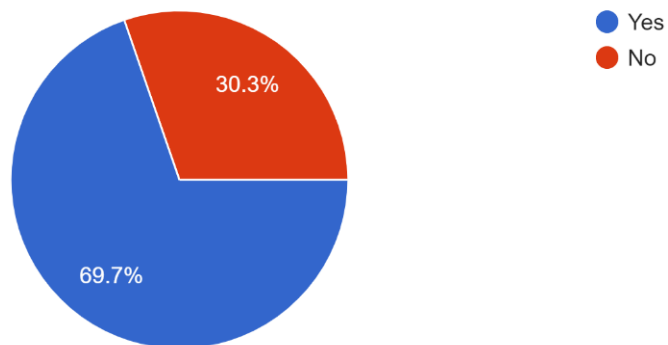
We're a simple people we look after our family's first

Again this depends on the different levels of membership.

G. Removals from Membership List

33. Do you think the new Membership Code should have ways to remove a person from the Membership List in certain situations?

99 responses

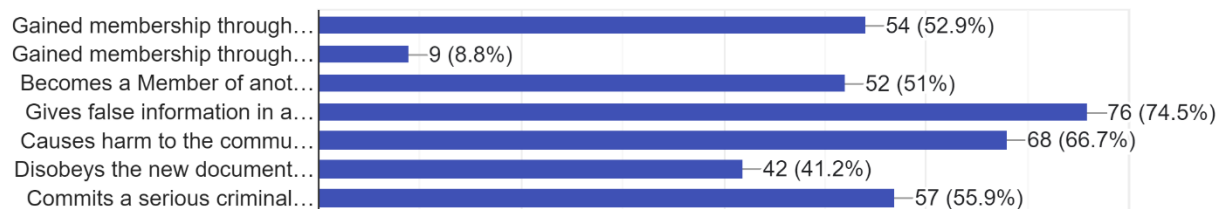


Brief Analysis

Most respondents (about 70%) thought that the Membership Code should have ways to remove a person from the Membership List in certain situations.

34. Seabird's Code should have a way to remove the Membership of an individual who (please check all that you agree with):

102 responses



Brief Analysis

This question asked participants to consider under what circumstances a Member should be subject to removal from Seabird. This question is analyzed further in **FOCUS AREAS #6, #7, and #8**.

The following responses were popular:

- Gives false information in a Membership Application
- Causes harm to the community or Members

About half of respondents agreed with the following:

- Commits a serious criminal offence
- Becomes a member of another Nation
- Gained membership through marriage, but is now divorced from the Member

Less than half of respondents agreed with the following:

- Gained membership through marriage, but the spouse has died

Very few respondents agreed with the following:

- Disobeys the new document setting out the rights and responsibilities of Seabird Members

Participants were given the option to write-in a response in a box marked "other". We received the following write-in answers:

- Sells drugs or alcohol
- Animal cruelty
- Drug dealers
- Pedophiles
- This also depends on natural born members or people living in the community not status but are members.

35. Please share any other thoughts you have about removals from Membership:

We received many written comments in response to this Question. We have attempted to organize comments by topic:

- **Hesitations to Removals**

I checked yes for MANY removal of membership options because it should be an OPTION in dire circumstances, not a regular occurrence. I am very torn by this. Those removed for crimes/causing harm may be the very ones damaged the most by colonialism/intergeneration trauma/etc. They may need the most support, e.g. from our mental health team, cultural workers, etc. Lateral violence is also brutal in First Nations communities, Seabird is no different.

Advocating for removal of someone could just become another way for us to hurt one another. It could be the recreation of a historic trauma - where someone is now ratting others out to the committee from a place of hurt (in history it was to the Indian agents).

Personally, I don't think anyone should lose their Membership. Discipline, warnings, yes.

Just as the Canadian Constitution there is a right to be a member regardless of what you have done. We can not be judge, jury or executioner. Our members have a right to remain a member. they can be banned that is a different situation but we can not strip them of their rights.

Unless married out there should not be removal of membership but able to kick them off reserve. They are a member for life.

- **Removals for Safety/Crime**

Anyone who can endanger the future of the community repetitively should not be given access to the supports of the community, if they are removed they can reapply within a year depending on circumstances.

Commits a serious criminal offence - probationary period and prove back on track i.e.: harm children and high risk to children, women, men i.e., drug dealers, harming our family and friends

Very delicate situations and would that be considered way of court litigation? Human rights?

People that rape, molest, deal drugs, steal, cause harm like recurring hurting, kids, children, using drugs

If you're a [drug user], pedophile or all of the above

Drugs/alcohol/murder/violence committed to kids, anyone, elders

Commits a serious criminal offence - violent hurts someone or threatens community or member

Removal: criminals, murderers, killers, thieves, pedophiles

- **Removal for Divorce**

Membership who become divorced or separated from a member should not be a member once separated or divorced or be allowed to vote in elections.

I think divorce is complex. If the person has a child who is a Seabird member they should be allowed to stay - or at-least be considered eligible.

- **Removals for commercial sales**

sells food, fish, or deer (food)

sells things that are sacred to us Band Members [...]

- **Removals for other reasons**

Ancestry.

Must not be an enrolled member of another Tribe or Band.

- **General comments on removals**

Depends on what the roles and responsibilities are if they are not followed. Again different for the different levels of citizenship.

Historically we were not only from one Nation but we could be from others as well. This is where names and formal introduction were important. Shows connections. These connections were made as a means of economic and social comradery.

I feel this should be looked into more deeply. There are circumstances as to which I would agree to such drastic measures however there should be a question for who would have the say in the removal

Members can be exempted if its prior to the old membership code.

Once implemented MUST be applied/followed or why bother with this arduous process

Should be on reserve over 12 years

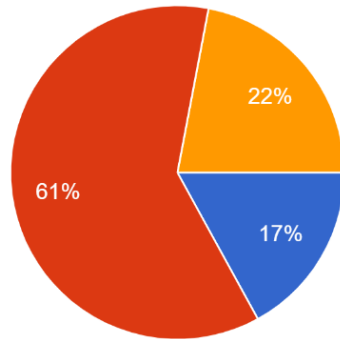
- **General comments on the question**

Too vague

H. Amendment Process

36. Please select the option you think is best:

100 responses



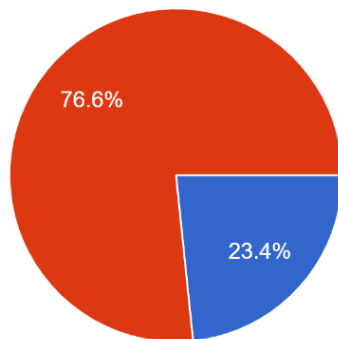
- To amend the Code, there should be a vote held at a Band meeting
- To amend the Code, there should be a Referendum Vote with a polling-station and mail-in ballots
- To amend the Code, a petition should be circulated and signed by a certain percentage of Members

Brief Analysis

Most respondents thought that amendments should happen by way of Referendum Vote, with a polling-station and mail-in ballots. This issue is analyzed further in **FOCUS AREA #9 – Developing the Amendment Process**

37. Should the Code allow Chief and Council and/or the Membership Committee to make minor or uncontroversial changes to the Code, without a vote?

107 responses



- Yes
- No

Brief Analysis

Three quarters of respondents did not want to allow Chief and Council or the Membership Committee to make minor or uncontroversial changes to the Code, without a Band vote. This is clear direction: any revision to the Code must be run by Membership.

I. Other Questions & Feedback

38. Please note anything else you think should be considered in the creation of the updated Membership Code or the rights and responsibilities document:

We received many written comments in response to this Question. We have attempted to organize comments by topic:

- **Regarding housing**

Look at membership and how it relates to housing (both rentals and mortgaged homes - CP and non-CP) My story. I am a 6(2), my daughter will not get a status card. I was looking at building a home on Seabird. What if we build and I die a year later? Can my husband still raise my daughter here - if that is his wish? Could she inherit the home? Would he even be allowed to sell the home (to a band member or back to the band) or would it be taken? Would he be able to rent the home to a band member?

Everyone should be responsible for maintaining and cleaning their land within their surveyed parcel and keeping homes from degradation

- **Regarding history, tradition, and anthropology**

Pre-colonial information about how we determined membership. This is an opportunity to re-establish some of our cultural traditions that were taken away. Everyone that is a member of Seabird today has grown up in a post-colonial society. We have very little understanding of what happened before. I understand that Seabird has been an amalgam of several groups and that this has caused controversy and discord. We need leadership to come up with solutions that uses these differences for positive community benefits and not let them to continue to divide our community. The Longhouse non-decision is one example. We should be building a Longhouse and not a 'Cultural Building'. The colonial powers took away our culture and we can't let our differences finish the job the colonials started. Dr. Borrows, from UVic, is a perfect example of someone, with pre-colonial legal understanding, that could be an asset to Seabird to work with the entire community to provide a dispute/conflict resolution and a process based on our common historical traditions to overcome challenges within the community. The same groups seem to constantly be at disagreement with every major decision.

[...] anthropology teaches us that membership/citizenship, and the rules and rights around this, are a fundamental aspect of every culture. We should have someone, like Dr. Carlson, provide a video of his understanding of our pre-colonial historical rules and rights around citizenship/membership. He would be able to provide insight in to what we did before colonials arrived. Will it be complete? No. Will there be things that we will not be able to accept in our modern society? Yes. We need this information so we as a

society can re-establish some of our every day cultural norms. To fulfil the objectives of UNDRIP.

- **Regarding implementation**

Only that they be followed, once implemented

The membership code should be free of any ambiguities, very specific no grey areas left for interpretation, no way to let personal attributes influence decisions.

- **Regarding requirements for Membership**

Lineage is important

- **Regarding on-reserve vs. off-reserve issues**

*No tax off reserve when working: Talk with the families that are having this problem;
Make sure to include people who are actually having these problems be on the committee and have knowledge if your going to start a committee*

It should be responsibility of Seabird Band to get the info out to community on off res

Why do members off reserve not receive same treatment as community members!? It's not fair!!

- **Regarding community engagement process and development of Code**

Community consultation, surveys, community meeting thought the whole process. Take the time it takes.

Hire someone the knows the genealogy

This is where the development of a constitution and new election code that are married in the same language.

It should be posted and open to view

Let the people determine what is created not the select few

Total vote

39. Please feel free to provide any feedback on this questionnaire, so we can improve the community engagement process:

We received many written comments in response to this Question. We have attempted to organize comments by topic:

- **Regarding obstacles to participation and ideas for community engagement**

More meetings to discuss, less surveys. Give people the option of having a phone-call with you or your assistant(s) to express their opinion. It gives the option of confidentiality without having to type or write. I know if my grandma were still alive she would have trouble conveying her thoughts in writing, but could on a private call.

Any changes of the membership code should be up to the community and not Chief and Council. Information needs to be brought to homes and not just on Facebook as not all members have Facebook.

Can we have more activities for children? Have more programs for after school for kids so their parents get enough time to get off of work?

To cover all groups of Seabird for ensuring all members have heard about Membership Code divide amongst departments and staff to communicate with groups i.e.. Elders, Youth, Moms/Young Families, remaining (know the # in community divide list, confirm whether they want to participate or not, help fill surveys and attend sessions.

Develop family heads group to share same as above?

Do in person visits

Improve on technology for community

Agree that there needs to be updated to current codes. But it took a couple of years for code committee to compile the current codes. Shouldn't be taken lightly to make changes.

- **Questions about process**

More information on the membership committee would be nice. Who has the final say after this questionnaire. Would a draft of the membership code be put out to the members before it's approved?

A timeline of the process would be very helpful. I have been very busy [...]. I feel that this is a very important topic and I hope I will be able to provide more detailed explanation as this process unfolds.

- **Critiques of process and Questionnaire**

Stupid questions

Too many tricky questions

to the point

Make some of the questions clearer and more understandable

Are you working with us or against us?

Maybe part the questionnaire out, like part one part two it was a lot to go over at once

Less vague?

Plain English please

- **Regarding membership, generally**

You have no idea how frustrating it is as a band member that both of my children do not have status.

- **Comments related to governance or other issues**

Include members when HUGE purchases are being considered

PART 2 – ANALYSIS OF RESULTS

In this part of the Report, we analyze the results of the Questionnaire to identify areas of agreement and disagreement among Questionnaire participants. This analysis is organized by the following subjects:

1. Who should be a Member?
2. “Membership” or “Citizenship”?
3. Rights and Responsibilities
4. Application Process and Administration
5. Removals from Membership
6. Amendment Process
7. Appeals and Protests

Within each subject, we identify “Focus Areas” that should become the subject of further community engagement discussions. We summarize the Focus Areas in the next section.

1. Who should be a Member?

We asked participants to determine which categories of persons should be able to become a Member. We gave Members three options for each category of person:

- (1) by registration (the person would have a right to become a Member and would simply sign up);
- (2) by application (the person would have the opportunity to be considered for Membership by way of an application process); or
- (3) not eligible (the person would not be eligible to become a Member under any circumstances).

Areas of Agreement

First, we review areas of agreement. In our view, the responses support the following conclusions:

- **Births**
 - A child with Indian Status⁴ born to one Seabird member has the right to be a Seabird member. To become a member, the parent would register the child and provide proper evidence of parenthood (i.e., a birth certificate).

⁴ Or a child who is eligible for Indian Status.

- **Adoptions**

- A child who is adopted by a Seabird member (and has Indian Status either by birth or by adoption) has the right to be a Seabird member.⁵ To become a member, the adoptive parent would register the child and provide proper evidence of adoption.
- An adult with Indian Status who is adopted by a Seabird Member as an adult may apply for Membership (but does not have the right to be a Seabird member).

- **Reinstatements**

- A person who would have been a Seabird member by birth but who was adopted out of Seabird as a child and now wishes to return to Seabird as an adult should have the right to be registered as a Member.
- A person who voluntarily gave up their Membership and now wishes to return may apply for membership.

- **Spouses of Members**

- A spouse of a Seabird Member may apply for Membership if that spouse has Indian Status.

- **Transfers**

- A person with Indian Status who has a Seabird ancestor may apply for Membership.
- A person with Indian Status who does not have a Seabird ancestor or family member may apply for Membership.

- **Involvement in community**

- A person who does not have Indian Status but is involved in the community and wishes to become a Member is not eligible to be a Member.

Given the responses we have received so far, and subject to further direction we receive in further community engagement, the above statements could be turned into laws within Seabird's updated Code.

⁵ Note, the Questionnaire did not ask Members about whether the Code should differentiate between custom adoptions and legal adoptions. Another issue for further discussion: for an adoption to be recognized under the Code for the purposes of Membership, can it be either a custom adoption or a legal adoption?

FOCUS AREA #1 – Indian Status

The major issue that Seabird must decide is whether to allow individuals who do not have Indian Status to join Membership in certain cases. The Questionnaire asked many questions about this topic—respondents were divided on the issue.

This issue is coming up primarily because, in some cases, the children and grandchildren of current Seabird Members are not eligible for Status and therefore not eligible for Membership. Currently, Indian Status (a.k.a., registration under the *Indian Act*) is a pre-requirement for Membership in Seabird.

The *Indian Act* rules related to Status make it harder to pass Indian Status on to subsequent generations: after two consecutive generations of parenting with a person who is not entitled to registration (a non-Indian), the third generation is no longer entitled to registration. Entitlement is therefore cut-off after the second-generation. This rule, known as the second-generation cut-off, is applied by Canada mechanically, without regard to a person's circumstances or identity. If Seabird decides to continue to require Status as a pre-requirement for Membership, the rule could result in the eventual reduction of the eligible population of Seabird members and in families leaving Seabird. Certain respondents are already feeling this frustration. One respondent wrote:

You have no idea how frustrating it is as a band member that both of my children do not have status.

Another wrote:

"I feel if individuals who have ancestry here at Seabird should be allowed to become a member if they live here. It will affect future generations if they don't have membership (the kids and grandkids) people need to feel a sense of belonging a sense of community. If not "a part of" I think would create an "I don't care" attitude of the younger generation."

However, on the other hand, if non-Status individuals are allowed into Seabird, it is possible that there could be additional pressures on Seabird's funding. Canada only provides funding to Seabird based on the number of Seabird Members with Status. Canada would not necessarily provide Seabird funding to assist with providing services for the non-Status Members.

There is not yet agreement on this difficult issue. Interestingly, some respondents changed their opinions on the issue, depending on the question being asked. For instance, when asked directly in Question #18 whether all new Seabird Members should be required to have Indian Status, a slim majority (53%) said "yes, Status should be required." Further, in Question #19, 62 respondents (over half) said that the Children of

Members should be required to have Indian Status to become a Seabird Member. However, when asked in the context of providing membership to non-Status children of Seabird Members, in Question #5, the responses were very different: there was overwhelming support (93%) to allow the non-Status child to have Membership, and most of the respondents thought the Membership should be automatic rather than by application. The results of Question #5 contradict the results of Questions #18 and #19.

We do not know what explains these conflicting responses. The following are merely guesses:

- It could be that Question #5 was not clear enough and certain Respondents did not notice the reference to Status in the question. Perhaps certain Members misunderstood one or both questions.
- It could be that the context of the Questions influenced the results. Since Question #5 encouraged Members to think about the children of Members, they may have associated the question with specific persons whom they wish could be eligible for Membership. By contrast, Question #18 was more abstract and not directly in reference to any group.
- Perhaps Members' opinions were changing as they answered the Questionnaire, the more they thought about the issue.

There were similar mixed-messages in the context of spouses. For instance, in Question #10, nearly 75% of respondents thought that a spouse who self-identifies as Indigenous but does not have Indian Status should be eligible for Membership (by application). And in Question #11, just over half of respondents thought that even non-Indigenous spouses of Members should have a pathway to Membership. By contrast, in Question #19, over half of the respondents thought that Status should be required for the spouses of Members.

In our view, the best conclusion about these conflicting opinions and direction is simply that the connection between Indian Status and Membership remains a difficult issue in which a solution has not yet been found. It was clear that some respondents felt they needed more information to decide. One respondent wrote:

"[...] it would be helpful to know what membership entails prior to asking people to fill out these questionnaires. I did answer but it was hard to decide given I have not been given a proper explanation of what member entails. Is membership the same as being registered for status?"

We think it would be helpful for Seabird Members to hear from Seabird's administration about the types of benefits provided to Members and how allowing Non-Status family members may impact those benefits.

Further, the outcome of this discussion will have an impact on Seabird land: by expanding the persons who qualify as “Members” there would be more people who are eligible to hold allotments in Seabird land, under the Seabird Land Code. But by the same token, the Non-Status children of Members would be able to inherit their parent’s Seabird property (which is currently not possible if they are not Members).

The connection between Indian Status and Membership remains a difficult issue in which a solution has not yet been found. This extra education could lead to Members developing more informed opinions on this matter. Further sessions focussed on the issue of Status are required.

FOCUS AREA #2 – Second Tier of Membership

The Questionnaire raised the idea of a “second tier” of Membership available for non-Status persons who would otherwise be eligible for Membership if they had Status (see Questions #21 to #23). This question sparked another area of clear division. Half of the respondents were interested in this idea; half disliked it. Some who disliked this idea appeared concerned about divisions that would be caused:

“Regarding a second tier: would cause a divide, I think. Need more information and ask questions to answer this one.”

“There should NOT be a second tier of membership, this is not Costco, you either are or are not a member.”

Other respondents felt it would be unnecessary as there already exists this kind of group:

“Seabird already has “community member” tier members that aren’t necessarily status, but live on reserve or marry onto / etc. and get certain access.”

It is possible that a more popular solution can be found to address the issue of Status in the Membership Code. Further discussion about a “second tier” of Membership is required and should happen alongside the conversations about Indian Status and Membership.

2. “Membership” or “Citizenship”?

Most respondents prefer the word “Member” to “Citizen”. This is clear direction from respondents that they are not interested in reconceptualizing membership as citizenship.

Respondents also showed willingness to use a Halq'eméylem word to describe Membership. It is possible for the Membership Code to refer to both the terminology of "membership" and Halq'eméylem words to describe the Seabird people. We will continue to explore the inclusion of Halq'eméylem words in the Membership Code.

3. Rights and Responsibilities

Respondents provided clear support for the creation of a document setting out the rights and responsibilities of Members and to include it as part of the Membership Code.

Respondents also indicated (see Question # 34) that they dislike the idea of allowing the Rights and Responsibilities document to provide justification for the removal of Members if a Member were to disobey it. It is likely that this document will be closer to an aspirational document that sets out high level values and expectations of Seabird, rather than a strict code of conduct. However, it is possible that the Rights and Responsibilities document could be used to help judge applications for Membership.

FOCUS AREA #3 – Determining Seabird Rights and Responsibilities

The challenge is now to determine what those rights, responsibilities, and values will be. The Questionnaire did not suggest rights and responsibilities but rather asked Members to offer their own ideas. Many ideas were put forward by Respondents (please see in particular the responses to Question #28) which we will work to collect and summarize before the next discussion is scheduled on this topic.

Some respondents said they would like to hear more about traditional laws and protocols and old teachings to see if they could be incorporated into this document and the Membership Code at large. We may be able to facilitate a conversation with Keith Carlson, an ethnohistorian that Seabird has hired, on Membership related matters.

4. Application Process and Administration

The Questionnaire asked participants to think about how applications should be processed. Most respondents agreed that a Membership Committee should be established to make decisions on Membership applications. However, about half of the respondents also thought that the community should vote on Applications. (There was very little support for leaving application decisions in the hands of an Enrolment Officer or Membership Clerk. Those roles should be essentially administrative.)

These responses lead to two related issues to be determined:

FOCUS AREA #4 – Establishing a Membership Committee

Seabird needs to determine how the Membership Committee would be created and function. The following questions need to be answered:

- a. how many people must be on the Committee;
- b. who can sit on the Committee;
- c. whether there are goals of achieving diversity on the Committee (i.e., age groups; on- and off- reserve; family groups)
- d. how Members are appointed to the Committee;
- e. how long Committee Members hold their position on the Committee;
- f. whether and how a Committee Member can be removed from their position;
- g. what happens if a Committee position goes vacant;
- h. how often, and when, the Committee must meet;
- i. the procedure for Committee Meetings;
- j. how the Committee makes decisions and how they provide evidence of those decisions;
- k. how the Terms of Reference can be revised;
- l. etc.

FOCUS AREA #5 – Identifying decisionmakers for the Application Process

While much of the Application Process will be administrative and procedural, the main question to answer at this stage (through community engagement) is (1) what type of applications can be decided by the Membership Committee alone; and (2) what type of applications, if any, need community consultation or a community vote. Since half of respondents thought that the community should have voting power in the application process, we should explore further what this might look like.

For instance, it could be that certain types of applications, such as spouses, could be decided by the Membership Committee, while other types, such as transfers from other Bands would require a community vote. Although, there are other ways to have community involvement in decision-making that we can explore. And it may be that once the procedure for the Membership Committee is developed, Members may have confidence in handing over decision-making to the Committee alone.

A sub-issue will be to determine how the Membership Committee is guided in its decision-making. By including Guidelines in the Code, Seabird can control the appropriate factors that the Membership Committee is allowed to consider when judging applications. For instance, the Guidelines could say that an applicant can be

judged based on their willingness to learn and participate in Seabird culture but cannot be judged on the colour of their hair or their sexual orientation.

5. Removals from Membership

Most respondents (just under 70%) thought that the Membership Code should have ways to remove a person from Membership in certain situations.

FOCUS AREA #6: Confirm circumstances a Member can be removed from Membership

The first issue to address: under what circumstances can a Member lose their status?

Respondents agreed with two circumstances in which a Member should be able to be removed from Membership:

- When a Member lied or gave false information in their application to Seabird.
- When a Member causes harm to the community or Members.

Respondents were divided on whether the following circumstances should lead to removal:

- When a Member commits a serious criminal offence.
- When a Member becomes a member of another First Nation.
- When a Member gained membership through marriage, but that marriage ends (through divorce or separation).

Respondents generally disliked the following options:

- When a Member gained membership through marriage, but the spouse has died.
- When a Member disobeys the new document setting out the rights and responsibilities of Seabird Members.

We think these responses lead to the following related questions that Seabird must address:

- (1) Should Members be removed for causing harm to the community or Members or for committing serious criminal offences?
 - a. If yes, then what type of harm or criminal activity would justify a removal proceeding?
 - b. If yes, then who would decide whether to remove the Member and by what process?
 - c. If yes, is there risk of liability or legal action for the Band (perhaps an infringement of the *Charter of Rights and Freedoms*)?

- d. If yes, could this be penalizing the removed Member's family members and descendants if they lose entitlement to Membership?
- (2) Should Seabird allow for dual membership with other Indian Bands?
 - a. And does it matter if the other band or tribe is in the United States?
 - b. This issue is discussed in **Focus Area #8** below.
- (3) Should Members who gained entry to Seabird through marriage or common law relationship lose their Membership if that relationship ends (other than by death)?
 - a. If yes, would it be automatic or subject to someone's decision?
 - b. What if the Member holds a Certificate of Possession and/or is raising children who are Seabird Members?
 - c. Does it make a difference if spouses must apply for Membership, rather than obtain Membership by right of marriage?

We think the following comment by a Member painted a good picture of the difficulty involved in these decisions:

I checked yes for MANY removal of membership options because it should be an OPTION in dire circumstances, not a regular occurrence. I am very torn by this. Those removed for crimes/causing harm may be the very ones damaged the most by colonialism/intergeneration trauma/etc. They may need the most support, e.g. from our mental health team, cultural workers, etc. Lateral violence is also brutal in First Nations communities, Seabird is no different.

There are two other related issues to resolve respecting removals:

FOCUS AREA #7: Identifying decisionmakers for removing a Member

In addition to determining when a Member can lose their Membership, Seabird must address (1) who has the power to remove a Member against their will; and (2) how would this decision-making person or group go about doing this? Will it be the Membership Committee or a separate entity?

FOCUS AREA #8: Membership in multiple Bands

Another issue to address is that of dual- or multi-membership in other Indian Bands, First Nations, or American Tribes. We did not ask this directly in the Questionnaire, but it was mentioned by respondents in the comments and about half of respondents thought

that joining another Band should be grounds for removal from Membership. Members should consider the pros and cons of allowing Membership in more than one band.

6. Amendment Process

The Code must contain a procedure for changing it in the future. In the Questionnaire, most respondents thought that the best way to amend the Code would be to have a Referendum with a polling station and mail-in ballots.

Most respondents did not like the idea of giving the Membership Committee or Chief and Council the power to make minor or uncontroversial changes to the Code without a Band Vote. While this wish should be respected, we do note that it is generally quite inefficient and expensive to hold a Referendum for very minor changes that do not change the substance of the Code.

FOCUS AREA #9 – Developing the Amendment Process

The procedure for the amendment process vote needs to be further discussed and decided. For instance, should there be a minimum threshold of participation in an amendment vote for a vote to be successful?

DGW can suggest some model amendment procedures for Membership to discuss and consider. If Members have ideas for an amendment procedure, we are keen to hear from you.

7. Appeals and Protests

The Questionnaire did not ask participants any questions about appeals or protests, however, we flag this as another issue that we will need to discuss with Membership.

FOCUS AREA #10 – Appeals and Protests

The Code will need to include a mechanism for people to appeal the decisions of the Membership Committee. Any person whose registration or application is denied, or who is removed from Membership should be provided the opportunity to appeal the decision.

Related questions include:

1. will appeals be handled by Seabird or by the Canadian courts?
2. if Seabird is to handle appeals, who makes decisions? (options could include: an Appeals Officer or an Appeal Board or Tribunal)

3. how are individuals selected to that decision-making role and who is eligible?
(sometimes Nations prefer to have a Non-Member decision-maker in this role)
4. what is the procedure for appeals?
5. what are the grounds for appeal (i.e., under what circumstances can someone bring an appeal)?
6. will there be a financial fee for bringing an appeal?

Seabird could also decide to include “**protest**” provisions, in which a Member other than the applicant disputes another person being added to, or removed from, the Membership List. There could be a protest period after a Member’s addition to the Membership List. If Seabird is interested in this option, we would need to work out the appropriate reasons for protests and relevant procedures.

PART 3 – SUMMARY OF “FOCUS AREAS” FOR FURTHER DISCUSSION

We have identified ten “Focus Areas” that need to be explored and discussed further through community engagement. We provide a brief description of each Focus Area in the list below.

Who should be a Member?

- **FOCUS AREA #1 – Indian Status:** Seabird must decide whether to allow individuals who do not have Indian Status to join Membership.
- **FOCUS AREA #2 – Second Tier of Membership:** Seabird must decide whether the concept of a “second tier” of membership for non-Indian Status persons is an appropriate way to include folks who would otherwise be a Member if they did have Status. If not, are there other solutions that would allow Seabird to include certain Non-Status persons?

Rights and Responsibilities

- **FOCUS AREA #3 – Determining Seabird Rights and Responsibilities:** What rights, responsibilities, and values does Seabird want to include in the Membership Code?

Application Process and Administration

- **FOCUS AREA #4 – Establishing a Membership Committee:** Seabird needs to determine how the Membership Committee would be created, who can be appointed to it, how it functions, and what decisions it is responsible for.
- **FOCUS AREA #5 – Identifying decisionmakers for the Application Process:** Related to Focus Area #4, Seabird needs to decide if there will be a role for the community in deciding on Membership Applications or if decisions will be left to the Membership Committee. Seabird should also determine the relevant factors the Committee is allowed to consider in making decisions about Membership (i.e., Guidelines for the Membership Committee).

Removals from Membership

- **FOCUS AREA #6 – Confirming circumstances a Member can be removed:** If Seabird decides to allow Members to be removed for harmful behaviour, Seabird needs to decide what qualifies as harmful behaviour. Further, does Seabird want to allow for the removal of Members who married into Seabird upon divorce; and would this apply in all circumstances?

- **FOCUS AREA #7 – Identifying decisionmakers for removing a Member:** If Seabird decides to allow for the removal of Members, who will be charged with making this decision and by what process?
- **FOCUS AREA #8 – Dual-membership:** Does Seabird want to allow Members to be members of multiple Indian Bands? Does it make a difference if the tribe is in the United States?

Amendment Process

- **FOCUS AREA #9 – Developing the Amendment Process:** Seabird needs to confirm the voting process for amending the Code in the future – particularly the minimum threshold of participation for a successful vote (i.e., does a certain percentage of the electorate need to participate for a vote to count)?

Appeals and Protests

- **FOCUS AREA #10 – Appeals and Protests:** Seabird needs to decide who will decide appeals of Membership decisions (applications and removals) and by what process. Further, Seabird needs to decide whether to include a “protest” provision in which Members can dispute another person being added to, or removed from, the Membership List.

Once we have answers to the above questions and issues, Seabird will have most, if not all, of the provisions required to draft a Membership Code for the community's consideration.

To make community engagement manageable moving forward, it is likely that future community meetings and discussions will be focused on one or two of the above Focus Areas.

PART 4 – PRELIMINARY OUTLINE OF DRAFT MEMBERSHIP CODE

To give Members a general sense of how the results of the Questionnaire would be applied to the body of the legal document, we set out the probable sections of the written Membership Code in the following chart.

SECTION	DESCRIPTION
PREAMBLE or INTRODUCTION	<p>This section would contain statements that give context to the Membership Code. The statements will likely be about:</p> <ul style="list-style-type: none"> • who the Seabird people are and where they come from and live; • the history and development of the Membership Code; • the Membership Code’s purpose (i.e., establishing the rules and procedures related to the Membership of Seabird).
TITLE	<p>A very short section that sets out the full legal name of the Membership Code (i.e., the <i>Seabird Island Band Membership Code</i> or something similar).</p>
INTERPRETATION and DEFINITIONS	<p>A section setting out key terms that will be used throughout the Code and other clauses about how readers should interpret the Code.</p>
CRITERIA FOR MEMBERSHIP	<p>This section will set out the various ways in which a person can become a Member and by what process (i.e., either by registration or by application). It will also set out who cannot become a Member.</p> <p>By way of example, clauses within this section may say something like this:</p> <p style="padding-left: 40px;">“A person who has Indian Status and is the Child of a Member may Register for Membership.”</p> <p style="padding-left: 40px;">“A person who has Indian Status and who marries a Member may Apply for Membership.”</p> <p>This section would likely also include a statement on Indian</p>

	<p>Status and whether it is a requirement for Membership.</p> <p>The main outstanding action related to this section is to decide whether to allow Membership (or some form of Membership) to non-Status persons. See related Focus Areas #1 and #2.</p>
REGISTRATION PROCESS	<p>This section will set out the steps a person must take if they are allowed to simply register as a Member. For instance, when a child is born to a Seabird Member (and assuming the Code allows them to be registered), what documents or forms does the Seabird parent have to give the Membership Clerk for the Clerk to register the child?</p> <p>This section is administrative – it is about processing registrations where there is no discretionary decision to be made since the individual registering as a right to become a Member.</p>
APPLICATION PROCESS	<p>This section will set out the steps a person must take if they want to apply to become a Member. This section will apply for cases in which Membership would not be automatic – where the end of the application process would result in the applicant either being <u>admitted to</u> or <u>denied</u> Membership.</p> <p>It is important that the application process is clear and fair for applicants. It should clearly state what applicants need to provide along with their application forms. For instance, this section may require that a person wishing to transfer to Seabird provide the contact information of a current Member who is willing to support the application.</p> <p>This section will likely also provide guidelines for decision-making on membership applications. If Seabird does move forward with establishing a Membership Committee, then the Code should provide the Membership Committee with factors it is allowed to consider, so that decisions are made for legitimate reasons the community has agreed on, rather than personal preferences.</p> <p>See related Focus Areas #4 and #5.</p>
LOSS OF	<p>This section will state (1) how a person may renounce their</p>

MEMBERSHIP	<p>Membership in Seabird; (2) how, and by what basis, a person may be removed from Membership (against their will). This section should also stipulate who (or what group) makes decisions on removals from Membership.</p> <p>See related Focus Areas #6, #7, and #8</p>
ADMINISTRATION OF CODE	<p>The Membership Code will not function on its own – specific individuals and groups will be given roles and responsibilities to make sure that the Code is applied according to its terms. This section will describe the individuals and groups charged with administering the Code; what their roles are; and how they are appointed to, and removed from, those roles.</p> <p>Based on the feedback we’ve received it is likely that the following groups would be involved in the administration of the Code:</p> <ul style="list-style-type: none"> • a Membership Clerk or Enrolment Officer (who would have Indian Registration Administrator training) to process registrations and applications. The Membership Clerk would make sure that all documentation required for a registration and application is obtained and provided to the relevant decision maker. The Membership Clerk would likely also oversee maintaining and safekeeping the Membership List. • a Membership Committee who would review, deliberate, and decide on Membership applications. The Code will have to answer many questions about the Membership Committee – please see the discussion in the next row of this table (“Membership Committee Terms of Reference”). <p>This section would likely also contain Rules for the Membership List, which may include (a) a list of the personal information that must be kept on the List; (b) how to properly add or remove a Member from the List; (c) how to keep the List confidential and in which circumstances the List (or portions of the List) may be shared with other persons.</p> <p>There may also be a role for the general community if Seabird decides to include a community voting procedure on applications. About half of Questionnaire respondents thought</p>

	<p>the community should vote on decisions about applications.</p> <p>See related Focus Areas #4 and #5</p>
MEMBERSHIP COMMITTEE TERMS OF REFERENCE	<p>If a Membership Committee is to be established, the Membership Code should include Terms of Reference for the Committee that would state:</p> <ol style="list-style-type: none"> 1. how many people must be on the Committee; 2. who can sit on the Committee; 3. whether there are goals of achieving diversity on the Committee (i.e., age groups; on- and off- reserve; family groups) 4. how Members are appointed to the Committee; 5. how long Committee Members hold their position on the Committee; 6. whether and how a Committee Member can be removed from their position; 7. what happens if a Committee position goes vacant; 8. how often, and when, the Committee must meet; 9. the procedure for Committee Meetings; 10. how the Committee makes decisions and how they provide evidence of those decisions; 11. how the Terms of Reference can be revised; 12. etc. <p>See Focus Area #4.</p>
APPEALS / PROTEST	<p>The Code will need to include a mechanism for people to appeal the decisions of the Membership Committee. Any person whose registration or application is denied, or who is removed from Membership should be provided the opportunity to appeal the decision.</p> <p>Seabird could also decide to include “protest” provisions, in which a Member other than the applicant disputes another person being added to, or removed from, the Membership List. There could be a protest period after a Member’s addition to the Membership List.</p> <p>See related Focus Area #10.</p>

AMENDMENTS	<p>The Code must contain a procedure for changing it in the future. In the Questionnaire, most respondents thought that the best way to amend the Code would be to have a Referendum with a polling station and mail-in ballots.</p> <p>Most respondents did not like the idea of giving the Membership Committee or Chief and Council the power to make minor or uncontroversial changes to the Code without a Band Vote.</p> <p>Other issues Seabird should consider: should there be a minimum threshold of participation in a vote in order for a vote to be successful?</p> <p>See related Focus Area #9.</p>
MEMBERSHIP RIGHTS AND RESPONSIBILITIES	<p>Most respondents agreed with the idea of developing a Membership Rights and Responsibilities document and including it as part of the Membership Code. The document once developed could be included either in the body of the Code or as a Schedule.</p> <p>See related Focus Area #3.</p>
SCHEDULES	<p>There will likely be a series of documents “attached” to the Code that form part of the Code. Typically, these are items that are kept out of the main body of the Code in order to make the Code easier to read or because there should be an easier way to amend these documents than a full Band Vote. These documents could include:</p> <ul style="list-style-type: none"> • registration and application forms; • template declarations related to the renouncement of membership in Seabird or another Band; • the Guidelines for Membership Committee Decisions; • the Membership Committee Terms of Reference; • the Membership Committee Oath of Office;