

# FORT NELSON FIRST NATION

## MEMBERSHIP CODE



### **PREAMBLE:**

**WHEREAS** since time immemorial in the province of British Columbia, our people and forefathers have been known as Slavey Indians, a self-governing part of the great Athabaskan speaking Nation of Dene' people, and also includes adopted citizens of other Indian Nations, and;

**WHEREAS** our Nation held title, by the Grace of the Creator and by aboriginal right, to specific territories within this region; lying generally in the north from the borders of British Columbia and the Northwest Territories and Alberta in the east; thence south to the 58 degree, 30 minutes north latitude, thence west to the front range of the Rocky Mountains, and;

**WHEREAS** the Crown of the United Kingdom and Canada, recognised the territorial and jurisdictional rights of the Indigenous Aboriginal Nation within the boundaries of Treaty #8, in accordance with British and International law, as demonstrated by said Treaty and subsequent adhesions, entered into treaty with the Fort Nelson Slavey on the 15<sup>th</sup> day of August 1910, in the form of an adhesion to Treaty #8, signed at Old Fort Nelson, and;

**WHEREAS** the traditional citizens of the Fort Nelson First Nation have rights and privileges under the provisions of said Treaty including, among others, access to and benefit of the resources within their traditional territory of said Treaty, as long as the rivers shall flow and the sun shall rise and set, and

**WHEREAS** we continue to assert our aboriginal rights to ownership and jurisdiction in our territories, rights confirmed by:

- a) The Royal Proclamation of 1763
- b) The Constitution Act of 1867
- c) Treaty #8, 1899
- d) Sections 15 and 25 of the Constitution Act, 1982

**NOW THEREFORE, IT IS HEREBY RESOLVED** by a duly-convened majority of the members of the Fort Nelson First Nation, being over the age of 18 years, that membership into the Fort Nelson First Nation shall be controlled by the Fort Nelson First Nation pursuant to Section 10 of the Indian Act.

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## **PURPOSE:**

To determine the Fort Nelson First Nation membership in order to:

1. Promote the cultural integrity, social communal harmony and economic stability of the Fort Nelson First Nation; and
2. Safeguard the use of the Fort Nelson First Nation reserve lands for the benefit of Fort Nelson First Nation members.

## **DEFINITIONS:**

“Adopted” includes those persons of Indian ancestry who were adopted by either the Nation traditional or Canadian law.

“Electors” refers to the members of the Fort Nelson First Nation who are 18 years old, or older.

“Immediate family” refers to an individual’s parent, children, grandparents, grandchildren, brothers and sisters.

“Nation” means a body of aboriginals for whose use and benefit in common, lands, the legal title to which is vested in Her Majesty, have been set apart.

“Traditional citizens” are members of the Fort Nelson First Nation, who are:

- I. Descended from a member of one of the Slavey Nations indigenous to the traditional territory of the Fort Nelson First Nation above described, and whose names appears on the original 1910 payroll or annuity list or on subsequent paylists or annuity list,
- II. Descended from a person of another Nation, when the ancestor lived among one of the Fort Nelson Slavey Nation and was adopted by them;
- III. On the Fort Nelson First Nation membership list as of April 17, 1985;
- IV. Added to the Fort Nelson First Nation membership list, or entitled to be added to the Fort Nelson First Nation membership list, in accordance with the requirements of the Indian Act, S.C. 1985, Chapter 27.
- V. Individuals of proven aboriginal ancestry and with proven historic family ties to the traditional lands of the Fort Nelson First Nation; a blood line that can be traced back to an ancestor who was a traditional citizen of the Fort Nelson First Nation or to a family adopted into the community prior to the reserve lands being set aside in 1953.

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### **ELIGIBILITY FOR MEMBERSHIP:**

Individuals could be eligible for membership on the basis of familial relationships, cultural ties or contributions to the community, adoption, transfer from another First Nation and any other criteria that Fort Nelson First Nation may determine as reasonable, such as marriage; and based on the following:

- I. In the judgment of the community, has a character and lifestyle that would not cause his or her admission to membership in the Fort Nelson First Nation to be detrimental to the future welfare or advancement of the Fort Nelson First Nation.
- II. The applicant follows a way of life consistent with the common good of the Fort Nelson First Nation
- III. The applicant is prepared and is able to support himself and his dependents.
- IV. Any other consideration that is relevant to the application of the health, safety, good order, and advancement of the Fort Nelson First Nation.

### **Categories of eligibility:**

- A. A natural child of parents both of whose names are entered on the membership list is automatically registered as a member by Chief and Council of the Fort Nelson First Nation. If the child's parent has not applied by age 4, they will have to go through the regular application process.
- B. A natural child of one member parent whose name is entered on the membership list has to go through the regular application process. Included in this category are those who were on Indian and Northern Affairs Canada's Registered Fort Nelson First Nation "A" List (adopted).
- C. An individual who has been custom adopted and has familial blood ties to the community of the Nation will be considered and is required to go through the regular application process. Where an individual is legally adopted, with no blood ties to the community, the application will not be considered; unless it is proven that they are of aboriginal ancestry of another Nation.
- D. Individuals who are members of another Nation may have the option of transferring to the membership of the Fort Nelson First Nation. They cannot belong to more than one Nation. A member of another Nation may request a transfer if he/she has resided on the Fort Nelson First Nation reserve for at least 3 years and has close family ties to community and:
  1. Is self-supporting, or
  2. Can make a valuable contribution to the Fort Nelson First Nation or
  3. Is the custodial parent who participates in the betterment of the community

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E. Marriage of a member to a person having no Indian blood:

Where a person, having no Indian blood has become a member of the Fort Nelson First Nation prior to April 17, 1985, because of marriage to a Fort Nelson First Nation member, that person having no Indian blood:

- Shall no longer be entitled to band membership upon divorce of the FNFN member.
- Where a person with acquired rights (through marriage) having no Indian blood and that person subsequently has a child with another person having no Indian blood, that child shall not be entitled to membership

Any non-Indian marrying a Fort Nelson First Nation member after April 17, 1985 shall not be entitled to Fort Nelson First Nation membership.

## **WITHOUT PREJUDICE:**

Decisions on the traditional citizenship of individuals are without prejudice to possible rights of residence on reserve lands or rights and privileges flowing from Indian Status.

All applicants, who are not known to the community, such as transfers, spouses or adoptee, over the age of 18 years old, must consent to a criminal check.

## **EFFECTIVE DATE:**

This citizenship or membership code shall have effect from the day on which it is approved by the membership of the Fort Nelson First Nation.

## **APPLICATION PROCEDURE:**

Applications for traditional citizenship shall be made in writing to the Band.

### **Membership Registrar**

The Chief and Council shall appoint an individual to be the Membership Registrar, who shall be responsible for maintaining the Membership List including receiving and reviewing applications prior to presentation to the Chief and Council and the electors of the Nation.

### **Application form**

A form, in which an application shall be made, will be developed.

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### **Content of applications:**

Application for membership shall be in writing, signed by the applicant or, in the case of a minor, the person who has lawful custody. Included with the application will be a long form birth certificate. In the case that both parents are of aboriginal descent; but one parent is from another Nation; then both parents must sign the application.

### **Forms and completeness**

Upon receipt of the application, it shall be reviewed for form and completeness and where in the opinion of the Registrar the application cannot be adequately assessed without amendments, or inclusion of further information, or documentation, the Registrar shall advise the applicant thereof forthwith and allow the applicant an opportunity to withdraw or amend the application.

### **Consideration by Chief and Council**

Applications are to be reviewed by Chief and Council prior to it being brought before the electors of the Fort Nelson First Nation. In considering and deciding the application for membership, the Chief and Council shall make a recommendation whether the applicant is eligible or is of good moral character. Should the Chief and Council reject an application for valid reasons, the rejection may be appealed to an appeal panel chosen by the electors of the Nation, however the Chief and Council's reason for denial must be considered in the decision and given some weight in the decision.

### **Posting of Applications**

All applications will be posted for a period of 6 months before it is brought before Chief and Council, and the Fort Nelson First Nation electors, for consideration.

### **Probationary membership**

Upon approval of an application for membership, an applicant shall be admitted to a two-year probationary period.

During this 2-year period, the person is not eligible for rights of membership including the right to vote, to run for council, or the right to housing on reserve.

The applicant agrees to this probation period to acquire the knowledge of the way of the life of the community and to prove himself as a worthy and contributing member to the Fort Nelson First Nation.

The applicant must show genuine interest to reside within the Fort Nelson First Nation reserves. A person must display genuine intent of residency by establishing an on-going physical presence within the Fort Nelson First Nation lands and show some indication that their presence is not just transitory in nature.

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Any false or misleading information will result in an immediate decline for membership. If membership had been granted based on false information being supplied, the membership is immediately null and void.

## **Confirmation of membership**

The membership of a probationary member shall be deemed confirmed in two years, on the anniversary date of the initial granting unless after judging the applicant's conduct during those 2 years, the Chief and Council, or majority of the membership at a duly convened meeting, give notice that the grant of membership should not be confirmed and the reasons are presented.

Membership will not be retroactive prior to the date of acceptance into the membership

## **LOSS OF MEMBERSHIP:**

Where a person having no Indian Blood has become a member of the Band prior to April 17, 1985 because of marriage to a member of this Band; that person having no Indian Blood, shall no longer be entitled to Band membership upon divorce from the member of the Band.

A member who has a character or lifestyle that would cause their continued membership to be detrimental to the future welfare or is a grave threat to the Band, or its members, may have his/her name removed from the Band List and lose entitlement to have his name so registered.

Grave threat may include continued sexual abuse, continued providing or selling of liquor or drugs to children, endangering the lives of members of the Band.

That person is given a fair hearing by the electors. Membership status can be revoked by a majority vote of Fort Nelson First Nation electors at a duly-convened meeting held specifically for the purpose for a person who:

- a) Has supplied false or misleading information in gaining membership.
- b) Have been convicted of a crime involving the trafficking of drugs and illegal substances.
- c) No longer meets the condition of being a contributing member of the community and is engaged in activities that are detrimental to himself, his family, or to the community.

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## **CONDUCT OF MEETING:**

Under no circumstances will any immediate family members of the applicant participate in the decision-making as to the granting of membership. Immediate family members of the applicant may be present; they just can't vote.

Such decisions shall be made by secret ballot of which the majority of the votes will be binding.

The applicant, or the custodial parent, must be present at the membership meeting when their application is considered for membership into the Fort Nelson First Nation. A written request to have another member represent the applicant is acceptable.

There must be at least 20 members in attendance, exclusive of the immediate family of the applicant.

## **APPEALS:**

A decision refusing to recognize, or accord traditional citizenship to an individual; or a decision to revoke their membership, may be appealed, at the request of the individual concerned, by a panel chosen for that purpose by the Fort Nelson First Nation membership. The decision of this panel shall be final and binding.

## **AMENDMENTS:**

This citizenship, or membership, code shall be adopted by a majority of the Band members at a duly convened Band meeting or by ratification vote; and can be amended or repealed by a majority of Band members at a duly convened Band meeting, or ratification vote.

## **APPROVAL:**

Approved by a majority of the Fort Nelson First Nation members at a duly convened meeting; or ratification vote held on March 31, 2003.