



DENE NATION

DENENDEH NATIONAL OFFICE

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T E L E X

DATE: May 8, 1984

TO: The Honourable John Munro
 The Honourable Judy Erola
 Dr. David Ahenakew, APN

FROM: The Dene Nation

RE: PROPOSED LEGISLATION TO REMOVE DISCRIMINATORY SECTIONS
 FROM THE INDIAN ACT

It is our understanding that legislation will be brought before the House of Commons shortly dealing with S. 12(1) (b) and other discriminatory sections in the Indian Act.

Having reviewed the Federal Government's Working Paper on Discrimination against Indian Women and having discussed the issues thoroughly with the Native Women's Association of the Northwest Territories, we generally support the proposed legislation, subject to several concerns which we will outline for you.

The Dene Nation has always taken the position that we represent the Dene and the descendants of the Dene and that all of our people should be treated equally. For this reason we support the proposal to amend the Act and specifically changes which will mean that all Dene (Indians) will retain status regardless of marriage to a non-Dene. We also support amendments which will provide that non-Indians will not gain status by virtue of marrying a status person.

We have some real concerns, however, regarding the federal proposal as it relates to reinstatement and band membership. We are concerned that the legislation should provide for band control of band membership. We feel that all of those people eligible for reinstatement should be placed on a general list and immediately recognized as Status Indians eligible for full government services and programs. However, we feel that whether or not these people should be eligible for band membership and residency on the reserve should be left up to the bands.

In addition we are concerned that the legislation should provide that reinstatement be accompanied by the ability of bands to access an increased land base. We would suggest that this could be accommodated by:

- 1) a transfer of crown lands to bands where available;
- 2) purchasing new lands and transferring them to bands;
- 3) expropriating provincial and other lands and transferring them to bands.

We would also point out that the proposed legislation does not provide for those Dene who for various reasons have never taken treaty. At the time Treaties 8 and 11 were signed some of our people refused to be enrolled because they did not understand what the treaties would mean for the future of the Dene. In addition many of our people were on the land or living outside of central communities where treaty enrolment occurred. We feel that these people should immediately be granted status under the Indian Act if they so choose, and then be subject to the same membership procedure which we described above. These people would then have the choice of remaining on the general list or applying for band membership. We should note that many of these people are now considered as band members in our communities regardless of whether they took treaty or not.

In keeping with our view that bands must control band membership we must object to proposed amendments to S. 18, 31 and 81 of the Act which call for changes to allow non-Indians (spouses) to reside on reserve. While we note the positive move to expand band power to decide rights, other than residency, of non-Indian/non Band member spouses, our position is that bands must also have the power to determine residency rights of non-Indian spouses on reserves.

We hope this will provide you with an outline of some of the concerns of the Dene Nation on this issue. Should you have any questions in this regard, kindly contact our offices.

In Friendship,

Charlie Snowshoe
Vice-President
Dene Nation