

NATION OF THE AMIKWA NIPISSING ALLIES (NANA)

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Preamble:

“Whereas, as the Nation housed within Bonnechere Algonquin Community, we recognize and honor the inherent rights and dignity of Indigenous peoples, as articulated in the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP); and

Whereas, the recent passage of Bill C-15, An Act respecting the United Nations Declaration on the Rights of Indigenous Peoples, represents a positive step towards aligning Canadian laws with the principles of UNDRIP, and towards recognizing and protecting the rights of Indigenous peoples; and

Whereas the landmark court cases of Delgamuukw v. British Columbia and Haida Nation v. British Columbia, Wasauksing First Nation v. Wasausink Lands have established the duty of governments to consult and accommodate Indigenous peoples in decision-making processes that affect their rights and title, and to consider the separation of the Nationhood identity vs. the corporate; and

We also acknowledge the ongoing legacy of the Indian Act, which has had profound effects on Indigenous peoples in Canada, and which continues to impact non-treaty identities. Despite the Act's recognition of 'Indian status', we recognize that this status has been determined and imposed by the Canadian government and does not fully reflect the complexity and diversity of Indigenous identities; and

Moreover, we affirm the principles of the Canadian Charter of Rights and Freedoms, which guarantees certain fundamental rights and freedoms for all individuals in Canada. As members of the Bonnechere Algonquin Community, we uphold the rights enshrined in the Charter, including freedom of expression, the right to vote, and the right to life, liberty, and security of the person. We also recognize the importance of equality before and under the law, as articulated in Section 15 of the Charter, which ensures that all individuals have equal protection and benefit of the law without discrimination; and

Therefore, we, as the nation housed within the non-profit Bonnechere Algonquin Community and the non-treaty Indigenous nation in Canada, strive to embody these principles and values in our relationships with each other, with our surrounding communities, and with all levels of government. We recognize our inherent right to self-determination, as well as our right to maintain and strengthen our distinct political, legal, economic, social, and cultural institutions. Moreover, we affirm the right to free, prior, and informed consent in all matters affecting our lands, our communities, and our way of life; and

We, as a nation housed within the non-profit Bonnechere Algonquin Community are now forming into our actual original title not as a non-profit but as an actual united living and breathing nation known as the Nation of the Amikwa Nipissing Allies (NANA), We firmly stand in our nationhood identity and affirm our right to self-determination, preservation, and empowerment of our political, legal, economic, social,

and cultural institutions. Our commitment towards upholding these rights, supporting one another, and creating a more just and equitable future for all Indigenous peoples in our lands is unwavering. We will continue to work collaboratively in all aspects of our lives, and within

The Inalienable Birthright: Understanding the Nuances of Membership in the Nation of the Amikwa Nipissing Allies (NANA)

Abstract

This paper expounds the core principles underpinning the membership structure of the Nation of the Amikwa Nipissing Allies (NANA), distinguishing between the inalienable right of membership and the administrative procedures required to acknowledge this right.

1. Introduction

The NANA's inception is rooted in a history of exclusion, a manifestation of the sub alternative status of Indigenous people. As representatives of a nation that exists beyond the limitations of "privileges and exemptions" defined by frameworks such as the Indian Act, where blood quantum is attached to fiduciary duty. NANA emphasizes the innate bond of membership based on ancestry. Our Inclusion is established on the basis of our exclusion from the traditional framework of Canadian Law.

2. The Essence of Membership

Membership in NANA is not a privilege accorded upon the payment of a fee, nor is it an external enrolment. It's a birthright. An individual's connection to the nation is a manifestation of their ancestry. This bond is innate and cannot be traded, sold, or commoditized.

2.1 Ancestral Bonds

The idea of membership in NANA transcends the conventional notions of enrollment. It is not based on paperwork or any bureaucratic processes. Instead, it revolves around the deep-rooted connection of an individual to the ancestral lands, traditions, stories, and legacies of the Amikwa Nipissing. This bond is a product of lineage, of shared histories, and of belonging to a community that has thrived and sustained itself for generations.

2.2 Beyond Commoditization

In a world where identities can be bought, traded, or morphed, the bond of membership with NANA remains steadfast. It's not a membership that can be purchased or commoditized. No amount of money can buy one's way into the nation, nor can anyone sell their inherent right. This non-negotiable nature of membership safeguards the purity of the nation's lineage and ancestry.

2.3 Inclusive Yet Distinct

While the bond is innate, it doesn't preclude the embrace of individuals who find a deep connection to the nation's ethos, traditions, and values. Adopted members, spouses, or those who have dedicated their lives to the well-being of the NANA community might not have the ancestral bond, yet they are embraced as part of the larger family. This inclusivity doesn't dilute the essence of membership but rather enriches the community by adding diverse perspectives and experiences.

2.4 The Gravity of Self-Identification

In the heart of the membership lies the concept of self-identification. Members of NANA recognize and assert their ties, not through external validation but through an inner conviction of belonging. This self-

recognition is deeply personal and is an affirmation of one's place within the intricate tapestry of the NANA community.

3. Operational Nuances

While the bond of membership is an unassailable right, recognizing this connection necessitates administrative processes. Such procedures include self-acknowledgment and affidavit administration. These operational facets have associated costs, facilitated through partnerships like Elders Without Borders under the guidance of Michael Swinwood.

4. The Role of Elders Without Borders

Elders Without Borders, while autonomous, collaborates with NANA to oversee the administrative processes. Michael Swinwood, acting both as “director” for Elders Without Borders and legal counsel, ensures these processes align with the vision of NANA. Fees accrued cater to administrative services provided by Elders Without Borders and not as a 'membership fee.'

5. Historical and Procedural Context

Understanding the intricacies of our membership structure benefits from recognizing past initiatives like the Bonnechere Algonquin Community (BAC). Previous systems and experiences with BAC provide valuable insights into the NANA's membership acknowledgment process. Centralizing this vast information ensures increased efficiency, transparency, and accountability.

6. Legal Backing

NANA's perspective on membership and nationhood is strongly supported by legal precedents. While the foundation of NANA's viewpoint on membership, nationhood, and self-identification is rooted in historical and cultural contexts, it is also fortified by legal cases that emphasize Indigenous rights and nationhood in Canada. Decisions from cases such as RV Buds vs. Crane, Laprise Validity, and the Wausauksing case solidify our stance on self-identification and nationhood.

6.1 RV buds vs. Crane

The case of RV buds vs. Crane played a pivotal role in outlining the jurisdictional limits and the scope of Indigenous rights. It illuminated the nuanced interplay between federal jurisdiction and Indigenous legal systems, particularly in areas of self-governance and recognition. This precedent underscores NANA's argument that its members' rights and affiliations are beyond just federal jurisdiction, anchored firmly in the heritage, traditions, and innate rights of its people.

6.2 Laprise Validity

The Laprise validity highlights the importance of treaties, agreements, and other formal arrangements, and their role in defining the relationship between Indigenous groups and the Crown. This case drew attention to the importance of these agreements in acknowledging Indigenous rights, and by extension, emphasized the critical role such formal recognitions play in validating claims like those of NANA. The implication here is the affirmation of the legal standing of Indigenous nations in their claims, even outside the conventional frameworks like the Indian Act.

6.3 The Wausauksing Case

The wausauksing case was instrumental in asserting the principle of self-identification among Indigenous communities. The autonomy of Indigenous peoples in identifying their members, rather than relying on externally imposed criteria, was a central theme. For NANA, this case provides a robust legal foundation for their membership process, emphasizing the innate and inalienable nature of this right.

The decision underscores the idea that Indigenous nations are best equipped to determine who their members are, based on traditions, heritage, and cultural ties.

6.4 Implications for NANA

These legal cases don't just validate NANA's position on self-identification and nationhood; they also pave the way for future engagements. As the discourse around Indigenous rights continues to evolve, the reaffirmation of these legal precedents ensures that NANA and similar Indigenous nations maintain their rights to self-determination, self-identification, and preservation of their cultural heritage without external interference.

6.1 Non-Treaty Identity and Its Implications for NANA

Central to NANA's identity and distinct legal stance is the concept of the "non-treaty identity" or being recognized as a "non-treaty Indian". This denotes Indigenous peoples who, for various reasons, are not party to treaties with the Crown or are intentionally excluding themselves from the parameters set by such treaties.

6.2 Historical Context

Historically, not all Indigenous communities entered treaties with colonial powers or the Canadian government. Some communities were bypassed, chose not to engage, or were intentionally marginalized during treaty-making processes. Over time, these communities have continued to maintain their cultural, social, and often territorial integrity, independent of treaty stipulations.

6.3 Legal Implications

From a legal standpoint, being a "non-treaty Indian" has profound implications. Without the constraints and stipulations of a treaty, such communities often find themselves in a unique position, having not ceded rights or territories via treaty agreements. Their claims to land, rights, and self-governance emerge from a different foundation than those based on treaty rights. For NANA, this means its rights and claims are not derived from treaty agreements but from its continuous existence, heritage, and connection to its territories. This position may also serve to underline NANA's right to self-determination outside the purview of conventional treaty frameworks.

6.4 Implications for Membership and Self-Identification

NANA's non-treaty identity reinforces the idea that its membership criteria and processes should be free from external influences or stipulations set by treaty frameworks. The right to determine who belongs to NANA lies inherently within its traditions, culture, and internal norms. This stance further cements the argument against the imposition of fees for acknowledging one's inalienable birthright to belong to the Nation.

6.5 Non-Treaty Identity and the UNDRIP Framework

The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) serves as a global standard for the treatment of Indigenous peoples and their rights. NANA's identification as a non-treaty nation places it in a distinctive position within the ambit of UNDRIP.

6.5.1. Article 3: Right to Self Determination

At the heart of UNDRIP lies the emphasis on Indigenous peoples' right to self-determination. Article 3 states: "Indigenous peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development." This resonates deeply with NANA's stance on its non-treaty identity, where membership isn't governed by an

external body or treaty but is recognized as an inalienable birthright, a self-determined process of recognizing an individual's inherent connection to the nation.

6.5.2. Article 8: Forced Assimilation

Article 8 of UNDRIP emphasizes the prohibition against forced assimilation and the removal of indigenous children from their communities. NANA's emphasis on acknowledging its members based on ancestry and heritage, rather than arbitrary external criteria, is a proactive stance against forced assimilation.

6.5.3 Article 9: Indigenous Institutions

NANA's practice of managing membership based on birthright and ancestry aligns with Article 9: "Indigenous peoples and individuals have the right to belong to an indigenous community or nation, in accordance with the traditions and customs of the community or nation concerned." This establishes that the external application of 'fees' or other enrollment criteria is incongruent with the foundational ethos of Indigenous communities.

6.5.4. Article 26: Land and Resources

The non-treaty identity foregrounds NANA's unique relationship with its territories, waters, and resources. Article 26 emphasizes that "Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired." This supports NANA's stance on its non-treaty identity, highlighting the importance of recognizing traditional lands and resources, irrespective of treaty affiliations.

6.5.5. Article 33: Cultural Identity and Membership

Article 33 states that "Indigenous peoples have the right to determine their own identity or membership in accordance with their customs and traditions." This aligns with NANA's emphasis on membership based on birthright and the underlying non-treaty identity. It underpins the need for self-definition emphasizing the inherent right of Indigenous peoples to dictate their own membership and identity in sync with their traditions and customs. For NANA, this encapsulates the essence of membership, which isn't about fees or external regulations but a deep-rooted connection to ancestry and heritage.

6.5.6 Article 36: Cross-border Interactions

Given the interconnected histories and familial ties of Indigenous communities, many span across modern-day political borders. Article 36 recognizes the rights of Indigenous groups to maintain and nurture relationships with members residing on both sides of international borders. This might hold relevance for NANA if its membership or cultural connections extend beyond Canada's borders. Such recognition can facilitate easier cross-border interactions, cultural exchanges, and shared initiatives.

6.5.7 Implications for NANA's Autonomy

Given UNDRIP's robust framework that supports Indigenous rights, NANA's identification as a non-treaty nation provides it with a unique standing. This means that the nation can assert its autonomy, both in determining its membership and in interactions with other Indigenous communities and nations. In practice, this translates to NANA being able to shape its own future, free from undue external influences, while fostering inter-community bonds and collaborations.

7. Prospects for NANA

NANA's commitment to safeguarding its members' birthrights, bolstered by the principles outlined in UNDRIP and its non-treaty identity, sets the groundwork for a promising future. The Nation can further

leverage these positions to forge stronger relationships, push for greater recognition, and secure rights that truly reflect the aspirations of its people. By drawing strength from its past and maintaining a clear vision of its identity and principles, NANA stands poised to become a beacon for Indigenous communities worldwide, exemplifying the harmonious coexistence of tradition and contemporary governance.

8. Conclusion

The Nation of the Amikwa Nipissing Allies is dedicated to preserving the essence of its membership as an inalienable right. While there's an undeniable need for administrative procedures to recognize this right, they should never overshadow the core principle: that one's connection to NANA is an untradeable bond of ancestry. By distinguishing between these facets, NANA continues its journey towards transparency, inclusiveness, and respect for its legacy.



NATION OF THE AMIKWA NIPISSING ALLIES
Dibinawebaad Anokiiwinan Gaamiinikwewag
“SACRED STORY COUNCIL”