

THE EHATTESAHT TRIBE
MEMBERSHIP RULES

634

RULES RESPECTING MEMBERSHIP IN THE EHATTESAHT BAND OF INDIANS AND ENACTED IN ACCORDANCE WITH SECTION 10 OF THE INDIAN ACT.

PREAMBLE

Hin-aulth-sup

This is an official notice to all Ehattesaht Members of a very important event, the development of The EHATTESAHT INDIAN BAND MEMBERSHIP RULES.

In pursuance of Section 10(1) and of 10(2) of The Indian Act The Ehattesaht Indian Band has, with the consent of the majority of electors of the Band, assumed control of its own membership.

The Ehattesaht Indian Band Membership Rules shall protect, nurture and pay special attention to Nuu-chah-nulth Culture, Heritage, Traditions and Language, as practiced by our forefathers now and in the future.

The Membership Rules shall especially protect and safeguard The Ehattesaht/Nuu-chah-nulth Identity, of our children now and forever.

The Ehattesahts, with the involvement of Elders, have kept in mind their Culture, Heritage, Traditions and Language while considering, developing and enacting The Ehattesaht Indian Membership Rules.

PHILOSOPHY

The Ehattesaht Indian Band Council's Philosophy of Government:

To strive for a better life for all Ehattesaht Members. The Chief and Council speak firstly on behalf of The Ehattesaht Children and secondly on behalf of The Ehattesaht Elders.

We, The Ehattesahts, further state that The Membership Rules are the vehicle for the continuing existence of Ehattesahts as Aboriginal People and ensuring the longevity of The Ehattesaht Communities by:

Safeguarding all, what we were, what are now and what we hope to be in the future as Ehattesahts.

The underlying principle of The Ehattesaht Indian Band Membership Rules is Recognition, Respect, Honor and Dignity for all members regardless of rank or station in life within the community. For longevity of Ehattesaht Indian Band, the Communal and Collective Rights of the Community SUPERSEDES the individual rights.

We, the people of The Ehattesaht Indian Band, to ensure that our Rights and Freedoms, Aboriginal, Hereditary, Inherent Rights be fully protected, fostered and nurtured and to ensure justice and security to maintain Nuuchahnulth principles, practices, traditions and customs to promote harmony and commongood, therefore, do enact and establish these Membership Rules.

We, the people of The Ehattesaht Indian Band of The Nuuchahnulth Nation, assert our sovereign status as a nation and inherent Aboriginal, Hereditary and other Rights, as confirmed by our Forefathers and Elders and we recognize the protection accorded such Rights (by section 25 of The Constitution Act, 1982) from any abrogation or derogation by The Charter of Rights and Freedoms in The Constitution Act of 1982.

USE OF ABORIGINAL WORDS

These rules will use Aboriginal words that have significant meaning to The Ehattesahts and other people who are of Nuuchahnulth Ancestry.

PROTOCOL & RESPECT

The EHATTESAHT INDIAN BAND MEMBERSHIP RULES shall recognize, respect and honor the Rules, Codes, Standards, Traditions and Customs of Tribes, Bands and Clans from outside The Nuuchahnulth geographic boundaries.

1. SHORT TITLE

These Rules may be cited as:

The EHATTESAHT INDIAN BAND MEMBERSHIP RULES

Short Title shall be: Membership Rules

2. MAINTENANCE OF BAND LIST

- a) The Membership of The Ehattesaht Indian Band shall consist of all those persons entitled to be members of The Ehattesaht Indian Band and whose names are at that time so registered in The Ehattesaht Indian Band List.
- b) The authority and responsibility for the maintenance of The Ehattesaht Indian Band List shall rest with The Ehattesaht Indian Band.
- c) The Ehattesaht Indian Band List shall be maintained in accordance with The Ehattesaht Indian Band Membership Rules and The Indian Act.
- d) No persons may be added or deleted from The Ehattesaht Band List without direction from The Membership Committee.

3. DEFINITIONS IN THESE RULES

a) **ADOPTED**

Means legally adopted in accordance with Ehattesaht Traditions and Customs

b) **ADULT**

Means a person of the full age of eighteen (18) years.

c) **AHTS**

A Nuu-chah-nulth word which tells you exactly where your roots began and what Tribe a person belongs to. For example, when a Nuu-chah-nulth person speaks about his relatives from The United States of America, The Nuu-chah-nulth says my Boston-aht relatives.

d) **COLLECTIVE**

A group of individuals taken together

e) **COMMUNAL**

Belonging to a community where ownership of property is shared along with shared responsibilities.

f) **COLLATERAL LINEAGE**

A line of connecting persons who are not directly related, but whose relationship comes from the same ancestor.

g) **CULTURE**

A total way of life of a person or a society that influences the expression or positive qualities to be fully and clearly displayed.

h) **CUSTOM**

Established usage; social conventions carried on by tradition and enforced by social disapproval of any violation.

i) **DESCENDANT**

A person who can prove blood relationship to an ancestor.

j) **DIRECT LINE**

A line of descent traced through those persons only who are related to each other directly as descendant.

k) **ELDER**

Means a person of at least the full age of fifty years, or a person younger than fifty years who understands and is knowledgeable of Ehattesahts, Principles, Values, Vision and lives by them and also who knows Ehattesaht Culture, Tradition and Practices.

1) HEREDITARY CHIEF

Means a person who by Ehattesaht Tradition is a head or ruler of a big house in The Ehattesaht Nation. In The Ehattesaht Nation, Big Houses are ranked, therefore the Head of the Senior House is also the number one Hereditary Chief of all Ehattesahts.

m) HERITAGE

Something that belongs to a person by reason of birth or by right of inheritance.

n) KLU-QHA-NAH

The highest form of feast given by a Hereditary Chief to display the highest level of Government.

o) LINEAL DESCENT

A person who is in the line of descent from the ancestor. The term will include an adopted child.

p) MARRIES

Means legally married or marries in accordance with Ehattesaht Tradition and Culture.

q) MATERNAL LINE

A line of descent or relationship between persons which is traced through the mother.

r) MINOR

Includes a child born in or out of wedlock, a person under the age of 18 years, a legally adopted child and a child adopted in accordance with The Ehattesaht Tradition and Custom.

s) NUU-CHAH-NULTH

An aboriginal group of people formerly known as the Nootkas. Their territorial boundaries started from Cape Cook in the north to Port Renfrew in the south on the West Coast of Vancouver Island.

t) PATERNAL LINE

A line of descent or relationship between persons which is traced through the father.

u) PRINCIPLES

A general or fundamental rule of truths on which other rules are based; a rule of conduct.

v) PROTOCOL

The customs and regulations dealing with etiquette.

w) QUA-YA-TICHE

Wolf, the highest form of power in The Nuu-chah-nuth Aboriginal Government. The Wolf had the power to step in where a Hereditary Chief was not acting in the best interest of The Band or became a dictator.

x) RESIDENT

A person who has the intention of remaining on a place and the intention is made up of facts such as applying for or having an abode and the intention of remaining and is a combination of acts and intention.

y) RESPECT

To show regard or consideration for others qualities or admiration.

z) TRADITIONS

The handing down of beliefs, legends and customs from generation to generation by word of mouth or by practice.

4. MEMBERSHIP ENTITLEMENT

The following persons are entitled to be members of The Ehattesaht Band and to have their names registered on The Band List. (1)

- a) All those persons whose names appear on The Ehattesaht Band List as maintained by The Department of Indian Affairs immediately prior to these Rules coming into effect. (2)
- b) All persons born on or after April 17, 1985 of biological parents both of whom are Ehattesaht Band Members. The parents are charged with the responsibility of registering the youth with The Ehattesaht Indian Band. (3)
- c) Any person of Ehattesaht descent whose name was deleted from any Band List for The Ehattesaht Indian Band as maintained by The Department of Indian Affairs at any time prior to these rules taking effect for the reason of that person having been enfranchised. (4)
- d) Children born out of wedlock whose registration as Indians were rejected because their mother was an Ehattesaht Band member but their father was not or because they were female children of a registered Ehattesaht male. (5)
- e) A person who has voluntarily renounced or does voluntarily renounce membership from The Ehattesaht Indian Band by written notice to the Membership Committee may, upon application under The Restored Members Section of The Ehattesaht Indian Band Membership Rules, be accepted for reinstatement. (6)
- f) All those persons who can prove their Ehattesaht/Nuu-chah-nulth Ancestry through direct or collateral lineage, whether maternal or paternal. (7)
- g) An adopting Ehattesaht parent or parents of any child of Native Indian Ancestry may make application for adoption to The Membership Committee.
- h) Ehattesaht Indian Band Members adopted out to The Non-Native Indian society shall not lose their Ehattesaht Indian Band Membership.

- i) Non-descendent members of Native Indian Ancestry who are residents of the community may apply for membership to The Ehattesaht Indian Band Membership Committee.
- j) These Membership Rules shall allow The Ehattesahts to accept individuals for membership, if Ehattesaht/ Nuu-chah-nulth Ancestry can be proven and further they can meet the requirements of these Membership Rules.
- k) Children born out of wedlock where both parents are Ehattesaht Indian Band Members shall become an Ehattesaht Indian Band Member.
- l) If the mother is an Ehattesaht Indian Band Member and the biological father denies paternity the illegitimate child shall become an Ehattesaht Band Member.
- m) If the biological father is Non-Native Indian the mother has the right to make application for Ehattesaht Membership to The Ehattesaht Indian Band.
- n) All persons who were entitled to be registered as members of The Ehattesaht Band immediately prior to the 1985 amendments to the Indian Act 1970, but whose name, for whatever reason were never actually added. (8)
- o) All persons who were born after April 19, 1985 to parents both of who were entitled to be members of The Band, but whose name were never actually added. (9)
- p) All persons who were restricted from registering through the operations of the Double Mother Rule (s 12 (1) (a) (iv) of the Indian Act. (10)
- q) Women who lost Indian status by marriage to a Non-Indian (under paragraph 12(1)(b) of the Indian Act, 1970). (11)
- r) Children born out of wedlock by a Non-Indian Father and Indian Mother, who lost status as the result of a protest of the Indian Act 1970. (12)

- s) All persons who enfranchised under sub-paragraph 12(1)(a)(11) and lost Indian Status as a result of an order made under subsection 109(2) of the Indian Act (namely Indian women who married Non-Indians and their children). (13)

5. PERSONS NOT ENTITLED TO APPLY

For greater certainty the following persons are not entitled to Membership of The Ehattesaht Indian Band:

- a) Persons who are not of Aboriginal descent;
- b) Persons of the full age of nineteen years and who are registered in The Band List of a Band of Indians other than The Ehattesaht Indian Band and who have not requested that their names be deleted from such other list.

6. SPONSORSHIP OF APPLICANTS

- a) The applicant must have sponsorship in form of a written document from a current member of The Ehattesaht Indian Band who is in good standing and is of the full age of eighteen years;
- b) A newly sponsored member may not sponsor a new member for a period of five years.

7. APPLICATION FOR MEMBERSHIP

- a) That the applicant for membership into The Ehattesaht Indian Band must be willing to prescribe to the following principle and criteria:
- i) PRINCIPLE as described in the Preamble of The Ehattesaht Indian Band Membership Rules;
- ii) With CRITERIA the most important standard for applying for membership in The Ehattesaht Indian Band shall be respect of Ehattesaht's traditions and customs of;
- b) The spouse of an Ehattesaht Band Member who is a member of an other Nation must have consent of both Nations to be a member of The Ehattesaht Indian Band.

- c) Any person of Aboriginal Descent who is not otherwise entitled for registration on The Ehattesaht Indian Band List may apply to have his name registered on The Ehattesaht Indian Band List.
- d) Any person applying for registration must do so in writing.
- e) An application for registration pursuant to this section must be supported in writing by at least five adults whose names appear on The Ehattesaht Indian Band List and no two of whom are members of the same immediate family.
- f) Applications for registration must be made to The Membership Committee.
- g) The onus of proof on any matter rests with the person applying for membership.
- h) An application for membership by a person not yet of the age of eighteen years shall be supported in writing by a parent or legal guardian of that person.
- i) The Membership Committee shall consider an application for membership within two months of the application.
- j) The Membership Committee shall within six months of receiving the application recommend in writing to Chief and Council whether to accept or reject any application for membership.
- k) Chief and Council shall within two months of receiving The Membership Committee's recommendation in respect of any application for membership put the application before a Band Meeting for a decision. The application for membership shall be decided by a majority of Ehattesaht electors present at that meeting.
- l) A person whose application for membership is accepted at that Band meeting and who complies with all other provisions of these Membership Rules shall be entitled five years from the day his application is accepted by The Band to have his name registered in The Band List unless The Membership Committee after judging the applicants conduct during those five years votes to deny the applicant membership in The Ehattesaht Indian Band.

- m) Notwithstanding this section a person whose application for membership is accepted at The Band Meeting and who was at one time a member of The Ehattesaht Indian Band shall be entitled from the day his application is consented to by The Band electors to have his name registered in The Ehattesaht Indian Band List.
- n) Whereas applicant for membership is transferring from another Band of Indians his application for membership shall be supported by the consent of The Council of the other Band of Indians from which the applicant is transferring.
- o) Any person applying for membership with The Ehattesaht Indian Band must show intent to reside within one of The Ehattesaht Bands Indian Reserves or on Federal Crown Land for a period of time. A person must display genuine intent of residency by establishing an ongoing physical presence within The Ehattesaht Indian Band Reserves or Federal Crown Lands and show some indication that his or her presence is not just transitory in nature.

8. LOSS OF MEMBERSHIP ON MARRIAGE

- a) An Ehattesaht woman who marries a person who is not an Ehattesaht Band Member shall renounce her membership and make application to her husband's Band. If the woman is denied membership by her husband's Band she shall remain a member of The Ehattesaht Indian Band.

DIVORCE, SEPARATION AND WIDOWHOOD

- b) When a man and a woman decided and agreed to end a traditional marriage, the woman relinquished her Ehattesaht Indian Band Membership. For the purpose of these Membership Rules if a woman's former Band will not accept her back as a member, she will remain as a member of The Ehattesaht Indian Band till such time as:
 - i) She remarries and is accepted by her new husband's Band, or
 - ii) She makes application for membership and is accepted by another Band.

9. HEREDITARY CHIEFS

A Hereditary Chief's rights for membership will be recognized without question or going through the application process and acceptance back into The Ehattesaht Indian Band shall be by custom of Klu-quah-nah.

10. RENOUNCING OF MEMBERSHIP

No applicant may be considered for membership in The Ehattesaht Indian Band until that applicant renounces his membership from his original or former Band.

11. LOSS OF MEMBERSHIP

- a) A member may renounce membership of The Ehattesaht Indian Band by written petition to The Membership Committee. Such person may be reinstated only upon application under The Restored Members Section.
- b) A person who ceased to be a member of The Ehattesaht Indian Band is not entitled to any interests in the lands or monies held by Her Majesty on behalf of The Ehattesaht Indian Band.

12. DELEGATION OF AUTHORITY

The Membership Committee and Appeal Tribunal shall act in an advisory capacity and make recommendations to The Chief and Council.

13. MEMBERSHIP COMMITTEE

- a) There shall be established a Membership Committee. The Membership Committee shall review all applications for membership and make recommendations in respect of such applications.
- b) The Membership Committee shall consist of not more than five persons whom shall be elected by secret ballot at an Ehattesaht Band Meeting.

- c) The Membership Committee shall consist of persons:
 - i) whose names appear on The Ehattesaht Indian Band List; and
 - ii) who are at least the full age of eighteen, and
 - iii) who are not during the duration of their appointment Chief and Council or a member of The Band Council, and
- d) The Membership Committee shall meet from time to time as required but not less than once every three months.
- e) The elected members of The Membership Committee shall sit for a term of not more than three years.
- f) A quorum of The Membership Committee shall be three.

14. ADVISORY COMMITTEE

- a) There shall be established an Advisor's Committee of not more than five persons.
- b) The Advisor's Committee shall consider whether a marriage was performed according to Ehattesaht custom and whether an adoption was performed according to Ehattesaht Custom.
- c) The Advisor's Committee shall consist of:
 - i) persons whose names appear on the Band List, and
 - ii) persons who are at least of full age of eighteen years, and
 - iii) persons who are not during the duration of their appointment to the Advisor's Committee a member of The Band Council.

15. APPEAL COMMITTEE

- a) There shall be established an Appeal Tribunal which shall review all appeals for membership and make recommendations to the Chief and Council in respect of such applications.

- b) The appeal Tribunal shall consist of:
 - i) The Staff Lawyer of The Nuu-chah-nulth Tribal Council.
 - ii) The head Qua-ya-tiche (Wolf) of The Ehattesaht Indian Band.
 - iii) An Elder of The Ehattesaht Indian Band.
 - iv) Two members of The Ehattesaht Indian Band Membership elected by secret ballot who are at least the full age of eighteen years and who are not during the duration of their appointment as Chief Councillor or Band Council.
- c) The Appeal Tribunal shall meet quarterly.
- d) The elected members of The Appeal Tribunal shall sit for a term of not more than two years.
- e) A quorum of The Appeal Tribunal shall be three.
- f) On receipt of notice of appeal and after briefing from the Membership Committee The Appeal Tribunal shall study the reasons for appeal.
- g) The Appeal Tribunal on completion of examination of reasons for appeal shall notify the applicant of the date, time and place of the hearing.
- h) The Appeal Tribunal shall examine the decisions of The Membership Committee to ensure that the decision does not contravene The Ehattesaht Indian Band Membership Rules and any Statute or Act, that has brought about these Rules.
- i) The Appeal Tribunal must pay special attention to The Philosophy of these Membership Rules.

16. FINAL APPEAL

An application for membership shall be given an opportunity of final appeal through the Chief and Council of The Ehattesaht Indian Band. Upon examination of all information the Chief and Council can decide whether to bring The Final Appeal to a general vote. The Chief and Council must notify the applicant of the decision within thirty days provided the three year time frame for appeals has not lapsed.

17. REGULATIONS

- a) The Chief and Council may make Orders and Regulations to carry out the purposes of these Rules.
- b) Orders and Regulations made under this section shall be posted at The Band Office for no less than thirty days subsequent to being made.

18. COMING INTO EFFECT OF THE RULES

These Rules shall have effect from the day on which The Ehattesaht Band Council gives notice to The Minister of Indian Affairs pursuant to subsection 10(6) of The Indian Act that The Ehattesaht Indian Band is assuming control of its own membership and provides The Minister with a copy of these rules.

19. AMENDMENTS TO THE RULES

These rules may only be amended or repealed with the consent of majority of the electors of The Ehattesaht Indian Band who are the full age of eighteen years.