

First Nations Summit

STATEMENT

**FOR IMMEDIATE RELEASE:
AUGUST 16, 2019**

Implementation of Bill S-3, eliminating sex-based discrimination in the Indian Act, long overdue

Coast Salish Territory, Vancouver, British Columbia – The First Nations Summit applauds the long-awaited implementation of all provisions contained in Bill S-3 - *An Act to amend the Indian Act in response to the Superior Court of Quebec decision in Descheneaux et. al. v. Canada*, thus finally eliminating sex-based discrimination from *Indian Act* registration provisions going back to its inception 150 years ago.

Although Bill S-3 received royal assent more than a year ago, some provisions, which eliminate elements of sex-based discrimination, were delayed due to the federal consultation process with First Nations.

On August 15, 2019 the final provisions of Bill S-3 were brought into force, provisions which were directed at removing the remaining elements of sex discrimination from the *Indian Act*. Specifically, the removal of the 1951 cut-off from the *Indian Act*. The First Nations Summit applauds this positive step forward to address issues of discrimination; however, we maintain that the implementation cannot be a rushed process. The implementation of any mechanism or approach should be carefully and collaboratively undertaken with First Nations communities which will be directly impacted. Further, the implementation process must be flexible enough to accommodate specific community concerns and recommendations.

Some First Nations may face significant implications such as: substantial increases in population of those newly affiliated with their communities, challenges in trying to uphold the rights, benefits & services that newly affiliated individuals would be entitled to.

Although Canada has identified that some First Nations are interested in the immediate removal of the 1951 cut-off rule, other First Nations have indicated the need for Canada to do more internal work before implementing the removal. We have heard directly from communities that there is considerable uncertainty about demographic impacts on the removal of the 1951 cut-off amendments. If the federal government has an informative data-set to assist our communities in forecasting the potential impacts, there has not been a broad sharing of that critical information. The federal government's news release says the removal of the 1951 cut-off could result in between 270,000 and 450,000 individuals being newly entitled to registration under the *Indian Act* over the next decade. We heard directly from communities that it would be helpful for Canada to work with First Nations regarding the increase in potential members, assessments on anticipated land or housing, or cultural, language and historical connections.

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For many communities, there is currently a gap between the level of funding provided by the Government of Canada for programs and services in contrast to actual needs in communities. We welcome clarification regarding how Canada plans to assist communities in welcoming home new members, in particular how can we work together to address the very real increased financial obligations that will accompany this positive step forward.

The First Nations Summit is pleased First Nations women and their descendants will no longer face possible gender discrimination in Indian Act registration system. We are hopeful that implementation of the provisions in Bill S-3 will continue to assist in genuine recognition and reconciliation through a true nation-to-nation relationship that respects First Nations' right to self-determination and governance.

The First Nations Summit raise our hands in appreciation to those individuals who have tirelessly advocated for this outcome, in particular Sharon McIvor and her son Jacob Grismer from the Nl̓eʔkepmxc Nation (Lower Nicola Indian Band) in Merritt.

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The First Nations Summit speaks on behalf of First Nations involved in treaty negotiations in British Columbia. The Summit is also a NGO in Special Consultative Status with the Economic and Social Council of the United Nations. Further background information on the Summit may be found at www.fns.bc.ca.

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