

# Consensus agreement – Collective support for amendments to Bill C-3 (*Gender Equity in Indian Registration Act*)

We, the undersigned Indigenous organizations and individuals, have considered Bill C-3 (*Gender Equity in Indian Registration Act*) introduced by the Minister in response to the direction given by the B.C. Court of Appeal in the *Mclvor v. Canada (Indian Registrar)* case to eliminate discrimination in *Indian Act* against descendants of Indian women who lost status due to marriage.

We acknowledge that these changes are minor and will not address broader issues of discrimination under the *Indian Act* (such as the second generation cut-off under s. 6(2) which currently denies generations of children status), or the recognition of Indigenous nationhood, citizenship and laws as protected under s. 35(1) of the *Constitution Act, 1982* and reflected in the ***United Nations Declaration on the Rights of Indigenous Peoples*** which directs that:

Indigenous peoples and individuals have the right not to be subjected to forced assimilation or destruction of their culture.

States shall provide effective mechanisms for prevention of, and redress for:

Any form of forced assimilation or integration...

Recognition of Indigenous peoples' right to determine our own citizenship according to our own laws – which respect and honour the role of Indigenous women within Indigenous societies and cultures - is essential to our continued survival as peoples.

There are immediate changes which can be made to Bill C-3 to address issues of immediate discrimination against Indian women and their descendants. Such changes were suggested by the Standing Committee, but overruled by the Speaker. It is within the power of the Prime Minister and Cabinet to institute changes to Bill C-3 which would eliminate several areas of discrimination that remain against descendants of Indian women who lost status due to:

- (a) Their grandmother's marriage to a non-status man, if they were born before the September 4, 1951 cut-off date currently reflected in Bill C-3; and
- (b) The fact that the Registrar "deemed" their father/grandfather to be non-status. Currently, Bill C-3 restores status to people who lost status due to marriage of an Indian woman to a non-status man, but does not address the situation of people who were born outside of marriage and lost status because the Indian Registrar deemed their father to be non-status.

There is an opportunity to prevent further discrimination against Indigenous women and their descendants through some minor amendments to Bill C-3 to apply the Act to both those who lost status due to marriage to a non-status person, **and** those who lost status even though they were born outside of wedlock because the Registrar deemed their father to be non-status.

We strongly urge the Government and opposition parties to make amendments to Bill C-3 to:

1. ***Eliminate the 1951 Cut-Off date for return of status, and to include those who are denied status, even though their Indian woman ancestor lost status due to marriage, because they were born before September 1951.***
2. ***Include those who lost status because they were born outside of marriage, and the Registrar deemed their father to be non-status (under s. 11(e) of the Indian Act as it then was).***

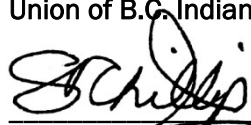
These amendments are necessary to address issues of fundamental justice and fairness to Indian women and their descendants who continue to face discrimination under the *Indian Act*. If these minor amendments to Bill C-3 are not made, Canada will face future Charter challenges, and will perpetuate discrimination against Indigenous women and their descendants.

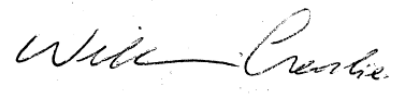
Finally, long-term solutions do not lie in further tinkering with the *Indian Act*. Our Nations have an inherent right to determine who is and who is not a Citizen of our Nations in accordance with our own laws, customs and traditions. This is fundamental to self-government. The real and ultimate solution to addressing ongoing discrimination in the *Indian Act* lies in the full recognition of First Nations' jurisdiction over our own citizenship.

Respectfully submitted on behalf of:

Union of B.C. Indian Chiefs




  
Grand Chief Stewart Phillip, President

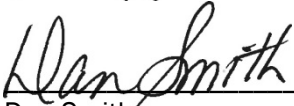
  
Chief Willie Charlie, Vice-President


  
Chief Bob Chamberlin, Secretary-Treasurer

First Nations Summit




  
Grand Chief Doug Kelly

  
Dan Smith

  
Grand Chief Edward John

BC Assembly of First Nations



  
Regional Chief Jody Wilson-Raybould