



SPECIAL CHIEFS ASSEMBLY
December 2-3-4, 2025, Ottawa, ON

Resolution no. 54/2025

TITLE: **Affirming First Nations Rights to Identify their Citizens: Bill S-2, *An Act to Amend the Indian Act***

SUBJECT: Indian Act, Citizenship

MOVED BY: James Cutfeet, Proxy, Kitchenuhmaykoosib Inninuwug, ON

SECONDED BY: Allan Brown, Proxy, Wapekeka First Nation, ON

DECISION: Carried by consensus

WHEREAS:

- A. The *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration) Articles 3, 4, 5, 8, 9, 33, and 37, affirm that Indigenous Peoples have the right to self-determination; the right to autonomy and self-government; the right to maintain and strengthen their distinct political, legal, economic, social, and cultural institutions; the right not to be subjected to forced assimilation; the right to belong to and determine their own identity or membership in accordance with their own customs and traditions; and the right to treaties, agreements, and constructive arrangements with States to be recognized and honoured.
- B. The UN Declaration states:
- i. Article 33(1): Indigenous Peoples have the right to determine their own identity or membership in accordance with their customs and traditions.
 - ii. Article 33(2): Affirms the right of Indigenous Peoples to determine the structures and responsibilities of their institutions.
- C. The *Indian Act* registration provisions under Sections 6(1) and 6(2), known as the “second-generation cut-off rule,” continue to impose colonial definitions of identity that undermine First Nations’ inherent jurisdiction over Indian Status, create division within families and First Nations, erode Treaty responsibilities owed by Canada, and place significant fiscal strain on First Nations governments.
- D. On May 29, 2025, Bill S-2, *An Act to Amend the Indian Act (new registration entitlements)*, was introduced in the Senate. Bill S-2 aimed to address some of the ongoing inequities in registration and band membership by:

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- i. Restoring or extending registration eligibility for many descendants of people who were enfranchised under previous provisions of the *Indian Act*;
 - ii. Providing an option for individuals to deregister from the Indian Registrar;
 - iii. Supporting the restoration of natal band membership for some women and their descendants who lost membership due to discriminatory provisions of the *Indian Act*; and
 - iv. Removing certain outdated terms from the *Indian Act*.
- E. On November 25, 2025, the Standing Senate Committee on Indigenous Peoples (Committee) concluded its study of Bill S-2 and recommended that the Senate pass Bill S-2 with key amendments to the *Indian Act* to address the issue of the second-generation cut-off rule. These amendments:
 - i. Deemed individuals previously registered under subsection 6(2) to be registered under the new paragraph 6(1)(f), effectively making all 6(2) individuals eligible for 6(1) Indian Status; and
 - ii. Established a one-parent rule for Indian Status transmission, thereby eliminating the second-generation cut-off rule.
- F. In addition to these legislative amendments, the Committee included non-binding observations recommending that the Government of Canada:
 - i. Remove the statutory bar to compensation for First Nations who have experienced discrimination under the *Indian Act*, enabling them to seek compensatory measures from the Government of Canada without resorting to litigation; and
 - ii. Establish a statutory commitment to provide adequate, sustainable, and predictable funding to First Nations to administer the new regulations regarding new registrants for Indian Status, citizenship, and membership.
- G. If the Senate and House of Commons agree to these amendments, the changes will restore legal Indian Status and benefits to individuals previously excluded under discriminatory provisions of the *Indian Act*.
- H. Bill S-2 does not resolve Canada's longstanding infringement on First Nations' Inherent and Treaty rights to define citizenship and membership according to First Nations laws, customs, and decision-making structures. Full implementation of First Nations' jurisdiction and self-determination is required for the *Indian Act* to be fully compliant with First Nations' Inherent and Treaty rights, title, and jurisdiction, as affirmed in Section 35 of the *Constitution Act*, and the UN Declaration.
- I. First Nations affirm that any national change to the registration provisions must be guided by regional First Nations-led processes and must not infringe upon First Nations' inherent jurisdiction over citizenship and membership.
- J. First Nations also affirm that the Inherent right to self-government, recognized and affirmed by Section 35, of the *Constitution Act, 1982*, includes jurisdiction in relation to citizenship and membership. This includes power and authority to create, implement, and enforce First Nations' own laws relating to Indian Status, citizenship, and membership.
- K. The Assembly of First Nations (AFN) Resolution 68/2024, *Call for Prioritization of Collaboration on the Second-Generation Cut-Off Rule* reaffirms that First Nations, not Canada, hold the exclusive authority to

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determine citizenship. It further states that amendments to Bill S-2 must be developed in full partnership with First Nations and include stable, long-term, and adequate funding for implementation.

- L. First Nations assert that any amendments to Bill S-2 must proceed with appropriate First Nations–led implementation structures, and that federal changes must not infringe upon First Nations’ jurisdiction over citizenship.

THEREFORE BE IT RESOLVED that the First Nations-in-Assembly:

1. Acknowledge that Bill S-2 addresses one of the most harmful discriminatory provisions in the *Indian Act*, including enfranchisement and the second-generation cut-off, that will lead to legislative extinction of First Nations, but affirm that these changes do not fully eliminate sex- and race-based discrimination in the *Indian Act*.
2. Call on Canada to immediately and without delay end any and all sex- and race-based discrimination in the *Indian Act* to prevent the legislative extinction of Status Indians and First Nations, and take steps to recognize and facilitate the exercise of First Nations’ inherent jurisdiction over citizenship and membership.
3. Assert that any federal changes to Indian registration must not infringe upon First Nations’ sovereign authority to determine citizenship and membership, and further that any amendments will not proceed without adhering to the constitutional principle of the duty to consult and free, prior, and informed consent.
4. Call upon the House of Commons, the Senate, and the Government of Canada to ensure that any amendments or implementation of Bill S-2 proceed with the understanding that First Nations have inherent jurisdiction over citizenship and membership.
5. Direct the Assembly of First Nations (AFN) to advocate for the immediate co-development of a First Nations-led, federally funded National Implementation Framework once Bill S-2, as amended, passes. The Framework must include established timelines, responsibilities, dispute resolution mechanisms, funding, and accountability measures, co-governed by First Nations rights-holders to determine how best to implement First Nations jurisdiction over membership and citizenship. The development of this framework will be guided by opt-in National and Regional First Nations Tables, to be determined by First Nations.
6. Demand that Canada commit to targeted, ongoing, stable funding to offset any potential fiscal impacts of increased registration, including transitional, short-term, and long-term funding for governance, registration administration, housing, health, education, social services, infrastructure, and other essential supports.
7. Call upon Canada to resource a First Nations-led national communications and outreach strategy for impacted families and rights-holders, including legal supports, culturally appropriate information materials, and public education led by First Nations.

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