National Chief Cindy Woodhouse Nepinak

Bill S-2, An Act to amend the Indian Act, (new registration entitlements)

October 1, 2025

Aanii, Boozhoo, Chi Megwetch, Good evening,

I'd like to acknowledge that we are here on the territory of the Algonquin nation.

In addition to my opening remarks, the Assembly of First Nations will be submitting a technical brief on issues of concern respecting Bill S-2, An Act to amend the Indian Act.

The Assembly of First Nations supports addressing the discrimination that Bill S-2 is intended to remedy. However, I note that this bill is another exercise and an example in tinkering with a centuries old legislation that is undoubtably racist and intended to exert absolute control over the lives of First Nations peoples yet again, by foremost determining who we are. This is yet another piece-meal approach to ending discrimination that has not worked and will not work to bring justice and lasting solutions.

Canada has not lived up to its obligations to respect the fundamental rights affirmed under the *Charter of Rights and Freedoms*, under section 35 of the *Constitution,* nor those affirmed by the *United Nations Declaration on the Rights of Indigenous Peoples,* or the Treaty rights of my people.

Unfortunately, while substantive equality standards came into Canadian constitutional law with the enactment of the Charter, Canada's regressive approach to discrimination issues, that remained in the Indian status entitlement provisions, expressed itself in new ways.

Since 1985, every few years, there is more litigation and then another bill to amend the registration provisions of the Indian Act, often with little direct consultation with rights holders who bare the brunt of the consequences with no additional resources or land to accommodate new registrants.

And the reason is, regardless of which party is in power at the time, the same narrow approach is adopted, time and time again. The reason is:

> First, the Crown only takes legislative action when forced by successful litigation brought by First Nations plaintiffs who spend years in litigation.
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> Secondly, the government selects the most minimal, restricted legislative step possible, and no more, to address the human rights violations being raised. It simply waits for the next piece of successful litigation respecting the discrimination that the Crown knows it is has not reached.

This is what happened in 1985. This is the repeated pattern of litigation and piece-meal amendment from 1985 to today.

Our people are entitled to determine who they are, and to have their entitlement to rights determined according to our laws and policies. They are entitled to clean drinking water, infrastructure, education, health services, child well-being, and Jordan's principle without discrimination based on Indian status entitlement.

We say: accept it and stop trying to achieve effective budget cuts by cutting our people and trampling on our right to self-determination.

As we argue in our technical brief, the first logical step to transition away from this situation is to align Indian status with band membership as determined by First Nations; and to move away from the categories of 6(1)'s and 6(2)'s. **I am here today to emphasize that this is the most central recommendation in our brief**.

Bill S-2 does not address residual complex and current instances of injustice that continue to plague the *Indian Act*'s status registration system. Specifically, Bill S-2 fails to address the following critical areas:

1. ***First Nations Self-Government over Citizenship*** - Bill S-2 must be revised to recognize the need for an opt-in framework that will enable First Nations to exclusively implement their own citizenship systems to replace the Indian status regime that has diminished and eroded First Nations customs of belonging and kinship since the inception of the *Indian Act* and its predecessor legislation.

2. ***Second Generation Cut-Off Rule*** - The Assembly of First Nations endorses legislative amendments to the *Indian Act* that repeal the Second Generation Cut-Off Rule and introduce a system whereby an individual who is a direct descendant of a status Indian, or an individual entitled to be registered as a status Indian, would be eligible to obtain status.

3. ***Statutory Funding Mechanism*** - Bill S-2 should include a clear statutory commitment to provide adequate, sustainable and predictable funding to First Nations for the administration of new registrations. Without investments, First Nations will bear insurmountable and indefinite administrative and financial burdens that flow directly from the amendments introduced under Bill S-2.

In concluding, I'd like to remind this House that First Nations people are the only people around the entire world who are legislated in this way and told who their members are or are not. The Inuit, Métis, and all other groups of people (e.g. Europeans, Asians) in Canada are not subject to this. There's something wrong that it is year 2025 and we are still having these same discussions. We need to work together to end the discrimination in the *Indian Act*.

I want to thank this Senate Committee for the invitation to present and I welcome your questions.