

Final Report **on Bill S-3** Engagement Sessions



NOVA SCOTIA NATIVE
WOMEN'S ASSOCIATION

Final Report on Bill S-3 Engagement Sessions

[Nova Scotia Native Women's Association]

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About Nova Scotia Native Women's Association (NSNWA)

The Nova Scotia Native Women's Association has been in existence since 1972. The association is a non-profit organization representing approximately 8,000 women in Nova Scotia. The association was formed to address the social, political, emotional, health concerns and aspirations of Mi'kmaq women.

Executive Summary

Bill S-3 is an Act to amend the Indian Act in response to the Superior Court of Quebec decision in *Descheneaux v. Canada*. It refers to an Act, passed in December 2017, whose initial purpose was to fix the sex-based discriminatory registration provisions within the Indian Act.

There are 4 issues the bill sets out to resolve which have historically restricted individuals from attaining status: unknown/unstated parentage; omitted minor children (children who lost status when their mother married a non-status man); the cousins issue (differential treatment among first cousins whose status depends on the sex of their grandparent) and the siblings issue (females born out of wedlock between 1951 – 1985 who were denied status). These individuals are now able to apply and successfully receive status.

There are still several issues remaining in the Indian Act which go unaddressed by this amendment, and while this Act provides opportunities for more individuals to apply for status, the government continues to determine who does and does not qualify for 'Indian' status.

The government recently expressed support for the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) which expressly states that Indigenous peoples should be determining their own identity and membership. It remains to be seen how the government would reconcile UNDRIP with the current Indian Act.

This report will demonstrate how two Information and Community Engagement Sessions on the provisions of Bill S-3 under the Indian Act, was offered to Indigenous community members of Nova Scotia. Targeted participants were mainly women who dealt with their own barriers of sex-based discrimination under the registration policies of the Act.

The engagement piece contains questions around the potential removal of the 1951 cut-off, other forms of systemic discrimination within the Act, and exploring the possibility of First Nations taking on the exclusive responsibility of determining its own memberships.

Based on the two sessions, recommendations will be presented as suggestions of moving forward, and possibly moving beyond the Indian Act. However, to be clear the Nova Scotia Native Women's Association and the Mi'kmaq First Nations of Nova Scotia do not consider this to be an official consultation, rather community engagement to provide recommendations to NWAC for a deeper understanding of the discrimination that is still faced within the Indian Act's registration policies.

Overview of Engagement Sessions

Session One

This session took place in Millbrook First Nation in Nova Scotia on November 2, 2018. The location was chosen mainly because it is where the NSNWA originates from and a related symposium was already underway guaranteeing participation. The community center was an ideal location to host the event, since it allowed for the session to be held on the main floor with childcare in the basement. This session was mainly geared towards Mainland Nova Scotia community members, although a few participants from Unama'ki (Cape Breton) attended as a result of having family support in the Halifax area.

Event posters were made and shared through numerous Indigenous Facebook groups, personal Facebook pages, emailed to key departments in First Nation communities, and to NSNWA board members. Posters were also hung up in Band offices, within the community, and throughout the Mi'kmaq Native Friendship Center in Halifax to draw attention from the urban Indigenous community. Emails were sent to active community members and leaders to share within their networks.

To accommodate participants coming from outside of the location, mileage was compensated, a hotel for the night was offered, and childcare was available on location. Supper, cold drinks, tea and coffee was provided for all participants, facilitators, guests, childcare workers, and children. Craft supplies were bought for the children in care.

The session was opened by Event Facilitator, Lisa Robinson, who introduced Lorrain Whitman, NSNWA President, Karen Pictou, NSNWA Executive Director, Gérard Raharolahy, Indigenous & Northern Affairs Canada (INAC) representative, Zabrina Whitman, Kwilmu'kw Maw-klusuaqn (Mi'kmaq Rights Initiative) Policy Analyst, and guest Chief Deborah Robinson, Chief of Acadia First Nation who holds the Mi'kmaq Women and Urban Mi'kmaq Portfolios. Chief Deborah led us in a prayer to officially open the session.

The first part of the session consisted of a presentation on ideas around putting membership responsibility into the hands of the people, rather than its current state with the federal government. This is part of the research that Zabrina Whitman has been doing under the Mi'kmaq Rights Initiative. This was followed by a question period.

The Bill S-3 information piece, presented by Gérard Raharolahy followed Zabrina's presentation. Gerard discussed aspects of the Indian Act pertaining to the registration process. Including, but not limited to, policies before 1985, and amendments after 1985 due to Bill C-31, the 1951 cut-off guidelines, second-generation cut-off, male and female registration policies and how children and grandchildren were registered depending on a male or female bloodline, and how amendments affected those who fell under those sex-based policies. These were all relevant to the Bill S-3 amendments to the act, and those changes were explained in greater detail. Questions and discussions around the consistent sex-based discrimination, especially towards Indigenous women were a prime topic. Gérard answered what inquiries he could, and stayed to offer clarification within the engagement piece.

Surveys provided by Native Women's Association of Canada (NWAC) were filled out by most participants. Attendees were asked to fill out the surveys to the best of their ability, but not to answer any questions they were not comfortable with. It is worth mentioning that in the section on gender, the

options were: *man*, *woman*, *diverse*, *other*, and *I'd rather not say*. The line to the left of the option was where one would identify their gender, however, based on finished surveys, it did not seem clear. For example, three identified as *men*, twenty-seven identified as *women*, and fourteen identified as *diverse*. It is safe to say that although some may have intentionally identified as *diverse*, it seems like most meant to identify as *woman*. This may be due to the *diverse* line being to the right of *woman*. Of those, five were over the age of 65, three were in their 30's or 40's, and six did not disclose their age.

For the engagement part, participants were asked to sit at one of the three groups of tables set up. At each table sat a Notes Facilitator and each participant was given a booklet with questions provided by NWAC. Participants had twenty minutes to answer each question, three questions in total. Each question had several layered questions attached. The role of the Notes Facilitator was to keep participants focused on the question at hand, and not to move ahead, keep conversations relevant to the topics in the questions, and to capture the conversations as it pertained to the questions. Participants had the option to answer the questions on their own, engage in conversation while answering the questions, or simply participate in conversations and allow the Note Facilitator to record answers to the questions. The Event Facilitator kept track of the time, explained each question before hand, and clarified new language, such as the term cisgender. Gérard and the Event Facilitator continued to circle the room to offer further support during the engagement piece.

Once the engagement portion was finished, a simple closing and regards were given⁷ to participants, facilitators, and invited guests.

Participants ranged from all parts of mainland Nova Scotia, and from both First Nations and urban settings. The primary focus was on women and their offspring who are or were affected by sex-based discriminatory practices through the registration policies. Women who were part of the board of the NSNWA attended, as well as key leaders from different First Nations. Both status and not-status attended, all with the question of how these amendments would affect them and their families. In total, there were 48 participants, some acted as note facilitators and others as invited guests. Out of those 48 participants, four of them were men. Ages ranged from early 20's to 75 plus, mostly within the 30's and 40's array.

Session Two

This session took place in Membertou First Nation in Nova Scotia on February 16, 2019. This location was chosen because Membertou is a main hub in Unama'ki, and is known to host many Indigenous events in their facilities. This session served all Unama'ki, and was central enough so that participants from other Indigenous communities of Cape Breton could attend. The Membertou Sports and Wellness Center was chosen, because they could provide a meeting room, and a childcare room practically side by side, in addition to being accessible with an elevator.

Event posters were also made and shared through numerous Indigenous Facebook groups, personal Facebook pages, emailed to key leaders and departments in Unama'ki communities, and NSNWA board members. As with the Millbrook session, posters were hung up in Band offices and within the community. Emails were sent to active community members and leaders to share within their networks.

Participants who traveled outside of Membertou, were compensated for their mileage, as well as childcare offered on site. Supper and dessert were provided by women Elders of the community, and

tea, coffee, and water were provided by the facility. Children were also given art supplies to use with the childcare facilitators.

This session was opened by Lorraine Whitman, NSNWA President who introduced, Karen Pictou, NSNWA Executive Director, Gérard Raharolahy, INAC representative, and Event Facilitator, Lisa Robinson. Lorraine Whitman led us in a prayer to officially open the session.

Gérard began the session with the Bill S-3 Information piece. His PowerPoint presentation and fact books offered a great visual aid for all. He touched on the same aspects as the first session, but with the lower number of participants, he was able to provide much more clarification throughout. Gérard continued to answer question throughout the rest of the session.

Surveys provided by NWAC were filled out by all participants. People were asked to fill out the surveys to the best of their ability, but not to answer any questions they were not comfortable with. It appears the same issue happened with this session as did in the last, in regards to the gender section. And again, it is safe to say that although some may have intentionally identified as *diverse*, most meant to identify as *woman*.

For the community engagement piece, participants were asked to sit at one of the three groups of tables set up. At each table sat a Notes Facilitator, one of which was available to conduct the entire engagement session in Mi'kmaq but record in English for the Event Facilitator. Each participant was given a booklet with the questions provided by NWAC. Participants had twenty minutes to answer each question, three questions in total. Each question had several layered questions attached. The role of the Notes Facilitator was to keep participants focused on the question at hand, and not to move ahead. Keep conversations relevant to the topics in the questions, and to capture the conversations as it pertained to the questions. Participants had the option to answer the questions on their own, engage in conversation while answering the questions, or simply to participate in conversations and allow the Note Facilitator to record answers to the questions. As in the first session, the Event Facilitator kept track of the time, explained each question, and clarified new and unfamiliar language. Gérard continued to offer further clarifications needed during the engagement piece.

After the engagement piece, closing and regards were given to participants, facilitators, and invited guests.

Participants came from most parts of Unama'ki (Cape Breton), from all different First Nations. Again, the focus was for women who were, or are, affected by sex-based discriminatory practices through the registration policies, and any off-springs who would be also affected – both male and female. NSNWA Membertou President, Karina Matthews-Denny was present, as well as key leaders from different First Nations. All but one who filled out the survey identified as having status. The one survey that did not state having status, chose not to answer that question. In total, there were 22 participants, some who acted as Note Facilitators and Childcare Facilitators. Out of those 22 participants, only one was a man. There seemed to be a broad range of ages, although only three identified their age in the survey – one in their late 30's, one in their late 50's, and one in their late 60's.

Analysis & Recommendations

The following segment will discuss the common themes within each engagement question. Each of the three question sections were broken down into four to six sub-questions pertaining to the main statement. Observations for each section will be included, as well as recommendations going forward for each question.

1. The removal of the 1951 cut-off from the *Indian Act*

a) How will the removal of the 1951 cut-off impact your community?

Session One:

Increased Membership

This was the most outstanding response to this part of the question. Participants thought this would be the largest impact for their community or communities in general. By removing the 1951 cut-off, more individuals would be eligible for either 6(2) or 6(1) status.

Decreased Resources/Economic Disparity

Due to the increase in membership, participants felt that it would lead to a large decrease of resources and inevitable economic disparity. It was voiced that there is already issues with lack of funding and resources within community, and this would create a larger gap if funding did not align with increased numbers.

Validated Community/Indigenous Identity

This seemed to be what many felt would validate the identity of those who are in fact Indigenous or have community connections, but non-status. Part of this was also to create consistent levels of status within the same family e.g. first cousins with same or similar Indigenous heritage, but with inconsistent levels of status, or no status based on sex-based discrimination under the Act.

“Status Seekers”

Not as popular a topic, however, it was stated that this could or would be a potential impact with the possibility of individuals attempting to gain status for benefit purpose only. Individuals who do not have the heritage, community or family connections, rather grasping with some type of generic connection. The “east coast Metis” groups were also mentioned within these conversations as possible “status seekers”.

Session Two:

Decreased Resources/Economic Disparity

Participants in this session felt that the strain on resources would be the biggest issue if the 1951 cut-off was to be removed. Conversations around current issues of financial disparity concerned attendees as they talked about this potential impact, and who would be responsible for satisfying financial needs with an increase of membership.

Increased Membership

An influx in membership was another inevitable impact that participants felt would happen if the removal would take place. Although it was noted that some felt that many individuals who had lost family and community connections would not be applying if they were unaware of their heritage and the new amendments that would affect them.

Rippled effects:

A couple of participants mentioned this term in relation to impacts of removing the 1951 cut-off but did not elaborate as to what was meant by it.

b) How can the impacts of the removal of the 1951 cut-off be addressed for your community?

Session One:

New Policy Development

Participants felt that in order to address the impacts of the removal of the 1951 cut-off, new policies would have to be developed to make the transition work. It was noted that key leaders, such as Chief and council could serve as valuable assets in developing the policies needed, as well as Elder input.

Delivery of the Information

To follow the new policies, participants felt that there would have to be an effective way to share the information on the new developments. Common suggestions were: information sessions, focus groups, and newsletters for each community/band. This would ensure that both current band members and new band members would receive the material. It was also voiced that there should be a consistent process for new members to learn about their benefits, community programs, and rights.

Session Two:

Targeted Meetings

Participants in this session felt that for impacts to be addressed, there would have to be further community engagement to provide the education needed to make the best decisions moving forwards. These should be categorized as open band meetings, where all community members are welcome.

Delivery of the Information

These participants felt that once decisions were made through targeted meetings, effective ways to deliver and share materials would be needed. Newsletter, the media, and social media, were among the ones mentioned.

c) How can the government of Canada assist in addressing the impacts of the removal of the 1951 cut-off?

Session One:

Easy Access Information

By providing easy access of information in a variety of formats, such as websites, pamphlets, social media, fact sheets, etc. it was stressed that the information should be an “easy read” with use of plain language. Information should pertain to who is affected by this amendment and how to go about the registration process with a check list of required documents.

Reach out

It was discussed that the federal government should be responsible for reaching out to those individuals who would qualify for status once the removal of the 1951 cut-off is in effect. However, it was not, discussed *how* the federal government would know who would then be qualified under the policy amendments.

Direct Community Engagement

It was stated that the federal government should work directly in partnership with communities/bands and its current members to address the impacts. As well as, to collaborate on creating information materials, and how the information would be shared.

Session Two:

Partnership

Many felt that the most affective way the federal government could assist in addressing impacts based on the 1951 cut-off removal, is to create mutual partnerships from grassroots level to government level. Part of that would be to conduct proper consultations and community engagement session regarding the impacts.

Increase Funds

With an inevitable increased membership, participants felt that federal government would have to increase funding to accommodate those new members. Issues around an already exhausted budget were discussed, and how the government would really have to step up.

Self-Governance

The idea of handing decision making over to the community, could best resolve potential impacts, since Indigenous communities know what they need for themselves. However there still might have to be some sort of partnership to resolve all the impacts needed to be addressed.

d) How soon would you want to see the removal of the 1951 cut-off implemented?

Session One:

Immediately

An overwhelming response for the time frame of the removal of the 1951 cut-off was immediately or as soon as possible. Even though participants did recognize that there would be mixed impacts, both good and bad, overall, it was felt that this should happen sooner than later. Some also felt that this should have already been implemented.

Pro's and Con's

Some were still unsure if the removal of the 1951 cut-off would be beneficial enough for current community members who already have status. They felt that more community engagement, proper consultation, and information provided would have to happen before a final decision should be made.

Session Two:

More Time Needed

Participants from this session felt that more time was needed to address possible and probable impacts if the removal of the 1951 cut-off was implemented.

“Don’t do it!”

Some stated that this should not happen, as we already have too many issues we are dealing with now. Current struggles with culture, language, lack of funds, to name a few, are issues that should be addressed first. It was suggested that perhaps the next generation could handle this amendment.

Observations:

Although participants were only given a snapshot of what the 1951 cut-off is and who it affects, they seemed to have a good understanding of its purpose. Most conversations were relevant to the questions, although it was evident that some did not have enough information to adequately speak on it.

The validation of one’s identity by removing this policy was seen as valuable in the first session. Unifying family and community connections were seen in the same light.

Even with the complicated history between Indigenous peoples and the federal government, talk of working together collaboratively was seen as a positive choice. Many felt that a partnership would be a great act of reconciliation.

Recommendations:

- For community members to feel confident about the decision of removing the 1951 cut-off, more community engagement and proper consultation would need to happen to fully grasp the extent of the impacts
- Clear and easy-read materials would have to be provided with step-by-step guidelines of the registration process.
- Policies to ensure that only those with true Indigenous heritage, community and family connections will gain status under this amendment.
- Ensure that funding amounts align with the increase in band memberships.

2. Remaining inequalities related to Indian registration and band membership under the *Indian Act*

These issues were articulated in Bill S-3 and enhanced by the input received during the co-design phase. This includes issues such as, but limited to:

- **Adoption**
- **Second-generation cut-off**
- **Unknown/unstated paternity**

- **Enfranchisement**
- **Voluntary de-registration**
- **Cross-border issues**
- **Children of same sex parents**
- **Non-cisgender identities as it relates to Indian Registration and band membership**

a) Which of these issues do you think is of concern to your community?

Session One:

In order from most concern per topic to least concern per topic:

Second-generation cut-off (11 references), Adoption and Unknown/unstated paternity (7 references), Children of same sex parents (4 references), Cross-border issues and Non-cisgender identities as it relates to Indian Registration and band membership (2 references), Enfranchisement (1 reference), and Voluntary de-registration (0 reference).

One participant raised a separate issue as a concern, the differential treatment and policies of on-reserve members and off-reserve members. Although not an issue listed, it was still seen as a valid concern for community members.

Session Two:

In order from most concern per topic to least concern per topic:

Unknown/unstated paternity and Adoption (5 references), Enfranchisement, Cross-border issues, and Non-cisgender identities as it relates to Indian Registration and band membership (1 reference each), and Second-generation cut-off, Voluntary de-registration, and Children of same sex parents (0 reference).

b) Is there any inequality related to this issue?

Session One:

Second-generation cut-off

The greatest concern voiced by participants was the *second-generation cut off*. Concerns included the inequalities and inconsistencies of the registration qualification terms and the 6(1) and 6(2) levels, and how those relate to gender policies. Participants also stated how they thought that the *second-generation cut-off* was a way for federal government to decrease true numbers of registered Indians.

Adoption

This was an interesting concern with unique takes on whether non-Indigenous children adopted into Indigenous families should gain status or not. There were participants who were both for it and against it. Those who were for it felt that way since the child would be growing up in an Indigenous home that they would grow up with an Indigenous identity, and deserve to become a registered Indian under the Act. Those who were against it felt that regardless of being raised in an Indigenous home, the child was not Indigenous, therefore they did not deserve to gain Indian status.

The other major concern was for Indigenous children being adopted into a non-Indigenous homes, and the probability of them not receiving their inherit rights as a registered Indian. Conversations around the overrepresentation of Indigenous children in the system solidified this concern. Also, ideas around the 60's scoop were brought to light, as many of those individuals did not gain status.

Unknown/unstated paternity

This concern was one that participants felt was a key part of the Bill S-3 amendments. When Indigenous women declared unknown or unstated paternity, it was assumed that the father was either non-Indigenous, or non-status. The Bill S-3 amendment would allow a bit more leniency on my mother's part with reasoning why she did not state a father. For the most part, participants felt that this would be beneficial, since there are numerous reasons why women would not choose to include a father's name. Domestic violence, rape, incest, and the, shame of not knowing, are just a few reasons.

Conversely, some participants felt that this might be used to register children who would not qualify under normal circumstances. Discussions around how some would cheat the system seemed to be a concern.

Children of same sex parents

This concern focused more on the ignorance and lack of education that might affect how a child is registered or not. Participants felt that children of same sex parents should be categorized the same way as children of a traditional relationship (man and woman). Most were not quite sure if there are issues with this under the registration policies but hoped that it would follow the same process.

Cross-border issues

Those who spoke on this issue spoke to the borders that settlers created. They felt that as Indigenous peoples should be able to cross any borders within traditional Turtle Island freely. They also felt that there were inconsistencies around why a status card might work at some borders, but not all, and not when flying out of the country. Participants felt that the use of a status card should be on the same level as a passport.

Non-cisgender identities as it relates to Indian Registration and band membership

To most participants, this was a new term. Once it was explained to them, there were not many who felt that they could adequately speak to it. The common issue that was discussed was around forms and identification cards themselves, and whether individuals could state their gender identity, rather than their biological sex.

Enfranchisement

This had one reference in a booklet, but no reasons why.

Voluntary de-registration

This was not mentioned to be a concern or issue by any participants.

Session Two:

Adoption

Participants in this session only focused on the issue of non-Indigenous children being adopted into Indigenous households, and unlawfully gaining Indian status. Concerns of those individuals being able to pass it down to another generation of non-Indigenous children, and so on, was discussed.

Another issue that pertained to concern, is when an Indigenous person registers their non-Indigenous step-child with Indian status.

Unknown/Unstated Paternity

Participants declared that women feeling forced to disclose a father on their child's birth certificate is a huge issue in communities. Conversations around valid reasons why a mother might not put her child's father on the birth certificate included, domestic violence, rape and shame of not knowing who the father is, were among the most common. It was noted that this creates huge barriers for many Indigenous women trying to register their children.

Enfranchisement

Enfranchisement was mentioned in one booklet, but with no details to follow.

Cross-border Issues

Very little was spoken on this issue, as most participants did not see it as a major concern within the list. Many stated that they are fine using their status card when driving across the boarder, and problems around id's and flying was not brought up.

Non-cisgender Identities

This was only brought up as a concern that non-cisgender individuals may struggle with having their gender identity on their Indian registration card, and in the system.

Second-Generation Cut-off

This was not brought up as a concern or issues with participants.

Voluntary De-Registration

This was not brought up as a concern or issues with participants.

Children of Same Sex Parents

This was not brought up as a concern or issues with participants.

c) Why do you think there is an inequity for this issue?

Session One:

There was not much written in booklets for this part, but conversations around flaws in the system were prevalent. A long history of systemic racism, sexism, and discrimination in general, not to mention, many feel that the registration system was not build for us, but in a way to eventually eliminate us.

Session Two:

Here is where participants dug a little deeper into a few of the issues. Because of so many Indigenous children in the system, many could potentially be adopted to outside families. When these children try to locate family, community, heritage and identity, there can be many barriers. Some may never get their inherit rights of Indian status, which means that their children and so on would not obtain it either. Participants saw this as a huge issue. And lastly, participants went back to a previous issue regarding the inconsistent principles between men's and women's lineage, and how status is passed down based on gender.

d) How can this inequity be addressed or fixed?

Session One:

Participants answered this question in two different ways: solutions in general, and issue specific solutions.

Solutions in general included, hosting community focus groups and discussions, incorporate traditional and grassroots knowledge, Elder input in policy change and creation, consistent and clear guidelines under the Act, and allow bands to oversee their own individual memberships.

Issue specific solutions for *second-generation cut-off* concerns were for registration policies to be equal for male and female individuals when applying for themselves or their children to become registered Indians.

Session Two:

It was reiterated that there should be leniency for Indigenous women who, for whatever reason, chooses not to disclose the father's identity on their child's birth certificate.

Providing DNA and using bloodlines were also mentioned in relation to addressing registration issues.

e) Are there other inequities that need to be discussed? What are they?

Session One:

Other inequities that participants discussed followed the same theme of conversations within the session but were spoken about in very general terms. Issues around recognition of mixed heritage Indigenous people (specifically when mixed with white and black heritage), issues around blood quantum and DNA testing to prove heritage for registration purposes, equal registration policies for male and females, and again issues around the inequity of on-reserve vs off-reserve benefits.

Session Two:

Inequities mentioned by this session included, education policies around funding and guidelines, general funding does not align with the needs of community, many First Nation communities have high numbers of poverty, water and housing issues, the vast amount of trauma and intergenerational trauma that is continually faced as a collective nation.

f) What would you recommend for the next steps going forward?

Session One:

Participants felt that more community engagement was needed to discuss ongoing Indigenous issues, and that open communication was needed between all partnerships, especially among Indigenous people and federal government.

Some of the other steps that participants mentioned were to develop policies to align on-reserve and off-reserve benefits, taking membership responsibility into our own hands, and develop ways to assist those seeking Indigenous heritage to gain inherit rights.

Session Two:

The only recommendation that this session offered, was to create a new section of Indian status to accommodate children who do not have a disclosed father on their birth certificate.

Observations:

Although not every issue was discussed in great detail, participants chose to speak to the ones that they felt they could adequately address. Through discussions, participants compared issues to their own stories, lived experiences, or community connections. There were more emotions attached when attendees could make a personal connection with the issues at hand. Even with opposing views in some cases, both sides had valid points and were respected by the group. For those who could not speak to or connect to the issues, they felt like they learned a great deal about their heritage or history that they did not previously know.

Recommendations:

- Provide information and engagement opportunities around common Indigenous issues so that individuals will become more knowledgeable, therefore be able to adequately speak to these issues when asked.
- Develop clear and consistent guidelines and policies for issues under the Act.
- Continue to address sex-based discrimination within the registration policies.
- Create easy-read information materials on aspects of the Indian Act.
- Include Elders and knowledge keepers in decision making.
- Revisit on-reserve and off-reserve benefit policies.

3. First Nations exclusive responsibility for determining membership/citizenship (moving beyond the Indian Act)

a) Should First Nations take on the exclusive responsibility for determining their membership/citizenship? Why or why not?

Session One:

“YES”

An overwhelming 22 votes for yes, First Nations should take on the responsibility for determining their own membership was conveyed. As an almost unanimous voice, participants spoke strongly how the government should not define who we are as a nation, and that we need to put the power back into the community, how it was pre-contact. Using the knowledge we hold, and the strength in our voices,

participants felt that we were more than capable of developing our own membership policies. After all, they stated, “we know our own”.

“NO”

For the couple of people who stated *no*, they felt very strongly about their opinion. It all stemmed around current issues with Chief and council, and how registration policies would be negatively affected by them. Because of current issues around misappropriation of funds and resources, inconsistent housing and welfare policies, participant demonstrated concerns with membership being based on nepotism and inconsistent policies.

Session Two:

“YES”

A unanimous response for yes, First Nations should take on the exclusive responsibility for determining our own membership. Reasons stated for this was to keep the bloodline and family lineage protected.

b) What are the responsibilities, issues and concerns that are part of defining membership/citizenship in your community?

Session One:

Clear, fair and consistent policies

This has been a common theme throughout the entire engagement piece. Like other concerns around registration policies, participants felt strongly that if given the responsibility of defining our own membership guidelines, they would have to be *clear, fair and consistent*. Because of the history of systemic discrimination within the Act, policies have not always been clear, fair, or consistent, even with amendments.

Bloodlines, family, and community connections

Part of creating new policies should include how individuals would qualify for Indian registration. Participants felt strongly about including bloodlines and/or family and community connections. The idea that any person with Indigenous heritage should be connected to a First Nation Family and community, in order to qualify for Indian status and community membership.

Honorable mentions

Some other responsibilities, issues and concerns that were mentioned by participants were, how to prevent bias if membership is determined by us, supports throughout the entire registration process, including follow-up, and enlist a family record keeper.

Session Two:

Clear, fair and consistent policies

Participants in this session also felt strongly that if given the responsibility of defining our own membership guidelines, they would have to be *clear, fair and consistent*.

Bloodlines, family, and community connections

Participants felt that it was important to include bloodline, family and community connection policies, and part of that, would require members to be active participants within their band/community.

Membership Division

It was expressed that a membership division would be recommended to enable a qualification model for First Nation membership. Participants in this session felt that Chief, council, and Elders would be key in taking the lead on this.

c) How do you think your community should take on the responsibility for defining membership and citizenship (if this is already happening)?

Session One:

Developing our own policies for determination

Again, this has been an ongoing and common theme throughout this section. It was also noted in this question that each individual band should decide for themselves who would qualify for membership, not as a collective nation. One suggestion to add to this was to create a membership advisory committee, one for each band.

The Family Tree

As noted above, the idea of enlisting a family record keeper would ensure that each member has a legit connection to that community. Participants felt that by creating a database of family lineage, determining who qualifies for membership would be clear.

Ongoing Support

Again, another common theme participants discussed was the continued support individuals need when going through the registration process. It's been noted that the current system is extremely hard to navigate through, with many barriers and little support.

Session Two:

Key Leaders

Participants in this session thought that key leaders such as Chief and council would be instrumental in taking on the responsibility of membership determination, together with full legal consultation.

d) When could First Nation communities begin to take on this responsibility?

Session One:

“ASAP”

An almost unanimous consensus felt that First Nations should exclusively be responsible for determining membership and move beyond the Indian Act as soon as possible. However, it was also powerfully noted that it would have to be based on an appropriate system – again with the *clear, fair, and consistent* guidelines.

Never

Aligning with question 3 a), two participants stated that this is *not* something that should happen for us as a nation, or individual communities or bands. This small outlook has been consistent throughout this section.

Session Two:

Mixed Reactions

There was not a huge response to this part of the question, however three different views were displayed. One, as soon as possible – this participant felt that we should be starting the process today. Two, more information and education is needed before the process could start, and three, these participants felt that we are nowhere near ready to begin the process, at least ten years down the road.

e) What would you recommend as the next steps going forward?

Session One:

Four main themes were discussed in this question. Community engagement with a heavy Elder presence and involvement was among the most popular. Following that, participants wanted more information sessions based on all the factors involved in taking over membership policies. The two final suggestions were, removing Chief and council from membership procedures, and removing the Indian Act period, and revamping it our own way.

Session Two:

Five themes were brought up in this session, with further community engagement and proper consultation with grassroots and key leaders, was among the top. Developing some type of process to include family and community connections, and possibly even DNA. Self-governance was mentioned again in this section, as well as returning to our traditional matriarchal system. Lastly, the suggestion of bringing in external Indigenous organizations to assist and leaving out Chief and council involvement.

Observations:

Participants clearly used the term “membership” and did not use or feel that the term “citizenship” was relevant or appropriate for Indigenous peoples.

Both sessions had mixed opinions on whether key leaders such as Chief and council should be involved in this process, or not. The idea of self-governance made sense to bring up in this section, since essentially taking over membership responsibilities would entail some type of self-sustainability.

Themes were very consistent in this section, both for and against membership responsibility. Participants felt strongly regarding their view, and gave valuable insight as to why they felt the way they did. Participants brought their own knowledge and personal experience when answering questions in this section.

Recommendations:

- If membership was to be put into the communities’ hands, new, clear, fair and consistent policies would have to be developed;
- Further community engagement and proper consultation would need to happen before this could take place;

- Explore the idea of having a membership committee, rather than utilizing current Chief, council, and other leaders in communities;
- Explore ideas around including an external Indigenous organization in assisting with this process; and
- Be sure that any new policies and procedures include transparency to ensure that they are fair and consistent.

Conclusion and Summary of Recommendations

Overview

Providing Indigenous community members in Nova Scotia an opportunity to learn about amendments under the Act, and providing the space for community engagement was well needed. Within both sessions, there were plenty of overlapping themes of conversation, however, each had its own unique quality that allowed for diverse conversation, with over 60 strong voices to be heard. It was apparent that the community members appreciated the opportunity to learn more about Bill S-3. They also responded positively when given the chance to contribute their insight within the engagement piece.

The purpose of the engagement was made clear to the participants. The sessions were not to be seen as an official consultation, rather, it was a community engagement to help break down discriminatory barriers within the registration policies of the Indian Act.

Thumbs up

For the first session, because participants were coming from afar, and since the session was in the evening, hotels were offered to those who were traveling an hour or more to the location. This helped to increase numbers because many participants were not comfortable driving back in the dark, and especially those traveling with children.

In the second session, Mi'kmaq speakers could converse with each other and the Notes Facilitator, as she translated the conversations in the booklet to English. Additionally, there were no technical issues, and the Bill S-3 information part went smoothly. Participants were also given information booklets from INAC on all the points presented, which they used to guide them in the engagement piece.

Other aspects that helped to accommodate participants for both sessions were: providing a meal, snacks, tea and coffee, offering on-site childcare, and providing mileage compensation.

Thumbs down

Some of the barriers that were presented by participants, was the lack of provided transportation. This was also expressed by those who tried or wanted to, but could not make it. Offering mileage compensation worked for those who had access to a vehicle, but did not help those who did not. For the first session, rides were arranged for those who wanted to participate, but did not have access to a vehicle. Suggestions were to provide a bus for different communities, or to hold sessions in each community so that participants do not have to worry about travel.

Another obstacle was the lack of understanding of what the Bill S-3 actually entailed. This was made known during the first session. Due to technical issues in the first session, the PowerPoint presentation was not available for the information piece from the INAC representative. As he tried his best to explain each aspect, it was said to have been hard to follow without the visuals. Particularly with the large group of people. Many participants stated that they had more questions when they left, than they had when they arrived.

Conclusion

Supporting Indigenous community members with a platform to voice their experience with the discrimination that we continue to face due to the Indian Act was sorely needed. Many Indigenous people feel that systems created for them only serve as barriers between them and a fulfilling life. Having a majority of Indigenous women in one space, created a powerful atmosphere that is difficult to explain. For decades, Indigenous women have been told not to use their voice, so to not only allow, but encourage, was a beautiful sight to see.

Sex-based discrimination has been a key factor in the demise of Indigenous people since the Indian Act was sanctioned in 1876. A part of Canada addressing the supposed “Indian problem” was to destroy the traditional matriarchal system in as many ways as possible. Regulations forced the de-valuing of Indigenous women by removing their roles. It was done by breaking our system

To cease these injustices, there are some vital factors to take into consideration. Within these two sessions, it is evident the Indigenous community have a solid grasp of how the Indian Act has harboured and encouraged discrimination in their lives, both in their present lived and on an intergenerational level. It is understood that even with amendments such as the Bill S-3, there are still many flaws in the system that need to be addressed. Although there are steps in the right direction, there are still many more that need to be taken to align the Act with what is truly needed for the Indigenous community.

Summary of Recommendations

1. The removal of the 1951 cut-off from the *Indian Act*

Recommendations:

- For community members to feel confident about the decision of removing the 1951 cut-off, more structured/proper consultations and community engagement would need to happen, to fully grasp the extent of the impacts;
- Clear and easy-read materials would have to be provided with step-by-step guidelines of the registration process;
- Policies to ensure that only those with true Indigenous heritage, community and family connections will gain status under this amendment; and
- Ensure that funding amounts align with the increase in band memberships.

2. Remaining inequalities related to Indian registration and band membership under the *Indian Act*

Recommendations:

- Provide information and engagement opportunities around common Indigenous issues so that individuals will become knowledgeable, therefore can adequately speak to these issues when asked;
- Develop clear and consistent guidelines and policies for issues under the Act;
- Continue to address sex-based discrimination within the registration policies;
- Create easy-read information materials on aspects of the Indian Act;
- Include Elders and knowledge keepers in decision making; and
- Revisit on-reserve and off-reserve benefit policies.

3. First Nations exclusive responsibility for determining membership/citizenship (moving beyond the *Indian Act*)

Recommendations:

- If membership was to be put into the communities' hands, new clear, fair and consistent policies would have to be developed;
- Further community engagement and proper consultation would need to happen before this could take place;
- Explore the idea of having a membership committee, rather than utilizing current Chief, council, and other leaders in communities;
- Explore ideas around including an external Indigenous organization in assisting with this process; and
- Be sure that any new policies and procedures include transparency to ensure that they are fair and consistent.

Appendix A: Notes from Session One

Surveys:			
Men	Women	Diverse	Total
3	27	*14	44
*I believe that the clear majority, if not the entirety of these individuals identified as female, but the way the survey answer lines were set up was a bit unclear at first glance. Check marks are to be put to the left of the option, however if the first line beside "Man" was not noticed, one might take the lines to the right to be the place to check off. Five of these individuals were over the age of 65, three were in their 30's or 40's, and six did not disclose their age.			

Engagement Questions

Total: *27

*There were three groups of tables, each with a facilitator. Participants were instructed to fill out their booklet, but also to engage in conversation around the questions. The facilitator was to capture the conversations around the questions. Because of this model, some attendees relied on the facilitator to note the answers in their booklet, rather than record in their own.

1. the removal of the 1951 cut-off from the *Indian Act*

a) How will the removal of the 1951 cut-off impact your community?

Good intention, but issues around proving ancestry/identity – to gain status	4
Many will not be able to register as “full” status (6-1), even if qualified	1
Increased memberships	14
Financial responsibility	1
Resource availability (per capita) decreased/ Increased financial disparity	6
Questions around removal of status to non-Indigenous women (pre-Bill C-31)	1
Validated community/Indigenous identity – consistent family connections	6
Increased recognition from federal government	1
Increased registration applications (non-qualified/non-Indigenous)	1
Removal of sex based registration (charter of rights)	1

b) How can the impacts of the removal of the 1951 cut-off be addressed for your community?

Policy development – band membership	2
Chief and council – strong voice as to new membership policy	2
Elder input	1
Need effective ways to pass on information	3
Info sessions on new policies – in each community	3
Newsletters	1
Focus groups	1
Showing new members benefits/community programs/rights	3

c) How can the government of Canada assist in addressing the impacts of the removal of the 1951 cut-off?

Easy access of information – easy read	5
Reach out to qualified individuals	5
Hand membership decisions over to First Nation communities	1
Speak with grassroots	1
Speed up process of removal	1
Work with communities to put out information	2
Direct engagement with current community members	3
Increase financials	1

d) How soon would you want to see the removal of the 1951 cut-off implemented?

Immediately	12
Should have already happened	2
When bands feel, the time is right	1
Not enough info to speak on	2
Pro's and con's to be established before making that decision	2

Remaining inequalities related to Indian registration and band membership under the *Indian Act*

Issues such as, but not limited to:

- Adoption
- Second-generation cut-off
- Unknown/unstated paternity
- Enfranchisement
- Voluntary de-registration
- Cross-border issues
- Children of same sex parents
- Non-cisgender identities as it relates to Indian registration and band memberships

a) Which of these issues do you think is of concern to your community?

b) Is there any inequality related to this issue?

Issue:	Yes:	Inequalities:
Adoption	7	<ul style="list-style-type: none"> • Non-native child gaining status (against) • Non-native child gaining status (for)

		<ul style="list-style-type: none"> • native child not gaining status (non-native home)
Second-generation cut-off	11	<ul style="list-style-type: none"> • Gov't wants to decrease numbers • Inequality around 6(1)/6(2) passed down • Inconsistency with policies • Sex-based inequalities (designed for men)
Unknown/unstated paternity	7	<ul style="list-style-type: none"> • Circumstances around unstated paternity creates barriers if not allowed status • Gain of unqualified status based on unstated paternity
Enfranchisement	1	
Voluntary de-registration	1	
Cross-border issues	2	<ul style="list-style-type: none"> • Inequality of passing borders that were put in place by settlers – turtle island not respected as whole
Children of same sex parents	4	<ul style="list-style-type: none"> • Based on ignorance/lack of education
Non-cisgender identities	2	<ul style="list-style-type: none"> • Issues with forms/discrimination based on gender
On vs off reserve benefits	1	<ul style="list-style-type: none"> • Gov't control/barriers to thrive off-reserve

c) Why do you think there is an inequity for this issue?

Not so much written in booklets, but conversations around flaws in the system, systemic racism, sexism, and discrimination in general. System was not built for us more so against us.

d) How can this inequity be addressed or fixed?

Solutions in general:		
Allow bands to oversee their own individual memberships		1
Provide education and clear guidelines under the Act		1
Community focus groups/discussions		2
Elder input		1
Incorporate traditional knowledge / grassroots		2

Issue:		Solution:
Adoption	1	<ul style="list-style-type: none"> • Allow status to be effective from birth
Second-generation cut-off	4	<ul style="list-style-type: none"> • Registration policies equal for male/female
Unknown/unstated paternity	1	<ul style="list-style-type: none"> • Allow bands to oversee their own individual memberships

Enfranchisement	0	-
Voluntary de-registration	0	-
Cross-border issues	0	-
Children of same sex parents	1	<ul style="list-style-type: none"> Provide education and clear guidelines under the Act.
Non-cisgender identities	1	<ul style="list-style-type: none"> Have open ended gender options to allow people to provide gender identity – allow within registration policies
On vs off reserve benefits	1	<ul style="list-style-type: none"> Benefits should be equal and consistent on/off

e) Are there other inequities that need to be discussed? What are they?

After 1985, do men and women have equal passing abilities?	1
Issues around recognition of mixed heritage Indigenous people	2
Issues around blood quantum/DNA testing to prove heritage	1
On vs Off reserve benefits	1

f) What would you recommend for the next steps going forward?

Create partnerships within government organizations to ensure rights are being met	1
Develop policies to align on-reserve and off-reserve benefits	1
More community engagement on Indigenous issues	3
Take membership responsibility into our own hands	1
Open communication between all partnerships	2
Talking/healing circles	1
Rewrite Indian Act – community engagement	1
Keep registration policies equal and consistent	1
Elders should be integral part of policy change	1
Develop ways to assist those seeking Indigenous heritage to gain inherit rights	1

3. First Nations exclusive responsibility for determining membership/citizenship (moving beyond the Indian Act)

a) Should First Nations take on the exclusive responsibility for determining their membership/citizenship? Why or why not?

Yes	No
22	2
Government should not define who we are as a nation	If left up to chief/council or elected officials, runs the risk of favoritism (current issue within communities ex. Housing, funding, etc.)
Go back to systems pre-contact	Because of current issues with chief/council and misappropriation of funds/resources
To create and use the strength in our voices – knowledge we hold	
Power back into the community – remove government involvement	
In theory, yes, but with policies to ensure fairness and consistency	
Because we know our own	

b) What are the responsibilities, issues and concerns that are part of defining membership/citizenship in your community?

How do we prevent bias if membership is determined by us?	2
Create clear, fair and consistent policies	6
Support throughout the entire registration process, including follow-up	1
Membership based on bloodlines/family connections	6
Both parents should be listed w/ proof – DNA option	2
Be prepared to support increased membership	1
Enlist a family record keeper	1
Community input/decision	1
Remove institutionalized structures	1
Remove referendum process	1
Include referendum process	1

c) How do you think your community should take on the responsibility for defining membership and citizenship (if this is already happening)?

Deciding for ourselves what is best for us as a nation	1
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By creating a database of family lineage to determine who qualifies	3
Developing our own policies for determination	5
Membership advisory committee – one for each band	2
*Each band/community to decide	4
Bloodline	2
System should offer continued support throughout the process	2
Let chief and council decide	1

d) When should? could First Nation communities begin to take on this responsibility?

As soon as possible – based on appropriate system	18
6 months to 1 year	1
Never	2

e) What would you recommend as the next steps going forward?

Provide more information sessions – easy language	5
Community engagement (elder involvement)	9
Remove Chief/council from the process	2
Remove Indian Act	2

Appendix B: Notes from Session Two

Surveys:			
Men	Women	Diverse	Total
1	9	*7	17
<p>*I believe that the clear majority, if not the entirety of these individuals identified as female, but the way the survey answer lines were set up was a bit unclear at first glance. Check marks are to be put to the left of the option, however if the first line beside “Man” was not noticed, one might take the lines to the right to be the place to check off. One individuals were in there late 60’s, one individual was in their late 50’s and one individual was in their late 30’s, and four did not disclose their age.</p>			

Engagement Questions

Total: *9

*There were three groups of tables, each with a facilitator. Attendees were instructed to fill out their booklet, but also engaging in conversation around the questions. The facilitator was to capture the conversations around the questions. Because of this model, some attendees relied on the facilitator to note the answers in their booklet, rather than record in their own. One facilitator offered Mi'kmaq conversation at her table for those who preferred to speak the language.

1. the removal of the 1951 cut-off from the *Indian Act*

a) How will the removal of the 1951 cut-off impact your community?

Blood line cut off?	2
Influx of memberships	6
Funding will not support/strain on resources	7
Newly qualified people who are unaware that they are not qualified for Status	1
Ripple effect??	2

b) How can the impacts of the removal of the 1951 cut-off be addressed for your community?

Community engagement/education/open band meetings/targeted meetings	5
Increase land – increased memberships	1
Include the media in what's going on	1
Newsletters/social media	2

c) How can the government of Canada assist in addressing the impacts of the removal of the 1951 cut-off?

Partnership with communities/consultation – gov't level/grassroots level	7
Allow FN communities to self gov't	3
Consistent support among all communities	2
more resources – housing, education	4

d) How soon would you want to see the removal of the 1951 cut-off implemented?

More time is needed to address impacts	2
Next generation – too soon for now	1
Should not happen – current struggles with culture/language/funds	1

1. Remaining inequalities related to Indian registration and band membership under the *Indian Act*

Issues such as, but not limited to:

- Adoption
- Second-generation cut-off
- Unknown/unstated paternity
- Enfranchisement
- Voluntary de-registration
- Cross-border issues
- Children of same sex parents
- Non-cisgender identities as it relates to Indian registration and band memberships

a) Which of these issues do you think is of concern to your community?

b) Is there any inequality related to this issue

Issue:	Yes:	Inequalities:
Adoption	5	<ul style="list-style-type: none"> • Against non-indigenous child gaining status through adoption – pass down again
Second-generation cut-off		<ul style="list-style-type: none"> •
Unknown/unstated paternity	5	<ul style="list-style-type: none"> • Provide DNA to prevent fraudulent claims • Issues if mother is forced to disclose – rules made by men not for woman
Enfranchisement	1	<ul style="list-style-type: none"> •
Voluntary de-registration		<ul style="list-style-type: none"> •
Cross-border issues	1	<ul style="list-style-type: none"> • Need to cross throughout turtle island – barriers
Children of same sex parents		<ul style="list-style-type: none"> •
Non-cisgender identities	1	<ul style="list-style-type: none"> • Gender identity not being recognized

c) Why do you think there is an inequity for this issue?

Because of kids who were adopted out of community try to locate fam/community	1
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Adopted out children – intergenerational loss of identity (status – rights)	1
Sex-based discrimination	2

d) How can this inequity be addressed or fixed?

Solutions in general:	
More funding/bloodline identity/DNA	

Issue:		Solution:
Adoption	0	
Second-generation cut-off	0	
Unknown/unstated paternity	1	<ul style="list-style-type: none"> Allow status to fall under woman
Enfranchisement	0	
Voluntary de-registration	0	
Cross-border issues	0	
Children of same sex parents	0	
Non-cisgender identities	0	
On vs off reserve benefits	0	

e) Are there other inequities that need to be discussed? What are they?

- Education policies
- Funding does not align with needs
- Poverty – water issue/housing
- Trauma/intergeneration

f) What would you recommend for the next steps going forward?

Create a new section of status for children without a disclosed father on b/c	2
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3. First Nations exclusive responsibility for determining membership/citizenship (moving beyond the *Indian Act*)

a) Should First Nations take on the exclusive responsibility for determining their membership/citizenship? Why or why not?

Yes	No
6	
to create fair policies	
Ensure bloodline is protected	
Need a center strictly for membership – genealogy/protect bloodline/family lineage	
Need time to perfect process – chief/council, elders, referendum	

b) What are the responsibilities, issues and concerns that are part of defining membership/citizenship in your community?

to create fair policies	3
Need a center strictly for membership – genealogy/protect bloodline/family lineage	2
Need time to perfect process – chief/council, elders, referendum	1
Providing the funds needed	1
Issues of Nepotism	2
Cultural misappropriation / awareness - language	4
Policies around membership = community involvement	1
Ensure bloodline is protected	2

c) How do you think your community should take on the responsibility for defining membership and citizenship (if this is already happening)?

Keep culture and language a big part of it	
Restricting support to members who never lived on reserve	
With legal consultation	
Chief and council take the lead – referendum	

d) When could First Nation communities begin to take on this responsibility?

Asap	1
More education sessions need to happen	1
not ready yet – within ten years	2

e) What would you recommend as the next steps going forward?

Consultation/community engagement w/ grassroots people and key leaders	3
Self-governance	1
Return to matriarchal system	1
Family trees / clan system / ancestry-DNA	3
Bring in external indigenous supports – exclude Chief and council	1



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