

# Native Women's Association of Canada



“EQUALITY FOR ALL  
IN THE 21<sup>st</sup> CENTURY”

2<sup>nd</sup> NATIONAL  
CONFERENCE ON  
BILL C-31

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~ May 14, 15, 16, 1999 ~

Ramada Inn and Conference Centre  
Edmonton, Alberta

*An NWAC Conference Report*

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# **“EQUALITY FOR ALL IN THE 21<sup>ST</sup> CENTURY” 2<sup>ND</sup> NATIONAL CONFERENCE ON BILL C-31 - REPORT**

## **1. Synopsis of Bill C-31 Conference Outcome and Organization**

The NWAC has placed the issue of Bill C-31 as a priority; consequently, the Association has sponsored two National Conferences. The purpose of these conferences was to bring together Aboriginal citizens and organizational leadership from across the country to develop a National Strategy which would be used to divert the negative impact of the Bill C-31.

Both Conferences assembled men, women and youth from urban, rural and reserve communities; in addition, prominent speakers, resource people, community activists, legal expertise and international representation were present and greatly assisted in the Conference outcome.

Success is measured in results. The Conference was successful in achieving its objective with approximately 150 participants registered in eight focus workshops. Each workshop, led by facilitators, resource persons and recorders resulted in fifty two recommendations which will form the basis of the Strategy, along with the five recommendations from the 1<sup>st</sup> conference. Each participant was provided with a full report of the eight workshop recommendations at the completion of the Conference. It is intended that the participants could immediately begin to use these recommendations as a basis for community action planning, and networking. The Conference kit contained extensive information, legal papers, speeches and presentations which could also be easily used in local and regional workshops and gatherings. The plenary sessions of the Conference were video taped, and a documentary will be produced for community distribution upon completion; as well, a professional photographer was engaged to record the Conference.

The most enthusiastic moments of the Conference were the Speaker presentations. Beginning with the President, Marilyn Buffalo who welcomed the participants in the traditionally led Opening Ceremonies. Presentations by the forerunners in this rights issue, Jeanette Corbiere-Lavell and Sandra Lovelace were well received. However, the AFN, and the Métis National Council were notably absent, once again. Harry Daniels, President of the Congress of Aboriginal Peoples who strongly supports NWAC on this issue, and who presented a strongly worded paper outlining the position of the Congress which was extremely definitive and clear. For all of us who were at the Conference, we had the opportunity to listen to the Keynote Speaker, Mr. Harold Cardinal, one of Canada's most prominent, and educated leaders, who presented an extremely moving historical, and visionary preview of Canada's present and future relationships with the Aboriginal community.

While Jane Stewart, the Minister of Indian Affairs was unable to be present, her representative, Mr. Clint Davis, Senior Policy Adviser gracefully accepted the many verbal challenges presented by the community leaders, and promised to look into several of the issues presented to him.

Another highlight was the speech presentation by Mr. Elmer Derrick, the Gitksan Hereditary Chief who related the long, tedious, and hard working experiences of his people to win the precedent-setting Dalgamuuk Court Case.

On the last day, the Keynote Speaker Maria Otarola, Mapuche from South America reflected upon the similar experiences of apartheid in her country and outlined the steps taken by the - Country people to fight assimilation and deprivation. The last presentation of the Conference was made by Faye Blaney, Aboriginal Women's Action Network outlined how local and regional efforts can have the desired results. A final plenary session provided direction, and a focus on issues, actions that participants would commit to in the immediate future.

Social events were visibly enjoyed by all in the evenings. This included the Honouring of two Aboriginal Women, Mary Two Axe Early and Jenny Margets, both having provided great leadership in the Indian Rights for Indian Women Movement. A colourful and moving dance presentation by the Gitksan dancers, and Round Dance celebrations were thoroughly enjoyed by all participants.

The real success from these two endeavours will be measured when the Bill C-31 has been court challenged successfully, when chiefs and community leaders come together in a sincere way to end this Bill of genocide, when all those affected will rise together and support each other on this issue; for if we become complacent on this issue, there will be no more Indian Status.

## 2. General Summary of Recommendations

It is very clear that the expectations of both of the Assembly participants wish to see that NWAC take the lead role in the implementation of the Strategy for a variety of reasons; mainly, due to the strong leadership and the high priority placed upon this issue by the Association. NWAC also feels that it has the support of the community level leadership which includes Chiefs, band councils, Métis leaders, friendship centres, aboriginal leadership from various advocacy groups, the legal community and the youth because of NWAC's commitment to this cause. It is appropriate that the organization take the lead because of our mandate, roles and responsibilities to strengthen our families and to protect the legacy set down by our forefather and mothers and to ensure that the inherent rights and benefits are shared by all, and applied equally to all males and females.

It is very clear that, in order to further carry out the direction laid out by the people, there must be a continuance of financial resources with a strong commitment from the federal government to do so. There must be a coordinating body, supported by technical resources to enable the extensive work that must be done to fulfill the mandate given through these gatherings.

When examining the overall recommendations, it is, again, very clear that there is very little support for the current Bill as it stands from the Aboriginal community especially after it is understood what the total impact of the Bill is and what it is designed to do. There are those who believe that the whole Bill should be annihilated, replaced or amended and in its stead, a Bill which properly and clearly outlines membership definitions, based upon the principles of Aboriginal governance, equality, tradition, custom and inclusion. A process of consultation, research and communication and networking must take place and be funded by the appropriate government bodies.

Finally, it is very clear that there the this current piece of legislation and the Indian Act has had a dramatic and long term traumatic effect upon the lives of every individual within our Nations as so eloquently revealed by many Speakers and from those who have been victimized by this Bill. The process of healing must begin by the full acceptance of every man, woman and child who have been borne of Aboriginal origins and who must be provided with the opportunity to live amongst our People with the dignity and respect that belongs to each and everyone.

**Therefore, it is recommended that the NWAC pursue funding to set up a Bill C-31 Secretariat that will provide the coordination and implementation of the Strategy which is to include the resources to establish an effective communication network, conduct research and consultation methods and to provide legal and technical resources required to carry out the Strategy; in addition, NWAC will identify a coordinating body made up of the technical expertise from across the country to oversee the development of the Strategy.**

### **3. Summary of Specific Recommendations**

For purposes of presentation, the recommendations have been organized under the following categories:

- ❑ Section I: Legal
- ❑ Section II: Immediate and Ongoing Action
- ❑ Section III: Communication and Networking
- ❑ Section IV: Research and Consultation
- ❑ Section V: Political and Advocacy
- ❑ Section VI: International Approaches and Alliances

It is realized that there are recommendations that are specifically focused but will also have reference in other areas.

#### **Section 1: Legal - Recommendations**

- ❑ To group legal C-31 cases into a class action suit to raise awareness and reduce court costs.
- ❑ Reserves should work out a membership code that is fair to all Aboriginal people. Privacy legislation needs to be strengthened to guarantee equality across status.
- ❑ The categories and labels established under section 6 of the Indian Act should be eliminated as they encourage First Nations people to discriminate against one another.
- ❑ A full legal review of Bill C-31 needs to be undertaken, based on the discrimination that it has created and the recent Batchewana case decision.

#### **Summary**

The legal aspects of the Bill C-31 issue cross all categories raised in the conference. It is imperative that the NWAC, through the established co-ordinating group, follows through with the Legal Recommendations so that assistance can be given to all Aboriginal people, across Canada. The results of the Legal Recommendations will assist in the Communication and Networking work, in educating the Aboriginal community, as a whole and in empowering First Nations people in determining their long-term goals and self-determined future for their Nation.

## **Section 2: Immediate / Ongoing Actions - Recommendations**

- ❑ The National Children's Agenda, the goal of which is to protect Aboriginal children, should be used to bring the C-31 issue back to the table.
- ❑ Aboriginal men should be encouraged to support women's issues, particularly on C-31, as the strength of all lies in the unity expressed to those outside the Aboriginal community.
- ❑ As an International Women's March is planned for the year 2000, and this march is intended to bring attention to the issues of poverty and violence, participation in the march must be encouraged.
- ❑ Membership clerks in band offices should play a more active role in getting information about registration criteria into the community.
- ❑ Obtain funding from the provinces and from the Federal "Gathering Strength" initiative.

### **Summary**

Of all sections of Recommendations, Immediate and Ongoing Actions are the ones which can be implemented most easily and quickly by NWAC. While work is being done on other areas, the NWAC can begin to push for more information through Band Membership clerks, raise the issue of Bill C-31 at the National Children's Agenda and assist in organizing participation in the International Women's March. Accessing funding for various initiatives should begin immediately, with a strategy being developed for providing individual Provinces with Community Action Training and information on how to find funding for their individual initiatives.

While these actions are being developed, the co-ordinating group can be established and further the initial work which is done by the NWAC. Participants to the conference were aware of the fact that immediate actions are required to ensure that the issues and the momentum of the conference are not lost through time delays or lack of action.

### **Section 3: Communication & Networking - Recommendations**

- ❑ Greater community awareness about C-31 and its effects are necessary. Some participants were unaware of the subcategories, of what their children were labeled or why these labels were applied.
- ❑ Chiefs and councils need to be better informed. C-31 is on the summer meeting agenda of the Assembly of First Nations. Some participants are unconvinced the AFN acts in their best interests and asked how much funding has been allocated to its new women's secretariat. (One participant wondered why the AFN representative responsible for the organization's study of C-31 was not at this conference.)
- ❑ A national database (website) should be established to ensure correct information is available and to allow for networking.
- ❑ First Nations electronic communications networks need improvement so that federal and band governments can negotiate issues more smoothly.
- ❑ Funds should be raised to create a presentation or possibly a video, to take the kind of information presented at this workshop across the country.
- ❑ An information package about registration and rights should be put together and people trained to take it back to communities and teach community members.
- ❑ Chiefs must be educated.
- ❑ Charts, diagrams, family trees and other materials should be developed to explain clearly the effects of the shift toward 6(2) status and the trend toward loss of status.
- ❑ Educational programs should be introduced into the schools and ways should be found to reach young people, both on and off reserve.
- ❑ Young men must be informed about how important declarations of paternity might be for their children's status.
- ❑ People should share information about what has been done, what is being done and what is planned.
- ❑ The participatory research project by the Aboriginal Women's Action Network of British Columbia might serve as a model for other parts of the country to follow and a resource to build upon.

- Establish "practical advocacy" as an immediate, positive step. For example, establish a woman's Internet site to document how legislation is being applied to First nations and give practical advice on problem solving.
- Educate the young about the Indian Act via school curricula.
- Use Quebec as a model for getting money to implement projects, programs and training regarding "knowledge of rights." Contact Quebec women for more information.
- Provide information, to Aboriginal people across the country, about the court challenges to Bill C-31 presently occurring and the status of the Batchewana case.

## **Summary**

The recommendations included here will require the most coordination, funding and long-term planning. Finding the funding to develop a web site, produce teaching videos and material, ensuring the information is accessible for all Aboriginal people and gaining sufficient recognition for these initiatives will require the concerted efforts of all NWAC members and its affiliates. The establishment of the coordinating group will greatly assist in this exercise. Using the new Federal initiative intended to ensure computer access to all Canadians by the year 2001 will be beneficial for the NWAC.

To help in these initiatives, NWAC should consider contracting a Marketing coordinator who can develop a strategic plan for the implementation of these recommendations. Unity will play an important component in delivering some of these recommendations and implementing others.

## Section 4: Research and Consultation

- ❑ To research various models of governance based upon the matriarchal concepts and principles and to specifically examine the model of governance, such as the traditional system being established by the Gitxsan Nation in British Columbia.
- ❑ To establish a means by which genealogical research can be provided to individuals who are attempting to seek out their heritage, tribal and linguistic background.

(Author's note: the above recommendations were prepared as a result of Workshop #2)

- ❑ The key to survival for the Gitxsan and all Aboriginal people will lie in their ability to accommodate current federal and provincial systems while maintaining their own laws and traditions.
- ❑ To find out who they are, First Nations must do historical research and understand their folklore in the context of their own languages.
- ❑ A research project studying the effect of Bill C-31 legislation on women in British Columbia will be available in two weeks. People were reluctant to take part for fear of further discrimination. Interviewees recommended advocacy on behalf of reinstatement applicants who often work alone and find the process difficult, as well as more education on C-31 and the rights of C-31 people.
- ❑ Show the number of people that have been designated 6(2) and demonstrate how communities are heading towards elimination.
- ❑ A National Bill of rights affecting all Aboriginal people needs to be hammered out and enforced at a band level.
- ❑ Direct the Canadian government to consult all Aboriginal people in an appropriate way regarding legislative amendments to the Bill C-31, especially off-reserve members.

### Summary:

While the above recommendations are achievable, the implementation will require coordination and funding, and the use of existing resources and projects sites could be identified to carry out some of the vital work. There is a need to centralize the gathering effort in order to access the information by users to achieve their needs and it is suggested that while all will not have computer systems or internet services available to them, this will prove to be a vital means to research and communicate. The concept of an Aboriginal Charter of Rights has been discussed and presented by the Ontario Native Women's Association at the Canadian Constitution - 1982 to be included in Section 35; however, there must be more deliberation within the Aboriginal community and avid support by the National Aboriginal Leadership to bring this to the First

Premier's forum for action; meanwhile work can begin on this vital instrument to ensure the protection, fairness and equality at all levels of government especially within our own governments. It is further suggested that all Band and Métis governments do not need governments to initiate this action and can be implemented as a primary principle in any style or form of government. Consultation on all matters affecting our citizens no matter where one lives is a fundamental right, especially when the issues being addressed will affect land use, resource development and ownership, financial allocations and any existing or future agreements being negotiated with the governments or private sector. Historical, as well as new endeavors, such as the Bill C 49 will have a potential dire effect upon our ability to preserve and protect our land and the future ownership of resources and the land itself. This is a prime and devastating example of lack of consultation by our own leaders who worked with the government in what is

## **Section 5: International Approaches and Alliances**

- ❑ The Internet and the International media can be used to raise global consciousness about issues in Canada, networking and planning, posting of articles and bulletins and to gain assistance and to promote alliances with other Indigenous peoples.
- ❑ To form a relationship with the International community by accessing membership in the United Nations and to participate in partnership with other Indigenous communities in all levels within the International for a in all relevant areas of interest.
- ❑ Indigenous people in Canada should ensure that the World community receives honest interpretations of the Canadian experience by our representatives in order to dispel mainstream stereotyping and the true treatment of Canada's aboriginal community.
- ❑ Indigenous people in Canada, including Aboriginal organizations, leaders at all levels must be encouraged to work directly with one another to achieve common goals at the International arena.
- ❑ Ensure that there is continual dialogue by sharing resources and information.
- ❑ Simple, direct strategies by one person or a small group can also be used to raise international awareness.
- ❑ An International Women's March is planned for the year 2000 to bring attention to the issues of poverty and violence, and participation in the March is to be encouraged across the country.

### **Summary:**

It is strongly agreed that effective use of the International infrastructures available to us are not used to the greatest extent and potential that exists. There are only a few Aboriginal individuals that have the experience and capacity in Canada and individuals are greatly demanded to share their knowledge and skill. We must increase our capacity and skill to acquaint our issues to the International community. One means is to request non-governmental status within the United Nations by all the various Aboriginal groups, including Local groups in this powerful process.

A Speaker's Bureau can be developed in order that our voice and messages can be presented competently and expertly. We must begin to understand the structures, the rules of conduct and the particular language skills commonly used in these various orders of foreign organizations.

## Section 6: Advocacy and Political

- ❑ Band codes must be established, based upon the one parent rule rather than the two parent rule or blood quantum; if not, this will lead more quickly to the elimination of First Nation People.
- ❑ Establish "practical advocacy" program as an immediate and positive step. For example, establish a women's Internet site to document how legislation is being applied to First Nations and give practical advice on problem solving. Funding would be necessary to implement this project.
- ❑ Create an Ombudsman position immediately to deal fairly with the delivery of financial budgets and in an equal manner; this could also apply to appeals made for other issues for mediation; and to distribute proper and relevant information to all Bands.
- ❑ Devolve the Registrar's Office, but not to band administrations directly; ensure that reinstated members are included in the decision making process.
- ❑ New forms of accountability methods need to be developed for both band governments and the federal government.
- ❑ Membership codes that do not reflect equality and fairness should be challenged in the Court system.
- ❑ Privacy legislation needs to guarantee equality across status.
- ❑ First Nations must return to a more tradition, consensus based structure of government.
- ❑ First Nations must take the initiative in rebuilding their own cultures and social structures.
- ❑ Indians should set criteria and create their own laws to determine who is an Indian.
- ❑ The categories and labels set up under Section 6 of the Indian Act encourages First Nation people to discriminate against one another and should be eliminated.
- ❑ A participatory research project by the Aboriginal Women's Network of British Columbia might serve as a model for other parts of the country to follow and a resource to build upon.
- ❑ NWAC should monitor how the federal government develops the voting procedures now that the Supreme Court has extended the right to vote of those who live off reserve.

## **Summary:**

There is strong need to make governments accountable and a strong sense that in the application of laws that there is fairness and equality; and in order to make change, whether it is a group or an individual, advocacy and using the legislative or legal process is a necessity. The recommendations present a variety of challenges and much thought and more planning must go into how these recommendations and new ideas can be carried out. The Batchewana Case is a profound example of one person's commitment to equality and justice. Mr. John Corbiere has been successful in his Supreme Court of Canada case which now has ordered that all citizens no matter where they can now exercise the first right of citizenship and that is to be able to vote for the elected leaders of our communities. Mr. Corbiere was honoured by the delegation at this Conference when we learned of his great victory. This victory has not been won without great financial and personal commitment and loss. This extent of this victory will now have long lasting and irrefutable impact upon the political rights of all citizens now and in the future.

#### **4. Five Recommendations from the 1<sup>st</sup> Conference Held in Ottawa in March 1998:**

- 1) that the NWAC file a class action suit against the federal government and First Nations with restrictive membership codes. This suit would be based on the ongoing discrimination still contained within the Indian Act aimed at the children and grandchildren. It would also be based on the discrimination in the membership codes aimed at restricting Section 6(2). It would also cover the hurts and pain families are subjected to since 1985.
- 2) A challenge should also be launched regarding the effects of Section (2) on the International level on the basis of human rights violations.
- 3) That the NWAC begin discussions with the Assembly of First Nations for support. The Assembly had recently passed a resolution creating a gender equality secretariat and as such should be expected to work with the NWAC, a national women's organization.
- 4) The NWAC must take the issue back to the United Nations as ongoing discrimination is still inherent in the revised legislation.
- 5) That the NWAC hold another conference in the fall to discuss the progress made on this Issue.
- 6) That a national day of action be held across Canada to highlight the issue.