

FIRST NATIONS LEADERSHIP COUNCIL



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September 8, 2026

Hon. Mark Carney
Prime Minister of Canada
Government of Canada
Via Email Only:
mark.carney@parl.gc.ca

Hon. Minister Gull-Masty
Minister of Indigenous Services
Canada
Government of Canada
Via Email Only: ministresa-ministeris@sac-isc.gc.ca

OPEN LETTER: Pass Bill S-2 as Amended, without Distractions or Delays

Dear Prime Minister Carney and Minister Gull-Masty,

We are writing to express our ongoing concern with the Government of Canada's delays in passing Bill S-2 as amended, to eliminate discrimination and remove the second-generation cut-off from the Indian Act. After decades of consultation with First Nations, input from First Nations women experts, and advice from United Nations human rights bodies, parliamentary committees and academic research, it is undisputed that the second-generation cut-off will result in the legal extinction of First Nations in a matter of generations and that Canada is legally obligated to cease discriminating now. We call on the Government of Canada in the strongest of possible terms to stop the politics of delay and pass Bill S-2, as amended, to remove the second-generation cut-off once and for all.

The Government of Canada has delayed removing sex and race-based discrimination from the *Indian Act* for decades, citing the duty to consult and most recently – shifting focus away from Bill S-2 and its legal obligations to end *Indian Act* discrimination – onto the separate issues of membership and citizenship. This blatant violation of human rights contravenes Canada's obligations under the *United Nations Declaration on the Rights of Indigenous Peoples' Act*, the Constitution, the National Inquiry into Missing and Murdered Indigenous Women and Girls, the recommendations of the United Nations Committee on the Elimination of Discrimination against Women, the Technical Advisory Note issued to Canada by the United Nations Expert Mechanism on the Rights of Indigenous Peoples, the findings of the Standing Senate Committee on Indigenous Peoples, and the testimony of countless expert witnesses and First Nations title and rights holders who appeared before both APPA and INAN.

We are concerned by arguments from Indigenous Services Canada that Bill S-2 must be delayed in order to respect self-determination and the duty to consult. First Nations across the country know that we hold ultimate authority on deciding who our citizens are. We have the ability to define our membership codes and are actively advancing our right to

exercise our citizenship laws (see UBCIC and BCAFN Resolutions enclosed). Membership and citizenship are distinct from the issue of Indian status and may take decades to fully address.

While we welcome a consultative process to address issues related to membership and citizenship, as well as the Government of Canada's full recognition of our right to self-determination over citizenship, we are dubious of the timing of this consultative shift as a distraction from Bill S-2 and do not accept it at the cost of our women and descendants being actively discriminated against. Indian status still defines many of our rights and entitlements, and is directly linked to the Crown's fiduciary obligations to Indians (and our lands) under section 91(24) of the Constitution Act, 1867 and our inherent, Aboriginal, treaty, and title rights under section 35 of the Constitution Act, 1982. Canada cannot weaponize the duty to consult or our rights to self-determination to evade its human rights and fiduciary obligations under the *Indian Act*.

Bringing the Government's discrimination and forced assimilation to an immediate end through legislative amendment to the *Indian Act* is being cast as antithetical to the right of Nations to self-determination and self-government. This is a false narrative. The Government of Canada bears the sole responsibility for addressing the historic and current rights violations perpetuated by the status provisions in the *Indian Act* and must do so immediately. Far from being contradictory, the elimination of discrimination and the legal extinction plan are necessary for First Nations to exist as Peoples and exercise our rights to self-determination and advance to self-government.

The Government has had no problem selectively forgoing the legal duty to consult (accommodate and get consent) when it aligns with its priorities, as was the case with Bill C-5 the *One Canadian Economy Act* which passed through Parliament in just 20 days. In contrast, Bill S-2 has been stalled for more than 460 days. The Government of Canada has received a resoundingly clear answer to the question posed in the Collaborative Process, initiated in 2022, on how to eliminate the second-generation cut-off: replace it with a one-parent rule for transmission of status. There is documented support from over [500 First Nations](#), regional Chiefs organizations, and Indigenous women's groups for elimination of the second-generation cut-off and shift to a one-parent rule for transmission of status – unprecedented consensus – that is reflected in the Senate's amendments to *Bill S-2*.

Despite this, Indigenous Services Canada has initiated a new consultation process, using self-determination as a dog whistle, while rejecting the results of previous consultation and decades of First Nations input. Indigenous Services Canada has also introduced a new outreach campaign and video titled [You Decide](#), which took piecemeal clips of testimony from First Nations witnesses who actually spoke in favour of Bill S-2 as amended before the Standing Committee on Indigenous and Northern Affairs to singularly highlight the issue of self-determination – the implication being they support ISC's approach. This campaign suggests that instead of immediately eliminating all forms of discrimination and the legal extinction plan embedded in the Indian status provisions of the *Indian Act* through Bill S-2, this will be delayed until First Nations decide how to proceed, Nation by Nation, on the separate issues of membership and citizenship. We are deeply concerned that this is a nefarious and misleading tactic being employed by ISC to distract from the nationwide, First Nation consensus on passing Bill S-2 as amended. This video and campaign to reconfigure the

consultative process not only confuse the issues of discrimination in the status provisions of the *Indian Act* and self-determination, citizenship and membership, but run counter to the duty to consult by ignoring the voices of First Nations and are dishonest and a blatant breach of the Crown's duty to act honourably and in good faith.

We call on you to pass Bill S-2, as amended by the Senate, to immediately remove all discrimination from the status provisions in the *Indian Act* and comply with domestic and international legal and human rights obligations. We will also welcome the Government of Canada's recognition of our inherent right to self-determination over citizenship law and the opportunity to engage in a consultative process to transfer jurisdiction but categorically reject Indigenous Services Canada using this longer-term negotiation process to quietly kill Bill S-2. Canada must end discrimination in the *Indian Act* status provisions immediately.

Sincerely,
FIRST NATIONS LEADERSHIP COUNCIL

On behalf of the FIRST NATIONS SUMMIT



Robert Phillips



Hugh Braker

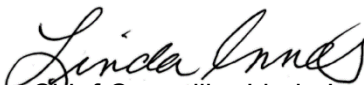


Huy'wu'qw Shana Thomas

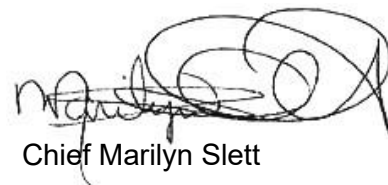
On behalf of the UNION OF BC INDIAN CHIEFS



Grand Chief Stewart Phillip



Chief Councillor Linda Innes



Chief Marilyn Slett

On behalf of the BC ASSEMBLY OF FIRST NATIONS:



Regional Chief Terry Teegee

Enclosed:

UBCIC Resolution 2023-61 "Repeal of Second-Generation Cut-Off and Two-Parent Rule in the Determination of Indian Status (Registration) under the Indian Act"

BCAFN Resolution 26/2025 "Ending Sex Discrimination in the Indian Act and Implementing the UN Declaration"

FNS Resolution #0726.01 "First Nations Summit Response to Bill S-2, An Act to Amend the Indian Act (New Registration Entitlements)"