



doCip
ARCHIVES

TELEPHONE (403) 487-0070
487-0071
487-0072

INDIAN ASSOCIATION OF ALBERTA

GENERAL DELIVERY
WINTERBURN, ALBERTA T0E 2N0

WGIP 84/NAM.CAN/11

PRESENTATION TO

THE STANDING COMMITTEE ON INDIAN AFFAIRS

ON

PROPOSED AMENDMENTS TO THE INDIAN ACT

June 28, 1984

PREAMBLE

The proposed legislation is intended to correct a long-standing injustice whereby certain Indian people were involuntarily omitted or deleted from the Indian register. It is proposed that these individuals will now be reinstated.

Admirable as the intent may be, nevertheless, simple repeal and amendment fall short of these objectives, and in fact violate the human rights principles that are being used as the justification for the passage of this bill. Instead, our people will be affected such that the collective social, cultural and economic positions will have deteriorated. The government, in attempting to bring about sexual equality, will instead bring about cultural genocide.

Our main dissatisfaction with the Bill can be divided into the following two categories - general policy and specific problems in the text of the bill.

A. GENERAL POLICY CONCERNS

1. Indian citizenship is properly a matter that falls within the exclusive purview of the Indian Nations. The existing Indian Act was an incursion into matters that are properly internal. These proposed amendments constitute a further interference of the above. The fundamental issue on the table should be self-determination and cultural survival, and not 'membership' in isolation. Membership is only one aspect of self-determination. It is imperative to the peaceful and successful revitalization of Indian self-determination that continued unilateral action by the Federal government such as Bill C-47 ~~must~~ stop, TO THE F.M.

2. Bill C-47 is unconstitutional and specifically contravenes sections 25 and 35 of the Constitution Act 1982. Section 25 exempts Indian rights from the effect of the Charter and in particular section 15. The right to be a citizen is necessarily secondary to the existence of the First Nations which is recognized in section 35. ^{PROTECTED FROM THE CHARTER VIA S 25} Collective rights in section 35 cannot be abrogated by the individual rights protections in the Charter.

3. Bill C-47 may well be the assimilation of Indian people into white society

Enactment of Bill C-47 will pose a very serious threat to the continued cultural survival of the Indian nations. The assimilationist policy of the Indian will be substantially unaltered, however the modus operandi will change. Instead of moving Indian people off the reserves, the amendments propose that reinstated individuals, many of whom will have little if any Indian blood or knowledge and appreciation of Indian culture, will be allowed to live on the reserves. The effect will be continued assimilation.

4. Enactment of Bill C-47 will cause false expectations on the part of those to be reinstated with regard to lands, programs and services. In point of fact, the present land base, programs and services are inadequate to meet the needs of the existing reserve populations.

- 5 The Treaty formula was for 128 acres per person. Per capita acreage was diminished on some reserves, to as low as 5 acres per person. While the land base remains constant, the populations continue to increase. The addition of reinstated individuals to the reserves will make this situation critical and unacceptable. The apparent readiness of the Federal government to reinstate thousands of people is not accompanied by a similar increase in funds for programs and services for them.

Further, the influx of an undetermined number of people onto reserves will aggravate the existing tensions between factions over land use and occupation.

6. We are amazed that the Federal government intends to amend the Indian Act respecting membership without first conducting a thorough investigation into the social, cultural, religious, political and economic impacts of the proposed legislation. Need we say more.