Gendering Self-Determination: Human Rights and the Violence against Indigenous Women

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Paper presented at the Canadian Political Science Association Meeting
June 1-3, 2010 Concordia University, Montreal

In the past several years, there has been an exponential growth of research on various aspects of indigenous peoples and self-determination, including the scope, implementation, capacity-building and a range of self-government arrangements. However, very few studies examine these issues from a gendered perspective or apply a gender-based analysis but instead, present the project of indigenous self-determination as a phenomenon outside of gendered political structures and relations of power or processes of gendering in society in general. Conventional ungendered research on indigenous self-determination conceals patriarchal structures and relations of power which create hierarchical and differential access to resources, representation, political influence and to be 'heard' also in indigenous societies.

Another shortcoming of the existing scholarship on indigenous self-determination is the lack of studies that consider whether and how the question of violence against women is related to self-determination and autonomy. Self-determination (both individual and collective) and gendered violence are among the most important and pressing issues for indigenous women worldwide. Existing indigenous self-governance arrangements have often failed to protect women from social and economic dispossession and from multilayered violence they experience in their own communities and in society at large. It has also become evident that current justice systems or existing structures do not adequately address violence against indigenous women (e.g., Koshan, 1998, Russell, 2008, Cameron, 2008, Crnkovich, 1995). Therefore, there is a need to extend the analysis from the legal to political framework and investigate the very self-determination processes that are to guarantee indigenous peoples more effective control of their own affairs.

The larger project of which this paper is a part aims at filling some of the gaps in research by examining how the project of indigenous self-determination and indigenous political institutions are gendered – i.e., the ways in which indigenous women and men are differently situated in relation to self-determination processes – in three circumpolar communities in Canada, Greenland and the Nordic countries. Examining gendered indigenous self-determination and political institutions will take place through two distinct but related areas of interrogation: how the processes of gendering have hindered (1) the inclusion of women's perceptions on self-determination in self-governance arrangements and institutions, and (2) addressing violence against women.

This paper focuses on exploring the interconnections between indigenous self-determination, human rights and violence against women. It places both self-determination and violence against women within the human rights framework and contends that indigenous self-determination cannot be achieved without taking into account of pressing issues involving indigenous women's social, economic, civil and political rights. Further, the paper argues that the human rights framework is the most appropriate way of addressing violence against indigenous women as it avoids the victimization of women. The first section of the paper considers indigenous self-determination as a collective human right and criticizes the standard, narrow interpretations of self-determination as state sovereignty and independent statehood. The second section examines the question of indigenous women's rights as human rights and the commonly assumed tension between collective indigenous peoples' rights and individual rights. I show that the tension is spurious as it appears to apply only to women's human rights (often regarded as sex or gender equality rights). Otherwise, collective and individual rights in indigenous communities are considered "mutually interactive" or belonging to a holistic continuum. Finally, the paper links indigenous women's human rights to the question of violence against women and show how indigenous self-determination is not achievable without taking account of the full scale of indigenous women's human rights and addressing their violations.

Self-Determination as a Human Right

In the past forty years, indigenous peoples' self-determination has become a significant global human rights issue both at national and international levels. Indigenous peoples' human rights have been recently recognized by the international community in the adoption of the United Nations Declaration on the Rights of Indigenous Peoples in 2007. The declaration affirms indigenous peoples' civil, political and cultural rights and emphasizes that these rights apply equally to men and women in indigenous communities.

Indigenous rights advocates have been instrumental in redefining the concept of self-determination and advancing collective human rights in international law. Indigenous peoples' human rights are often regarded as part of the emerging third generation human rights,[1] centering on collective rights and in particular, the right to self-determination. The adoption of the UN Declaration on the Rights of Indigenous Peoples signified an agreement (however uneasy) by the international community that self-determination is the fundamental principle from which indigenous peoples' rights emanate and are based upon. This has been the core of the indigenous peoples' claims – that without the collective right to self-determination, indigenous peoples are not able to effectively exercise their other human rights and remain distinct peoples (Sambo Dorough, 2009). Importantly, the

[1] The first generation human rights includes civil and political rights and the second generation consists of human rights related to equality. The third generation human rights consist of rights usually articulated in aspirational declarations of international law ("soft law") and are often hard to enforce.

significance of collective rights for indigenous peoples lies in the fact that "collective rights claims are not just about protecting cultural attachment; they are also about political voice and gaining access to processes which affect the physical and economic conditions under which one lives" (Holder and Corntassel, 2002: 139).

Rather than considering self-determination a right of sovereign states, it has been argued that in order to arrive to a more correct interpretation of self-determination in international law, it needs to be seen as a human right (Anaya, 1996). James Anaya argues that the widely shared opposition by states to the recognition of self-determination as applying to all peoples stems from the misconception that in its fullest sense, it implies a right to independent statehood – a misconception "often reinforced by reference to decolonization, which has involved the transformation of colonial territories into new states under the normative aegis of self-determination" (Anaya, 1996: 80). Anaya distinguishes between remedial (decolonization) and substantive aspects of self-determination, the latter of which forms the principles defining the standard (i.e., constitutional and ongoing aspects).

Anaya is particularly critical of narrow conceptions of self-determination and peoples based on a post-Westphalian vision of the world divided into mutually exclusive territorial communities which "ignores the multiple, overlapping spheres of community, authority, and interdependency that actually exist in the human experience" (Anaya, 1996: 78). Hence, a more appropriate conception of self-determination arises within the human rights frame of contemporary international law such as the two binding international human rights covenants, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights both of which recognize that "all peoples have the right to self-determination."

In the context of indigenous peoples' rights, one of the most controversial and debated issues has been the meaning of the concept of "peoples." Anaya contends that in order to grasp self-determination as a human right, it is necessary to question the limited perception of "peoples" as "identified by reference to certain objective criteria linked with ethnicity and attributes of historical sovereignty" or "with the aggregate population of a state" and instead, to understand the term "in a flexible manner, as encompassing all relevant spheres of community and identity" (Anaya, 2009: 186). He suggests:

> Understood as a human right, the essential idea of self-determination is that human beings, individually and as groups, are equally entitled to be in control of their own destinies, and to live within governing institutional orders that are devised accordingly. … Under a human rights approach, attributes of statehood or sovereignty are, at most, instrumental to the realization of these values – they are not the essence of self-determination for peoples. (Anaya, 2009: 187, 188)

The recognition of the interdependence and overlapping character of human communities in the world is the foundation of theories and conceptions of relational self-determination by both feminist political theorists and indigenous scholars. In her analysis of two conceptions of self-determination, Iris Marion Young (2007) argues that a relational interpretation of self-determination reflects better both reality in general and indigenous peoples' claims for the right to self-determination in particular. In her view,

the dominant understanding of self-determination as non-interference, separation and independence is misleading and also a dangerous fiction. Drawing on feminist political theory, she argues that the precept of non-interference "does not properly take account of social relationships and possibilities for domination" (Young, 2007: 46). It also creates an illusion of independence which in fact is constituted by institutional relations and a system of domination. A relational conception of self-determination, on the other hand, recognizes the power dynamics and interdependence while simultaneously respecting the autonomy of individuals as agents (rather than atomized individuals). For Young, non-interference is neither desirable nor possible in today's interconnected and interdependent world.[2] She contends:

> Insofar as outsiders are affected by the activities of a self-determining people, those others have a legitimate claim to have their interests and needs taken into account even though they are outside the government jurisdiction. Conversely, outsiders should recognize that when they themselves affect a people, the latter can legitimately claim that they should have their interests taken into account insofar as they may be adversely affected. Insofar as they affect one another, peoples are in relationships and ought to negotiate the terms and effects of the relationship. (Young, 2007: 51)

This kind of relationality is reflected in many indigenous women's views and understandings of self-determination which recognize the interdependence and reciprocity with all living beings and which often are articulated in terms of responsibilities rather than rights. Practiced through everyday practices as well as through ceremonies, self-determination is embedded and encoded in individual and collective responsibilities sometimes called the laws ("customary law"[3]) that lay the foundation of indigenous societies (Monture-Angus, 1998, Washinawatok, 1999, Venne, 1999, Kuokkanen, forthcoming, Smith, 2005). However, self-determination is not the only right that is relational. Feminist political theorists have argued for a relational approach to all rights and for the recognition of how rights structure relationships (Nedelsky, 2009). Below, I consider the relationship between collective and individual rights in the context of the right to self-determination and indigenous women's rights.

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[2] She makes an exception with regard to a people's "prima facie right to set its own governance procedures and make its own decisions about its activities, without interference from others" (Young, 2007: 51).

[3] The term "customary law" has been critiqued by many scholars (e.g., Schouls, 2003, Cunneen and Schwartz, 2005, Woodman, n.d., Napoleon, 2006). Val Napoleon argues that, "From the perspective of positivist theory, custom is simple law for simple societies. In contrast, centralized legal systems comprise a highly evolved, multi-tiered complexity -- and are therefore superior." Instead of examining the various practices of indigenous customary law, she calls for an investigation of "the intellectual or reasoning processes that are necessary for the collaborative analysis and practice of law, management of conflict, and governance generally" (Napoleon, 2006: 7).

Indigenous Women's Rights

Women's rights have been formally codified as human rights in the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW, 1979). Although not a binding treaty, the recently adopted Declaration has also codified indigenous peoples' human rights. The UN Declaration on Indigenous Rights does not establish any new rights but rather, it creates an instrument that recognizes and takes account of the specificities of indigenous peoples' human rights and thus, enables a more effective framework of exercising and implementing those rights. In the same way as the global women's movement had argued earlier, the work leading to the Declaration was driven by the recognition that conventional approaches to human rights had failed to adequately protect indigenous peoples.

In spite of the adoption of these two key international human rights instruments, indigenous women's rights, however, remain a contentious and often neglected issue both at international and local levels.[4] Laura Parisi and Jeff Corntassel note that, "due to colonization and on-going imperial influences, both women's rights and Indigenous rights movements have been problematic spaces for Indigenous women's participation" (Parisi and Corntassel, 2007: 81). The concern for indigenous women has long been the lack of recognition of the ways in which "Indigenous women commonly experience human rights violations at the crossroads of their individual and collective identities" (FIMI, 2006: 16). Environmental pollution and the destruction of ecosystems are good examples of such violations – they undermine indigenous peoples' control of and access to their lands and resources and often compromise women's ability to take care of their children and families due to health problems, contamination, displacement and increased violence.

For the international women's movement, the key concern in the conventional human rights framework has been the dichotomy between the private and the public spheres. For indigenous women, the key issue is to pursue for a human rights framework which not only simultaneously advances individual and collective rights but which also explicitly addresses gender-specific human rights violations of indigenous women in such a way that does not disregard the continued practices and effects of colonialism. As indicated by indigenous women's criticism of the Beijing Platform for Action (1995), the tension between the two movements is located in the international women's movement's overemphasis on gender discrimination and gender equality which "depoliticizes issues confronting Indigenous women" (FIMI, 2006: 17). It has also been argued that a focus on gender discrimination tends to overemphasize individual equality and rights rather than explicating structural violence (Peterson, 1990) and the interlocking systems of domination affecting indigenous women's lives (Razack, 2002).

The Declaration on indigenous peoples' rights is considered to be an instrument that balances between individual and collective human rights of indigenous peoples.

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[4] "For example, early versions of the Draft Declaration on the Rights of Indigenous Peoples (UN 1993) did not include any gender specific language with regard to violence against Indigenous women" (Parisi and Corntassel, 2007: 87).

Several other international documents have also recognized the significance of both individual and collective indigenous rights, many of which have been employed by indigenous people to advance their rights. Thus, it has been argued that "indigenous peoples generally recognize that collective and individual rights are *mutually interactive* rather than in competition" (Holder and Corntassel, 2002: 129). As an example, the Inuit Tapirisat of Canada maintains that "Inuit believe in individual and collective rights as complementary aspects of an holistic human rights regime" (The Inuit Tapirisat of Canada, 1994: para. 4).

It is too early to assess whether the Declaration is a sufficient instrument in protecting indigenous women and their human rights. However, the internalization of patriarchal colonial structures in indigenous communities has resulted in circumstances where women often do not enjoy the same level of rights and protection than men (Green, 2000, McIvor, 1999, Moss, 1990, Nahanee, 1997, Fiske, 2008, Cornet, 2001, Tuisku, 2001, Sárá, 1990-1, Joks, 2001, Eikjok, 2000, Smith, 2005).

In the quest for indigenous self-determination, women's rights have been often considered divisive and disruptive. Indigenous women advocating their rights have been repeatedly charged of being disloyal to their communities, co-opted by "western feminists" and of introducing alien concepts and thinking to indigenous communities and practices.[5] If not entirely disregarded, women's rights, concerns and priorities are commonly put on the back burner to be addressed "later," once collective self-determination has been achieved.

Indigenous women have increasingly confronted these views and attitudes by arguing that securing indigenous women's rights is inextricable from securing the rights of their peoples as a whole. They have declared that "there will be no autonomy for any of the peoples if women, half of those people continue to be subjugated and without their own autonomy!" (Gutiérrez and Palomo, 2000: 79). The argument that individual self-determination is necessary for a meaningful and viable collective self-determination of indigenous peoples is also made by Val Napoleon who maintains:

> The aboriginal political discourse regarding self-determination would be more useful to communities if it incorporated an understanding of the individual as relational, autonomous and self-determining. That is, a developed perspective of individual self-determination is necessary to move collective self-determination beyond rhetoric to a meaningful and practical political project that engages aboriginal peoples and is deliberately inclusive of aboriginal women. (Napoleon, 2005: 31)

If it is indeed the case that indigenous rights are widely regarded as both individual and collective, the issue in the continued opposition to or neglect of indigenous women's rights is something else than the assumed irreconcilability between the two categories of

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[5] Similar mechanisms of silencing and control can be found in communities in colour. Himani Bannerji explains that "[t]he vested interests of upwardly mobile males, with religious patriarchal power in their hands … makes it difficult to question the imputed homogeneity or unity of the community" (Bannerji, 1999: 271).

human rights. Considering the lack of adequate, sustained attention to the endemic levels of violence against indigenous women in many countries (Amnesty International, 2004, Amnesty International, 2007a, Amnesty International, 2006, FIMI, 2006, NWAC, 2009, Amnesty International, 2009) by the indigenous self-determination movement, indigenous organizations and leadership, one can only conclude that it is prevailing and persistent gender injustice in both indigenous and mainstream societies that lies in the heart of the problem of indigenous women's human rights, not the opposition between individual and collective rights.

In other words, not unlike governments around the world, the international indigenous rights movement tends to turn a blind eye to the issue of indigenous women's human rights. Take the Inuit as an example: one the one hand, they advocate an interconnected human right framework that equally values individual and collective rights (as cited above). On the other hand, there is a very high occurrence of violence in Inuit communities, particularly against Inuit women, which has led Pauktuutit, the Inuit Women's Association of Canada to identify violence as its key priority area (Flaherty, 1997, Pauktuutit, 2006). Hence, it appears that for the indigenous self-determination movement, violence against women is considered neither an indigenous rights issue nor a human rights issue.

Violence Against Indigenous Women

Globally, gender violence is increasingly considered a serious human rights violation (Merry, 2001, MacKinnon, 2006). While direct physical and sexual violence are the most severe manifestations of the oppression of women, they cannot be fully understood if not analyzed as part of the larger framework and ideologies of domination. Catharine MacKinnon's definition of violence against women incorporates these two dimensions effectively:

> By violence against women, I mean aggression against and exploitation of women because we are women, systemically and systematically. Systemic, meaning socially patterned, including sexual harassment, rape, battering of women by intimates, sexual abuse of children, and woman-killing in the context of poverty, imperialism, colonialism, and racism. Systematic, meaning intentionally organized, including prostitution, pornography, sex tours, ritual torture, and official custodial torture in which women are exploited and violated for sex, politics, and profit in a context of, and in intricate collaboration with, poverty, imperialism, colonialism, and racism. (MacKinnon, 2006: 29)

Indigenous women and their organizations have criticized mainstream approaches to violence against women for being too restricted or for not taking indigenous peoples' realities into account. For example, categories such as family, community and state may carry different meanings and relationships to indigenous peoples than what is implied in standard research on and strategies addressing violence against women. These studies and strategies are also considered failing to take account of the specific ways indigenous women are targeted by various forms of violence – some of which that may not apply to

non-indigenous women (e.g., cross-border violence, ecological violence, spiritual violence) (FIMI, 2006).

In spite of the endemic levels of violence against indigenous women in many countries (NWAC, 2009, FIMI, 2006, Amnesty International, 2004, Amnesty International, 2006, Amnesty International, 2007b), discourses on indigenous self-determination and self-governance arrangements have thus far not paid adequate, sustained attention to the violation of fundamental human rights taking place in indigenous communities. In its recent report, the International Indigenous Women's Forum (FIMI) seeks to develop an indigenous conception of violence against women in order to generate concrete and effective strategies to address the widespread problem. The report considers six broad categories of manifestations of violence against indigenous women: neoliberalism and development aggression, violence in the name of tradition, state and domestic violence, militarization and armed conflict, migration and displacement, and HIV/AIDS. Under its category of violence in the name of tradition, the report challenges the arguably inherent tension between universal human rights standards and local cultural practices, maintaining that "it is not "culture" that lies at the root of violence against women, but practices and norms that deny women gender equity, education, resources, and political and social power" (FIMI, 2006: 30). This echoes the criticism by indigenous feminist scholars who have pointed out that traditions (including those respecting women) do not necessarily protect women's individual rights or advance women's leadership but instead, have been employed to re-inscribe domination and patriarchal structures (LaRocque, 1997, Nahanee, 1993, Green, 2001, Martin-Hill, 2003, Denetdale, 2006, Denetdale, 2008).

In a more close examination of the various manifestations of violence against indigenous women, however, it is possible to detect a possible weakness in the framework for understanding violence against indigenous women advanced by the FIMI report. Many of the manifestations of violence discussed by FIMI are not gender-specific in the sense that women are not specifically targeted by these forms of violence although women may (and usually do) carry the disproportionate burden of the effects of these forms of violence due to their reproductive capacity and roles and primary caretakers of the children and families. In other words, the analysis conflates gendered *forms* of violence with gendered *effects* of more general forms of violence that target indigenous communities in general rather than specifically indigenous women. This distinction (gendered forms vs. gendered effects of violence) is critical if we are to produce effective strategies to address *gender-specific forms of violence* against indigenous women.

Moreover, if we conflate the forms with effects, we lose the focus of self-determination as indigenous women's issue and gender justice issue. If indigenous self-determination is primarily a question of survival as distinct peoples, this survival must necessarily include women. In her work of anti-violence organizing, Andrea Smith notes how she would be often told that indigenous communities cannot worry about domestic violence; that "we need to worry about survival issues first." She disagrees, arguing that "since Native women are the women most likely to be killed by domestic violence, they are clearly not surviving. So when we talk about survival of our nations, who are we including?" (Smith, 2006: 16).

This leads me to make the following two, related arguments: first, gender justice cannot be omitted from any discussion or project of indigenous self-determination, and second, when it comes to violence against indigenous women, we must focus first and foremost on gendered *forms* of violence. This does not mean that those manifestations of violence against indigenous peoples which disproportionately affect women in indigenous communities (such as those discussed by the FIMI report) are not an issue. What I argue, however, is that excessive emphasis on cultural differences diverts attention away from some of the most pressing concerns and frustrates efforts toward gender justice in indigenous communities. While recognizing the obvious differences between conceptions and constructions of gender in different societies, it is also necessary note that claims for the specificity of gendered identities have contributed to a situation where "women's human rights are proclaimed, yet again, as private, cultural and domestic affairs" (Mullally, 2007: 265). This has serious negative consequences to all women, including indigenous women as a group.

In order to develop concrete and effective strategies to address violence against indigenous women, there is a need to recognize that while women's experiences and conceptions of gender can be very different from one another in different cultures and societies (but also *within* their own communities), women also have a lot in common globally. The discussions of the international women's movement, women's NGOs and regional women's groups preceding and during the 1993 UN Vienna Conference on Human Rights demonstrate the widespread recognition of "important general truths that affected the lives of many women around the globe" (Moller Okin, 2000: 39) such as discrimination against women, patterns of gender-based violence, the sexual and economic exploitation of women and girls, laws and customs dealing with sexuality, marriage, divorce, child custody and family life in general.

> [Representatives of women's organizations and groups] recognized that women and girls are much likely to be rendered sexually vulnerable than men and boys – far more likely to be sexually abused or exploited, and far more directly and drastically affected by their fertility than men, unless given the means and the power to control it. Third, they recognized that women and women's work tend to be valued considerably less highly than men and men's work – regardless of how productive or essential the actual work may be. (Moller Okin, 2000: 39, see also Bunch, 1994, Friedman, 1995)

The significance of human rights framework lies in its ability to engage both oppression and privilege. Rather than "survivors," it constructs "victims" as "citizens" with multiple identities and interests (Roskos and Humphrey, 2004). In the context of violence against women, it shifts attention from gender equality rights to human rights: "By including what violates women under civil and human rights law, the meaning of "citizen" and "human" begins to have a woman's face" (MacKinnon, 2006: 48). While the concept of gender equality rights in itself is not a problem, the way in which gender equality rights often are constructed as belonging only to specific "interest groups" is problematic, lending itself to arguments and explanations of cultural differences rather than human rights. Changing the discourse from gender equality rights to human rights does not entail rejecting the urgency of gender inequality. Rather, prioritizing the human rights framework allows us to place gender inequality firmly in the broader context of

rights where it belongs. As noted by Philip Alston, the UN Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions, gender inequality is "the single biggest challenge to the international human rights system at every level" (UN Human Rights Council, 2009: n.p.).

For example in Canada, by choosing a human rights framework for its campaign on violence against Aboriginal women, the Amnesty International seeks to contribute to a fuller understanding of the issue that is often considered either a criminal or social concern. Its 2004 report notes that violence against indigenous women in particular is rarely understood as a human rights issue. Research conducted by the Amnesty International, however,

> demonstrates that violence experienced by Indigenous women gives rise to human rights concerns in two central ways. First, is the violence itself and the official response to that violence. When indigenous women are targeted for racist, sexists attacks by private individuals and are not assured the necessary levels of protection in the face of that violence, a range of their fundamental human rights are at stake. (Amnesty International, 2004: 5)

Second, there are a number of factors placing Aboriginal women in an increased risk of violence which involve fundamental human rights provisions. These include various policies and practices stemming from the *Indian Act* (Amnesty International, 2004). As elaborated by Sharon McIvor:

> Aboriginal women in Canada do not enjoy rights equal to those share by other Canadians. Since 1869, colonialist and patriarchal federal laws – most notably the *Indian Act* – have fostered patriarchy in Aboriginal communities and subjected Aboriginal women to loss of Indian status and the benefits of band membership, eviction from reserve home, and denial of an equal share of matrimonial property. Colonialism and patriarchy have also enabled cooperation between male Aboriginal leadership and Canadian governments to resist the inclusion of Aboriginal women in Aboriginal governance. These denials and exclusions perpetuate the exposure of Aboriginal women and their children to violence and consign many to extreme poverty. (McIvor, 2004: 106-107)

Another recent report has also singled violence against Aboriginal women out as one of its key areas of concern, pointing out the links between violence, poverty, economic dependence, racism and indifference of legal and other authorities (FAFIA, 2010). The report refers to the CEDAW Committee's 2008 recommendations to Canada which, among other issues, urged the government "to develop a specific and integrated plan for addressing the particular conditions affecting aboriginal women, both on and off reserves, … including poverty, poor health, inadequate housing, low school-competition rates, low employment rates, [and] low income" (cited in FAFIA, 2010: 5).

Without addressing the disadvantaged social and economic conditions of Aboriginal women which make them vulnerable to violence and often unable to escape from it, indigenous self-determination or self-governance will not simply be possible. Societies and communities afflicted by endemic levels of poverty, violence and ill-health are not in a position to take control of their own affairs. Although impoverishment and

violence affect entire communities, they are particularly issue of women's human rights (as defined broadly including civil, political, social and economic rights) and of gender justice. Individual autonomy and agency strengthen indigenous claims for self-determination by linking strong collective human rights (self-determination) to strong individual human rights. As "mutually interactive" sets of human rights, they contribute to the relational approach to indigenous self-determination which is reflected in many indigenous women's views and perceptions of self-determination or sovereignty.

Conclusion

This paper has considered the question of violence against indigenous women as an inseparable issue from the project of indigenous self-determination. It has argued for an intersectional human rights framework for examining the relationship between indigenous self-determination and violence against women. In this regard, the paper has made the following related arguments: (1) both self-determination and violence against women must be seen and examined first and foremost as human rights issues; (2) violence against indigenous women is a key issue for indigenous self-determination; and (3) the human rights framework is the only framework which allows us to see the connections between self-determination and violence against women and which enables their effective intersectional analysis.

The paper has also demonstrated that the tension between collective and individual indigenous rights is illusory and that those who argue against individual rights do so only when women's rights are in question. Put differently, those indigenous individuals who object to women's sex/gender equality rights do not seem to oppose individual rights in general. It is then not individual rights per se that are being disputed but rather, gender justice and women's rights. The fact that both existing indigenous self-governance arrangements and the international indigenous self-determination movement have, thus far, paid inadequate attention to the question of indigenous women's human rights in general and violence against indigenous women specifically is also indicative of this.

Finally, the paper has argued that there is a need to distinguish between the gendered forms violence against indigenous women and gendered effects of violence that targets indigenous communities as a whole. Only by making this distinction it is possible to develop successful strategies and mechanisms addressing the pervasive problem. To say indigenous women experience violence as women is not to suggest they do not face other forms of discrimination or oppression on the basis of their indigeneity (or race, class etc.). Therefore, to focus on gender justice and violence against women in indigenous communities is not a matter of creating or subscribing to totalizing theories that universalize women and their different circumstances and experiences. Considering the endemic violence against indigenous women in many countries (including Canada and US), we need to privilege gender. Privileging gender does not mean assigning gender at the top of the hierarchy of oppression (cf. MacKinnon, 2006) but it enables us to address gender justice more explicitly and therefore, more effectively.

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