

Article

Commentary

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Aboriginal Women's Movement; A Quest for Self-determination

Ellen Gabriel

Modern feminism and the fight for woman's equality owes its birth to Indigenous women. Pre-contact, Indigenous women had a significant role in decision-making processes, cultural heritage, good governance, the health and well-being of their nations, and also retained equal rights with those of men. But, the role and importance of Indigenous women in contemporary life changed dramatically with the onslaught of colonization.

In 1876, the Dominion of Canada created the Indian Act, a colonial instrument of genocide. The insidious goal of the Indian Act was to undermine and therefore eliminate the role and authority of Indigenous women within their own society. The parochial definition of an Indian is "an Indian man" and his descendants. The definition is a form of racist classification designed to promote patriarchy and its tutelage and to erode Indigenous identity. The Indian Act's restrictive definition denied Indigenous women the cultural privilege to pass on their heritage or "status" to their children. It effectually ruptured the family unit and cultural values amongst Aboriginal peoples, and that social and cultural dissonance is evident today.

In the early 1970s, Aboriginal women began mobilizing against the inherent discrimination of the Indian Act. One of the pioneer Aboriginal rights activists was Mary Two Axe Early, a "disenfranchised" Mohawk woman from Kahnawà:ke, who, after a visit to Mexico for a conference in celebration of International Women's Year, began "Indian Rights for Indian Women." Ms. Two Axe Early was also one of the founding members of the Quebec Native Women's Association (QNW), which was established in 1974.

In 1976, the QNW conducted a survey revealing that 90 percent of Aboriginal men and women were offended by and opposed to the discriminatory clauses of the Indian Act. Out of that opposition and discontentment evolved a report entitled "Réveilles-toi Femmes

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Autochtones! Wake Up Native Women!”, in which the QNW positioned that Aboriginal women who married a non-Native man should not lose their status. The report was sent to Parliament to initiate the discussion on amendments to the Indian Act. The mobilization of Aboriginal women publically brought to light the discriminatory nature of the Indian Act.

Exposing gender discrimination under the Indian Act came at a cost to Aboriginal women, who endured various forms of threats from both the public and from their own community members. However, the role and impact of Aboriginal women activists has had major and inspirational reverberations upon the rights of all Aboriginal peoples. In June 1985, Bill C-31 was passed by Parliament to restore status to those Aboriginal women who lost their rights due to their marriage to a non-Native spouse. The amendment did not, however, provide for equal status for the children of Aboriginal women as it did for the children of Native men who married non-Native women, nor did the amendment provide Aboriginal women membership into the communities where they were born and raised. Gaps in the flawed Bill C-31 included the need to increase funding to accommodate newly reinstated members, a larger land base for some communities, and the formulation of a class of categories of Indian status that continued gender discrimination. These gaps made it incumbent upon Aboriginal women’s groups to continue the fight for equality.

Throughout Canada’s colonial history, Aboriginal women’s groups have been responsible for a majority of the amendments to the Indian Act, including those currently under discussion, such as matrimonial real property and the Aboriginal child welfare system, as well as the issue of violence against Aboriginal women and children and its colonial roots (Amnesty International 2004).

In 2010, the issue of Indian status became a topic of debate in Parliament as Sharon McIvor’s case challenged the gender discrimination within the Indian Act in the British Columbia Court of Appeals. Ms. McIvor’s case was also the impetus for the recently passed Bill C-31¹ Gender Equity in Indian Registration Act. Ms. McIvor argued that her grandchildren, who are relegated to non-status under Section 6 of the Indian Act, should gain full status, just as those grandchildren of Aboriginal men whose descendants with the same “blood quantum” have gained full status.

Unfortunately, the court ordered amendments outlined in Bill C-3 that neither correctly address nor rectify the issue of gender discrimination inherent within the Indian Act. The Canadian Conservative government did

not acknowledge or respect the BC Superior Court's decision, and therefore created legislation that perpetuates gender discrimination. No doubt the cost-benefit analysis of the increase of eligible registered Indians has motivated very little political will by the Government of Canada to fairly and impartially address the issue of gender equity. Just as Sandra Lovelace did three decades before her, Ms. McIvor has exhausted all domestic avenues and consequently has brought her case to the United Nations.

The message conveyed by Canada's refusal to apply international human rights standards of equal rights for all women is that Aboriginal peoples' rights are not human rights. Their position defies many international human rights law and norms, the Convention on the Elimination of All Forms of Discrimination Against Women in particular. The third paragraph in the introduction of CEDAW states:

The spirit of the Convention is rooted in the goals of the United Nations: to reaffirm faith in fundamental human rights, in the dignity, and worth of the human person, in the equal rights of men and women (CEDAW 1980).

The Indian Act perpetuates a *legal* form of sexism and discrimination in Indigenous communities. The continued resistance by the Canadian Government to recognize Indigenous peoples as having self-determining rights threatens not only our identity but our very survival as the first peoples of this land. Aboriginal band councils, under duress and threat of funding cuts, implement government policies that are designed to perpetuate assimilation and subjugate our languages and cultures. It is apparent, since the onset of the residential school system, that it is government policy to delegitimize our living languages and cultures. This places the authenticity of the Prime Minister's 11 June 2008 apology for the residential school system in doubt unless substantive changes are made to respect the human rights of Indigenous peoples.

This political praxis imposed by government has created a subconscious colonized mentality of Aboriginal peoples that allows and perpetuates gender discrimination. It is why Indigenous women's movements are still relevant today as advocates for the collective rights of the first peoples of this continent. Furthermore, threats to Indigenous identity remain when national Aboriginal organizations become the "partners" of government to implement policies and programs that, more often than not,

are not based upon proper consultations or the cultural values and needs of Aboriginal peoples and their communities.

National and international statistical evidence illustrates that Indigenous women and children experience the highest rates of violence, sexual abuse, rape, and suicide. In order to stop this cycle, Aboriginal peoples need to understand the history of colonization and how it has impacted our societies. And, while many references are made by politicians and leaders alike that equality existed before colonization, we have yet to de-colonize our ways of thinking and start utilizing our own Indigenous governing structures in a way that would restore the equal rights of both women and men.

The fight for the equality within our collective rights must continue to challenge the accepted norm of patriarchy in our communities. Aboriginal peoples must begin an inclusive and honest dialogue amongst themselves without the interference of government to restore and protect our sovereignty. In fact, Aboriginal advocates should reference and utilize international laws and norms such as the United Nations Declaration on the Rights of Indigenous Peoples. Canada's qualified endorsement should be brought to a higher standard of human rights and the implementation of UNDRIP must be conducted in concert with Aboriginal peoples if true reconciliation and restitution is to occur.

The utilization of international law is integral to the success of Indigenous peoples' collective and self-determining rights. International law exemplifies the relationship we have had with the colonial governments that is based upon a nation to nation alliance. To practice otherwise dishonours our ancestors' efforts and struggles to protect our nations and the territories that we are obliged, within our own laws, to protect for present and future generations.

As women of our nations, our obligations to present and future generations is fundamental to the success of our self-determination. However, Indigenous feminists know that decolonization will only succeed if Indigenous men work along side us.

And so, while we argue about who is truly "Indian," the government continues to pass policies and laws that undermine our collective rights to our lands and resources further exacerbating the vulnerability of our rights to self-determination. It is this weakness of fighting amongst ourselves which has contributed to the erosion of our rights. Indeed, we are at times our own worst enemy.

The debates on status in Bill C-3 has resulted in discussions of Aboriginal peoples revolving around the use of the term *citizenship*. It is a term that signifies duties and obligations to one's own nation, such as speaking and learning one's own Indigenous language, respecting gender equity, and enforcing our environmental stewardship of our lands and its resources. For example, Iroquois culture dictates that the women are the titleholders to the land, just as they are titleholders to chieftainships, the rationale being that, like Mother Earth, women give life and nurture it. It is that duty and right of women that has been eroded by legislation like the Indian Act.

Changing current colonial governing structures requires "self" reflection, courage, equality, honesty, respect, and humility, conducted in safe environments. It requires taking the time to learn about how colonization has impacted us. While it is important to incorporate tools of modern society into Indigenous structures, the danger remains that Indigenous rights will be lost if the current trend of assimilation through policy continues.

Aside from the issue of "Indian status," a prime example of that trend is that of "fee simple" legislation disguised as the solution to the issue of poverty amongst Aboriginal peoples. Privatization of our land, even with the best intentions, contradicts Aboriginal peoples' collective rights to land. In those who have already attempted to go down the road of fee simple, there has been more loss of land, homes, and the proliferation of poverty. Once again, economics of the state camouflage contempt of Indigenous collective rights and promote the further entrenchment of government assimilation and the de-legitimization of Indigenous ownership of land.

Most Aboriginal peoples desire freedom from government economic dependency. However it is difficult to attain as the Indian Act accords Aboriginal peoples status as "wards of the state," thereby removing our ability to guard over our own economic resources. This colonial practice conflicts with international law and section 35 of the Canadian Constitution Act, which recognizes the self-determining rights of Indigenous peoples with the ability to define and choose their own nationality.

As Indigenous peoples, we have rich cultures whose roots are based on respect, love, peace, equality, and living in harmony with our environment. In a globalized world focused on energy consumption and economics, these core values are timely and of the essence for the successful survival of humankind on this planet. However, they are not values that promote a market economy that is oil-dependent and evidently self-destructive.²

There is a saying: “A nation is not conquered until the hearts of the women are on the ground!” While this has not happened yet, the continuation of colonization is still attempting to do so. The strength and tenacity that has brought our nations this far, will carry us further into the future. We just need to remind ourselves of this fact.

(Endnotes)

1. See An Act to promote gender equity in Indian registration by responding to the Court of Appeal for British Columbia decision in *McIvor v. Canada* (Registrar of Indian and Northern Affairs), Received Royal Assent on December 15, 2010.
2. See <http://www.cbc.ca/documentaries/natureofthings/2011/tippingpoint/>. See also books on Popul Vuh, the Mayan prophecies on 2012.

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