



Issues faced by
Indigenous
Women

Abstract

Indigenous people are point of concern in international law because this population is under threats of extinction because of cultural and political system interference by sovereignty. The non-indigenous contribute to cultural extinction of this community because of economic development that interferes with the community cultural system. Little efforts have been made in ensuring the population is treated equality and can receive equal services like other community due to poor allocation of funding, lack of support from the government in fear of political succession. The UN declaration in 2007 and other treaties have supported collective right for self-determination for indigenous population but issues of women right violation affect women self-determination and autonomy. The federal government of Canada has recognized the rights of the population but there is some limitation that prevents self-determination. This limitation includes interference in self-management of the community and land allocation. The land encroachment is the major factor that is interfering with the community political and cultural system when the interest of the non-indigenous population is to exploit resources.

Introduction

The indigenous people describe themselves as the people of the land. This word is under controversy because no legal or statute that has a better definition of people. The non-indigenous has affected the social and political structure of this population because of interfering with their political system, encroaching to their resources and land hence affecting most women who depend on the natural land to provide for their children. The encroachment to the land and resource interfere with the cultural system which the community tries to preserve. The Canadian recognized the indigenous population but still, there is a limitation in term of self-determination

and self-management. The UN declaration and other treaties reaffirm the collective right for the community in support of their culture and social equity but still, countries are reluctant to allow self-determination in fear of political succession, controversy in defining people and inequality between the indigenous especially right of women affect the UN efforts.

Annotated bibliography

Kuokkanen, R. (2012). Self-determination and indigenous women's rights at the intersection of international human rights. *Hum. Rts. Q.*, 34, 225.

This article examines the connection between indigenous self-determination and indigenous women right especially with a key goal of violence against women.

Kuokkanen (2012) argues that indigenous people can achieve self-determination if it addresses the issues of violence against indigenous women. The United Nation declaration in 2007 confirms that indigenous people have had the right for self-determination hence. Further, lacks the collective right to self-determination indigenous people cannot effectively exercise their other human rights and remain distinct people. The existing self-governance arrangements have failed to protect women from any social and disposes of. In conclusion, the author argues that there should be a distinction between gender violence against indigenous women and gender violence effects on indigenous women.

Dessanti, C. (2015). Indigenous Peoples' Right to Self-Determination in International Law. *Letter from the Editors*, 45. Retrieved from <http://caid.ca/IndPeoRigSelDet2015.pdf>

This article discusses the right of indigenous people as recognize international law.

Dessanti, (2015) argues that international law has reshaped and accommodated the demand of various groups that have been discriminated. The authors agree that many

indigenous people lived **bottom** of social orders where they are subjected to discrimination and exploitation. Based on the James Anaya definition, self-determination is composed of five categories which include non-discrimination, cultural integrity, land and resources, social welfare and development and self-government. Today, around 148 states have recognized indigenous people as beneficiaries of the right to self-determination. In conclusion, the authors **found that most states fear to approve collective right for indigenous people because of fear of succession**

Wilson, G. N., & Selle, P. (2019). Indigenous Self-Determination in Northern Canada and Norway. *IRPP Study*, (69), 1. Retrieved from <https://irpp.org/wp-content/uploads/2019/02/Indigenous-Self-Determination-in-Northern-Canada-and-Norway.pdf>

This article examines the indigenous self-determination in northern Canada. Wilson & Selle, (2019) argues that the Canadian Inuit and the Norwegian same have made great strides in developing innovative governance that fosters greater indigenous self-determination within their respective states. The authors outline two forms of self-determination which include self-rule and shared rule. The self-rule as described by the authors is the approach where communities exercise some degree of autonomy over policy decision at the regional and local level. The shared rule is the notion that requires indigenous communities to connect with other non-indigenous government so they can influence a decision that affects them. Wilson and Selle argue that self-determination as the ability to exercise some degree of control over a decision that might affect the daily lives of indigenous communities.

Imai, S. (2008). Indigenous self-determination and the state. *CLPE Research Paper*, (25).

Retrieved from

<https://ir.lib.uwo.ca/cgi/viewcontent.cgi?article=1164&context=aprci>

This article discusses the self-determination and the states. Imai (2008) argues that the rights of indigenous people as accepted in national and international level. The Canadian federal government has continued to recognize the existence of the inherent right to self-government. The government continues negotiation on Land claims and self-government.

This is to recognize the indigenous as the owner of natural resources. **In Canada, most of the mining land is control my indigenous people.** The Nisgas agreement of British

Columbia is among states that have given self-government powers constitutional status

because the Nisga'a's agreement contains some section of the treat rights, ordinary

legislation. **The government has control over the elected council, for example, it imposed western styles of election which help in displacing the traditional governance structure.**

The Indian ministers have power over the band council by-laws meaning that the indigenous don't have absolutes powers to rules or making a decision for their community without government interference. The metis community that lives in Albert province receives government funding to administer their reserve and settlement. Also, they receive funds to deliver social services and for economic development.

Peters, E. J. (1992). Self-government for Aboriginal people in urban areas: A literature review and suggestions for research. *The Canadian Journal of Native Studies*, 12(1), 1-74. Retrieved from <http://www3.brandonu.ca/cjns/12.1/peters.pdf>

This article focuses on important areas of research concerning self-government for aboriginal people in urban centers. Studies indicate the organization that provides services to the aboriginal people in urban centers have shown little success in improving the social-economic status or meeting the need of indigenous people. The aboriginal people have only participated as a client and not involved in decision making and

administration. In conclusion, the researcher emphasized that aboriginal request more inputs and jurisdiction over factors that affect their lives for example services, employments and cultural institution in the city.

Phillips, J. S. (2015). The rights of indigenous peoples under international law. *Global Bioethics*, 26(2), 120-127. Retrieved from <https://www.tandfonline.com/doi/pdf/10.1080/11287462.2015.1036514?needAccess=true>

This article examines the right of indigenous people under international law. The declaration of UN and other international treaties and convention provide support for indigenous people as a way of supporting the population. The population struggles to preserve its physical and cultural due to influence of western styles and economic development that threatened their survival. The UN declaration of the right of indigenous people by stating that indigenous population should not be forcibly moved from their land of territory and any relocation should be done free and the population should be informed about it. Fair compensation is recommended for those affected. The UN declaration still prevents any action that might affect their cultural integrity as distinct people, for example, repossessing their land or territory. In inclusion, the author's emphasize that international law provider support an avenue for violation of indigenous rights because providing the right of this indigenous people is as well as protecting the global environment.