

Shared Points of Departure and Battlegrounds of Meaning:
Indigenous Women and Self-Government in Nunavut and Oaxaca

by

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Abstract

This thesis investigates a two-part research question: How do newly institutionalized models of indigenous self-government in the Nunavut Territory and the State of Oaxaca address indigenous women's participation? and, how do emerging gender discourses compare to Linda Tuhiwai Smith's representation of indigenous gender discourses? This thesis demonstrates that in the Nunavut and Oaxaca cases there is the political will to support indigenous women's broad participation in self-government. In relation to Tuhiwai Smith's representation of indigenous discourses, this study signals areas where her framework must be elaborated as a theoretical approach to indigenous gender issues. This study finds problematic Tuhiwai Smith's representation of indigenous women as a homogeneous group and cultural discourses as static, fixed and shared by all members of a community. I suggest that gender discourses, like cultural discourses, are subject to both continuity and change and represent both shared points of departure and battlegrounds of meaning (Yuval-Davis 41).

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Chapter 1

In Canada and Mexico groundbreaking progress was made for indigenous peoples in the Nunavut Territory and the State of Oaxaca during the 1990s. In both regions, indigenous peoples gained a degree of self-government when their relationship with governments — in the case of Nunavut with the territorial and federal governments, and in the case of Oaxaca with the state government — were redefined through the recognition of important indigenous political, cultural, social and land rights. The institutionalization of a new relationship between indigenous peoples and government in Nunavut and Oaxaca was accompanied by an effort to also redefine indigenous women's relationship to their communities. These efforts distinguish the territories as potentially being the only two which have sought to include gender provisions in newly constituted forms of self-government in North America at this time. This study examines how these newly established forms of self-government address indigenous women's rights and participation, and it also compares how the indigenous gender discourses that emerge in both regions compare to the indigenous gender discourse represented in Linda Tuhiwai Smith's Decolonizing Methodologies: Research and Indigenous Peoples, a work dedicated to forwarding both indigenous research methodologies and projects.

The following two-part research question directs this study: How are indigenous women's rights and participation addressed in the newly institutionalized structures of self-government in the Nunavut Territory and the State of Oaxaca? and, how do the

emerging gender discourses in these two contexts compare to Tuhiwai Smith's representation of indigenous gender discourses? Informed by this two-part research question, this study contributes original research to several areas of study and addresses important contemporary methodological and theoretical issues related to the study of indigenous women and contemporary indigenous politics.

The Nunavut and Oaxaca cases suggest that within the context of indigenous self-government there is the political will to support indigenous women's participation in all areas of life; however, this support has not included the restoration of indigenous women's traditional roles, rights and responsibilities. In both cases, it could be argued that the failure of the regions to restore these dimensions of indigenous women's traditional roles is because both models of self-government remain embedded within colonial structures of government and, as a result, these colonial structures continue to influence, limit and define indigenous women's roles within these indigenous societies. However, these case studies also demonstrate that even if these models of indigenous self-government did represent decisive breaks with previous colonial structures, there would not be a consensus amongst indigenous peoples, including indigenous women, regarding what indigenous women's roles, rights and responsibilities should be and how, or if, these roles would relate to past tradition. This lack of consensus is not only a result of how individuals differ in their understandings of tradition, and in their views of how cultural continuity can be established within contemporary contexts, but also due to the

fact that some indigenous women seek to have values predominantly associated with the western political tradition reflected within their communities. These case studies demonstrate that indigenous communities do not represent homogeneous groups, nor are homogeneous views of tradition shared by all members of a community. The studies also demonstrate the importance of approaching the concept of tradition with caution and an understanding that it is subject to continuity and change. In this respect, the study of contemporary indigenous politics and gender issues would benefit from the recent developments made within the study of cultural theory. As Nira Yuval-Davis demonstrates, in contemporary cultural theory, the representation of cultures as "static reified homogenous phenomena" common to all members of a collectivity has been replaced by a notion of cultures as dynamic processes, with cultural discourses representing more ". . . a battleground of meaning than a shared point of departure" (41)¹. Informed by the case studies of Nunavut and Oaxaca, I suggest that contemporary indigenous politics and gender discourses represent both shared points of departures and battlegrounds to define cultural meaning.

I develop the above thesis through examining the case studies of Nunavut and Oaxaca and demonstrating how each region addressed gender issues in the context of

¹ Yuval-Davis's discussion of cultural discourses is situated within her broader study of the relationship between gender and nation. In her words, her work Gender and Nation "...is about gender relations and the ways they affect and are affected by national projects and processes" (1). Her work is not a specific study of indigenous gender issues.

gaining an increased level of indigenous self-government. How the regions' gender provisions compare to community-based gender discourses also develops this thesis. The main points of this thesis are also forwarded through comparing Tuhiwai Smith's representation of gender discourses to those that emerge within these two case studies. This study highlights both the strengths and limitations of Tuhiwai Smith's gender discourse as a theoretical approach to the study of indigenous gender politics and signals areas that would benefit from further development.

This study is of contemporary interest and importance for several reasons. First, within Canada and Mexico indigenous peoples continue to struggle to redefine their relationship to the state in order to regain political control of their territories and their right to self-determination. As James Tully notes, indigenous peoples in Canada and Mexico are engaged in three similar types of struggles: a struggle to free themselves from internal colonization by state governments; a struggle to govern themselves according to their own laws and traditions on their lands; and a struggle to establish just relationships between Aboriginal and non-Aboriginal peoples (39). Within this context, it is of interest and import to both examine the nature of indigenous women's demands and, in cases where indigenous peoples have gained a measure of self-government, to analyze what this has meant for indigenous women's rights and participation.

While there are many contextual differences that distinguish the Nunavut Territory from the State of Oaxaca — differences which will be outlined in Chapter 2— the similarities the two cases share in regards to gender issues and self-government and the demographics of indigenous peoples in the regions provide the basis for this comparison. The reason for the comparison of these particular two case studies is threefold. First, indigenous peoples constitute the social majority in both regions. Second, both areas have recently implemented or recognized a form of indigenous self-government. The final reason for this comparison is that in both Nunavut and Oaxaca indigenous women's participation in the new structures of self-government were addressed during the process of defining the institutions of indigenous self-government. In the case of Nunavut, this distinguishes the Territory as being the institutionalized form of indigenous self-government in Canada that has proposed to include a gender equality provision (MacDonald and Sayers 18).

Whether efforts to decolonize indigenous peoples' relationship to the state have been accompanied by a decolonization of gender regimes within indigenous communities is an interesting question which cannot be answered until the discipline of comparative indigenous politics is further developed. In Tully's opinion, there is a need to develop both specific historical studies and a comparative discipline of indigenous politics in the Americas in order to further our understanding of indigenous peoples' unique and shared experiences (6). Augie Fleras and Jean Elliot similarly suggest that the area of

comparative indigenous politics needs to be developed; in their view, the study of Aboriginal politics in the 1990s lacks a much-needed comparative dimension (x). Currently there is but one publication dedicated to the comparison of Aboriginal rights and self-government in Canada and Mexico.² Edited by Curtis Cook and Juan D. Lindau, the document contains varied perspectives regarding Aboriginal self-government and rights. The editors' introductory essay³ presents an important and comprehensive introduction to the studies of Aboriginal self-government in Canada and Mexico; however, neither this work, nor the other essays in the collection address gender issues.

As Madeleine Dion Stout and Gregory Kipling assert, there is a need for studies which explore issues common to Aboriginal women in Canada and elsewhere (34). Indigenous lawyers Judith F. Sayers and Kelly A. MacDonald similarly note that there is a scarcity of international literature written from indigenous women's perspectives on self-government (20). While I do not write from an indigenous women's perspective, this study does contribute to the comparative literature regarding indigenous politics in general, and indigenous gender issues in particular. In the Canadian context, Dion Stout and Kipling observe that the literature regarding Aboriginal women and self-government in Canada has tended to focus on questions related to the applicability of the Canadian Charter of Human Rights and Freedoms to Aboriginal governing arrangements (34). In

² See Aboriginal Rights and Self-Government: The Canadian and Mexican Experience in North American Perspective (2000).

their view, the questions related to this issue are crucial; however, there is a need for research which addresses other aspects of Aboriginal women's experience with self-government (ibid).⁴ An important contribution in this area has been a recent study by Sayers and MacDonald which comprehensively examines how Aboriginal self-government and treaty agreements address gender issues in Canada.⁵ In addition, an increasing number of contemporary studies are examining other issues related to Aboriginal women and governance, such as case studies that provide gendered perspectives regarding governance.⁶

In general, however, Inuit women's political involvement is not adequately addressed by the literature despite their prominent positions of leadership in national and international Inuit organizations. As Dion Stout and Kipling point out, the literature regarding Aboriginal women and self-government in Canada lacks documentation of Inuit women's engagement in the self-government debate and the recent Nunavut

³ See "One Continent, Contrasting Styles: The Canadian Experience in North American Perspective." 3-36

⁴ Other themes which dominate the literature are the following: the exclusion of Aboriginal women and their organizations from decision making processes at the local and national levels; the dominance of organizations by men and male interests; concerns regarding community violence; definitions of Aboriginal women's perspectives regarding governance and an analysis of the impact the legacy of colonization has on indigenous gender relations and governance.

⁵ See their report "A Strong and Meaningful Role for First Nations Women in Governance" (2001).

⁶ See Jo-Anne Fiske, Evelyn George and Melonie Newell "First Nations Women and Governance: A Study of Custom and Innovation among Lake Babine Nation Women," (November 2001) and Linda Archibald and Mary Crnkovich "If Gender Mattered: A Case of Inuit Women, Land Claims and the Voisey Bay Nickel Project" (November 1999). Details available in Works Cited.

settlement, despite their strong activism (34).⁷ The recent gender parity proposal for the Nunavut legislature has garnered some academic attention (there are currently four academic articles that represent two distinct approaches to the subject)⁸. This present study makes a distinct contribution to the literature regarding Inuit women and self-government in its focus on two contemporary debates within Nunavut: the first regarding Inuit women and political participation, the second concerning Inuit women and domestic violence. In addition, this study investigates the Nunavut Government's general approach to gender issues.

This study also contributes to the study of indigenous women and governance in Mexico, and specifically, within the state of Oaxaca. Like the Canadian literature regarding indigenous women and governance, the Mexican literature is also limited. These limitations increase if a reader is restricted to the literature published in English (most of the publications that address themes regarding gender and governance in Mexico are not available in translation). With regard to English language literature, studies of the indigenous peoples of Oaxaca are represented in the anthropological literature. Two researchers in this field have made important contributions to the study of indigenous women and participation in the state of Oaxaca. Both Lynn Stephen and Beverly

⁷ According to Stout and Kipling, Although both Métis and Inuit women's organizations "...have been extremely active in defending the interests of their respective memberships, very little publicly available information is in place to attest to Métis and Inuit women's success (or lack thereof) in forcing governments and national Aboriginal organizations to take their concerns seriously" (34).

Newbold Chiñas's case studies of Zapotec women present important insights and conclusions to direct future study in the area; however, neither is recent enough to address how the Oaxacan Bill has influenced indigenous women's participation and rights in Oaxacan indigenous communities.

Maria Cristina Velásquez's Spanish language publication is the most recent study of indigenous peoples' historical and contemporary use of traditional systems of governance in Oaxaca (2000). Her study includes an analysis of indigenous women's participation within local traditional systems of governance. Her study's representation of indigenous women's views of local systems of governance is limited, however.

Like the Canadian literature, there is an absence of literature written from indigenous women's perspectives regarding governance. It is through case studies such as those listed above, as well as through the published proceedings from indigenous women's conferences that the views of indigenous women in Mexico are represented. For example, a recent volume published in Spanish of the 1997 Conference of Indigenous Women in the Americas provides varied views of indigenous gender issues, including governance.⁹ Within this publication, Antonia González presents the most comprehensive analysis of indigenous women's constitutional rights and political and community participation; however, she addresses indigenous women's experiences in the

⁸ See the four articles listed in the Works Cited by Jens Dahl, Nicole Gombay, Helle Høgh and Lisa Young

state of Michoacán.¹⁰ In the collection, Esther Sandoval Cruz expresses her ambivalent view of the progress development projects have brought to Triquis indigenous women in Oaxaca.¹¹ Since 1997 many changes have taken place in the Oaxacan and Mexican constitutional order regarding indigenous peoples' rights and specifically indigenous women's rights and participation. Unfortunately, these changes have yet to be represented in either the English or Spanish literature. This study addresses this void in the literature by examining both constitutional reforms and their gender provisions. In addition, I provide a discussion of why and how the state of Oaxaca continues to resist adopting the Mexican Indigenous Rights Bill.

In addition to the contributions this study makes in the areas of research discussed above, it also addresses theoretical questions related to the study of indigenous gender issues. This study contributes to the development of a theoretical approach to indigenous gender issues by demonstrating both the strengths and limitations of Tuhiwai Smith's representation of indigenous gender discourses. This study signals some areas that require further consideration in the development of a theoretical approach to indigenous gender issues and specifically identifies how contemporary theoretical

⁹ See La Condición de la Mujer Indígena y sus Derechos Fundamentales, (The Condition of the Indigenous Woman and Her Fundamental Rights) (1997) edited by Patricia Galeana.

¹⁰ See "Mujer, sus Derechos Constitucionales y Participación Política y Comunitaria" (Woman, Her Constitutional Rights and Political and Community Participation) 35-48.

¹¹ For example, Sandoval Cruz expresses her ambivalence towards perspectives on development and equality in the article "Mujeres Triquis" (Triquis Women).

approaches to cultural discourses would contribute to future study in this area. In this respect, it is informed by Nira Yuval-Davis's theoretical discussion of cultural discourses.

Theoretical Perspectives

According to Tuhiwai Smith, indigenous peoples' struggles — for physical and cultural survival as well as their struggles to gain the power and control to determine their own futures — have demanded the creation of a complex indigenous research program (142). In Tuhiwai Smith's words, "[t]he acts of reclaiming, reformulating, and reconstituting indigenous cultures and languages have required the mounting of an ambitious research program, one that is very strategic in its purpose and activities and relentless in its pursuit of social justice" (142). In her work Decolonizing Methodologies: Research and Indigenous Peoples, Tuhiwai Smith critiques Western colonial and imperial research and presents an indigenous perspective regarding research that includes the discussion of new indigenous research agendas. Tuhiwai Smith identifies herself as writing from the position of an indigenous Maori woman from New Zealand (13). Tuhiwai Smith belongs to two different tribal groups, Ngati Awa and Ngati Porou, through parental descent lines (12). She also has close links to other tribes, or, *iwi* — the preferred Maori name for a tribe, according to Tuhiwai Smith (12, 18).

In her work, Tuhiwai Smith describes 25 projects which indigenous communities are currently involved in and which are representative of the projects undertaken within the broad contemporary indigenous program. Included in these projects is "gendering

indigenous debates". Although Tuhiwai Smith does not offer her representation of gendering indigenous debates as a theoretical model, it is her representation of indigenous gender debates that I adopt as a theoretical approach for my study. As Keira Ladner notes in her study of Blackfoot governance, there is a growing body of literature that addresses issues related to indigenous research methodologies; however, there are several reasons why I chose to use Tuhiwai Smith's representation of indigenous gender discourses as a theoretical model for my study (37).¹² First, Tuhiwai Smith approaches the issue from the view of an indigenous woman and researcher who is engaged with questions regarding methodologies and theoretical approaches in the study of indigenous issues. While I am aware of the dangers of assuming that one indigenous woman's view represents all indigenous women's perspectives, Tuhiwai Smith's work is one of the few I have encountered that is dedicated to addressing methodological and theoretical questions written from an indigenous woman's perspective that also addresses gender issues.

Another reason why I chose to use Tuhiwai Smith's representation of indigenous gender discourses as a theoretical framework for this study is because after having reviewed the Canadian, Mexican, and international literature that provides representations of indigenous women's views of gender issues, I found that Tuhiwai

¹² Ladner's study of Blackfoot nationalism is one such study that engages in important questions regarding indigenous research methodologies and her work represents an important challenge to the discipline of political science. For more information see Ladner's Ph.D dissertation: "When Buffalo Speaks: Creating an Alternative Understanding of Traditional Blackfoot Governance." Diss. Carleton U. 2001.

Smith's perspective summarizes the views of many indigenous women expressed in a range of documents, including the 1995 Beijing Declaration of Indigenous Women, for example. In this chapter, I provide some brief examples in my summary of Tuhiwai Smith's gender discourse to demonstrate how the themes of her indigenous gender discourse are represented elsewhere in the literature. As Tuhiwai Smith's representation of gender discourses summarizes the views of indigenous women expressed elsewhere in the literature, applying her representation of gender discourses as a theoretical framework facilitates my analysis by providing one approach to work with throughout this study.

Another reason why I have chosen Tuhiwai Smith's representation of indigenous gender discourses to shape my study is to both demonstrate how this type of representation can contribute to the creation of a theoretical approach to indigenous gender issues, as well as to demonstrate areas where it would require further development to function in this capacity. As Tuhiwai Smith does not present her indigenous gender discourse as a theoretical approach to indigenous gender issues, my analysis and critique of it as a theoretical paradigm extends and expands her representation into something which it was not originally formulated to be. As a non-indigenous woman, I do not strive to create a theoretical view that claims to be representative of indigenous views of gender issues; instead, I hope in my application of Tuhiwai Smith's representation of gender discourses to identify theoretical perspectives which could guide further outsider research

and perhaps signal to other indigenous researchers where future theoretical work could be undertaken.

There are researchers who have applied feminist theories of gender and nationalism to their study of indigenous gender issues, such as Jo-Anne Fiske. While theoretical approaches towards gender and nationalism offer insights that can be applied to the study of indigenous gender issues — for example, I am influenced here by Nira Yuval-Davis's discussion of cultural discourses which is situated within her broader study of the relationship between gender and nationalism — I have chosen not to apply this theoretical approach to the study of Nunavut and Oaxaca. This is because neither study is situated within a contemporary context characterized by indigenous nationalist discourses.

Indigenous debates regarding gender issues, Tuhiwai Smith suggests, are not narrowly focused on individual rights. Instead, "Gendering indigenous debates, whether they are related to the politics of self-determination or the politics of the family, is concerned with issues related to the relations between indigenous men and women" (ibid 151). Other sources stress that indigenous women forward their rights as women while also emphasizing their connection to their communities. For example, First Nations lawyers Kelly A. MacDonald and Judith F. Sayers approach their report regarding Aboriginal women and governance in the spirit of community (8). While their report

addresses indigenous women and governance, they assert that indigenous women cannot be considered in isolation from their communities (8).

In Tuhiwai Smith's gendering of indigenous debates, "[c]olonization is recognized as having had a destructive effect on indigenous gender relations which reached out across all spheres of indigenous society" (151). All dimensions of indigenous life, including family organization, child rearing, political and spiritual life, for example, were ". . . disordered by a colonial system which positioned its own women as the property of men with roles which were primarily domestic" (151). In a similar vein, Jeannette Armstrong asserts that the process of colonization systematically achieved a breakdown of the structures upon which the well-being and health of her peoples depended (x). In Armstrong's view, it was through the colonial attack on Aboriginal women's power that indigenous peoples were nearly destroyed. In her words, "In the attack on the core family system, in the direct attack on the role of the Aboriginal woman, the disintegration of our peoples towards genocide has been achieved" (x) Marie Anna Guerrero similarly asserts that European colonization reduced the status of indigenous women as a strategy to "weaken and destabilize" indigenous societies (5).

Indigenous women, as Tuhiwai Smith argues, understand their positions in their communities to have been different than the one colonial regimes assigned to them. In her words, "Indigenous women across many different societies claim an entirely different relationship, one embedded in beliefs about the land and the universe, about the spiritual

significance of women and about the collective endeavours that were required in the organization of society" (151). The necessity of cooperation and communal work for the survival of indigenous communities is also emphasized in oral histories and the literature. For example, in a study of Inuit of Belcher Islands, Lee Guemple observes that work amongst Inuit was mostly distributed along gender lines in a complementary manner, ". . . work which each gender is viewed as performing *for* the other" (14). Martha Flaherty, the former president of Pauktuutit (the Inuit Women's Association of Canada) similarly emphasizes the traditional division of labour along gender lines in Inuit society and the importance of collective work for survival (RCAP 19). Colonization is understood to have undermined these traditional systems of cooperation and also transformed traditional gender relations — relations formerly based on cooperation as well as mutual respect and dependency.

Tuhiwai Smith states that "Indigenous women would argue that their traditional roles included full participation in many aspects of political decision making and marked gender separations which were complementary in order to maintain harmony and stability" (152). As a result, a key issue for indigenous women in challenges to contemporary indigenous politics is the ". . . restoration to women of what are seen as their traditional roles, rights and responsibilities" (Tuhiwai Smith 152). The view of traditional indigenous gender roles as being complementary and debates about whether

and how contemporary notions of gender equality relate to traditional gender relations are particularly well represented in the Canadian literature.

In the context of contemporary indigenous politics, other researchers represent a view of indigenous women's demands that is similar to that of Tuhiwai Smith.

MacDonald and Sayers assert that the structures of Aboriginal governance must reflect Aboriginal culture, values, and support women's involvement in governance and within the community (23). According to the authors, Aboriginal women have traditionally held a broad range of roles, and "[o]nly when women are restored to their place of importance within First Nation governments will self-government be fully achieved" (23).

Methodology

In order to address my research question and forward my thesis throughout this study, I have consulted many different primary resources and I have used several research methods. Due to the contemporary nature of this study, information from the print media, including both newspaper articles and news posted on the internet, have been important sources of information. Government WebPages as well as those of non-governmental organizations such as Global Exchange and Latin American Working Groups have also been invaluable sources of information. While studying in Mexico at the University of Guanajuato (*Unversidad de Guanajuato*), I had access to academic journals and other academic publications which are not easily accessible in Canada. In addition, the director of the university's Centre for Research in the Social Sciences, Luis

Miguel Rionda, directed some of my research and provided me with an introduction to the social anthropologist Salomón Nahmad Sittón at the Centre for Research and Study in Social Anthropology in the state of Oaxaca (*Centro de Investigaciones y Estudios Superiores en Anthropologia Social* (CIESAS Istmo). I traveled to the state of Oaxaca to gather research material and conducted several informal interviews. I met with representatives from the State Electoral Institute of Oaxaca (*Instituto Estatal Electoral*) and the Institute of the Oaxacan Woman (*Insituto de la Mujer Oaxaqueña*), for example. I gathered documents important to my study, such as the state's constitution, the recent bill regarding indigenous peoples' rights and recent reforms of the state's electoral system. I was also able to visit the Zapotec town of Teotitlán del Valle — the same community that is the subject of Lynn Stephen's study of Zapotec women.

I lacked the funds to travel to the Nunavut Territory to conduct research; however, many primary resources I required are accessible in Ottawa. For example, the Nunavut Government's WebPages and the published documents of the Nunavut Implementation Committee (NIC), the commission established to provide advice regarding the creation and design of the Nunavut Government, are easily accessed within Ottawa. Other primary resources I consulted for the Nunavut case study were newspaper articles of the local newspaper, the Nunatsiaq News. Informal interviews also directed the research related to the Nunavut case. For example, the Executive Director of the Territory's Status

of Women Council shared many of her insights about issues related to gender and governance in the Nunavut Territory.

In both case studies my goal was to include perspectives from indigenous women as frequently as possible. Due to the lack of resources written from indigenous women's perspectives, this required me to look to other sources such as newspaper articles, proceedings from indigenous women's conferences published or posted on the internet, and case studies which quote interviews conducted with indigenous women. The availability of resources shaped the structure and focus of the two case studies. In the Nunavut case community-based gender debates were well documented within the local media. In contrast, in the Oaxaca case there was no documentation of indigenous peoples' direct response to the state's gender provisions, and as a result I represent sources, such as excerpts from interviews with indigenous women leaders and excerpts from case studies, that suggest how indigenous women may have responded to these provisions.

Chapter Overview

The second chapter of this study compares the political context of each region to establish a backdrop against which to examine how structures of self-government in Nunavut and Oaxaca address indigenous women's participation. Background information for each region and the national contexts of the two territories are compared. The political context of each region is compared along identified themes such as each region's

experience of colonization, the form of self-government that has been established in each region, as well as the areas in which indigenous peoples have made gains with their newly defined relationship with state governments. In addition, the study compares how each region's form of self-government relates to traditional forms of government, including related gender roles. To introduce the discussion of gender and self-government that follows in Chapters 3 and 4, the gendered aspects of traditional decision making, including the impact colonialism had on women's involvement in governance, is considered and analyzed in relation to Tuhiwai Smith's representation of indigenous gender discourses.

The third chapter of this study is directed by two goals. First, it examines how the Territory of Nunavut has addressed Inuit women's participation within the territory. Although the focus of the chapter is the Nunavut Implementation Committee's (NIC) proposal to legislate the equal representation of women in the territory's legislature, I also consider how the territory has supported Inuit women's participation in other areas. The second goal of Chapter 3 is to evaluate two Nunavut debates regarding indigenous women's participation in relation to Tuhiwai Smith's representation of gendered indigenous debates. Through this twofold goal the chapter explores what public self-government has meant for Inuit women's participation and discusses the strengths and limitations of Tuhiwai Smith's gender discourse.

The case study of Oaxaca, the study's fourth chapter, is directed by three goals. First, the goal is to demonstrate how the 1998 Bill of Rights of Indigenous Peoples and Communities of Oaxaca addresses indigenous women's rights and participation. In order to meet this goal the gender provisions of the bill are examined. To further understand the interventionist approach taken by the state government, the Oaxacan Bill is compared to two other indigenous rights discourses that influenced its drafting and content. The second goal of this chapter is to compare the gender provisions of the Oaxacan Bill to Tuhiwai Smith's indigenous gender discourses. This comparison highlights how a state's indigenous gender discourse differs from those of that emerge within indigenous communities. The third goal of Chapter 4 is to suggest, in reference to indigenous women's contemporary views and actual participation in traditional systems of local governance in Oaxaca, which types of political initiatives indigenous women in Oaxaca may support — whether they would support the initiatives in the Oaxacan Bill or the demands represented in Tuhiwai Smith's gender discourse. The Oaxacan case demonstrates that the perspective of indigenous peoples in Oaxaca, and specifically indigenous women, are not only influenced by gender, but also their class status, their membership in regional indigenous communities, age, and level of education, for example.

I conclude this study by comparing some of the main differences and similarities between how indigenous women's rights and participation were addressed in the Nunavut

and Oaxaca cases. This study's last chapter reviews the strengths and limitations of Tuhiwai Smith's indigenous gender discourse and suggests how future research could further develop a theoretical approach to indigenous gender issues. Central to this project would be an approach towards culture and tradition which emphasizes how these concepts are subject to both continuity and change and not shared uniformly by all members of a community.

Chapter 2

Introduction

For Martha Flaherty, former President of Pauktuutit (the Inuit Women's Association of Canada), Inuit culture is dynamic and subject to both cultural continuity and change:

We often use the word culture to describe our history, yet culture is a living, changing entity. Contemporary Inuit culture reflects our deeply rooted traditions, beliefs, and practices as well as our contact with *Qallunaat* [Eurocanadians]. We cannot blindly cling to the past. The problems we face today are so different from what our ancestors experienced that we need to search for new solutions, new methods. In many ways we are lucky, for we can choose from the best of our own traditions and those of the southern society.

Without question, we live in two worlds. . . . (Flaherty 8)

Indigenous peoples in both Nunavut and Oaxaca are influenced by the cultures of "two worlds." This chapter identifies how colonialism historically altered indigenous peoples' societies in the Nunavut Territory and the State of Oaxaca, including the impact colonization had on indigenous gender roles and relations. This chapter also compares the contemporary political contexts of Nunavut and Oaxaca, including the recently institutionalized models of self-government. Like Flaherty, I suggest that the present political and cultural contexts of both regions are marked by both cultural continuity and change.

During the 1990s indigenous peoples in both regions made critical gains in the area of self-government. Through newly defined relationships with state governments,

indigenous peoples gained an important degree of autonomy and self-government in each region. These changes were also accompanied by attempts to define indigenous women's rights within these newly created, or in the case of Oaxaca newly recognized, structures of self-government. Chapters 3 and 4 will analyze the proposed gender provisions of each region. To provide a context for this later analysis, the goal here is to highlight and compare important aspects of the regions' political environments and to also examine the nature of traditional decision making from a gender perspective. The theoretical and methodological questions the current political context raises for the study of indigenous women's participation within the newly formed — or recognized — structures of self-government will also be discussed.

In order to provide a relevant political context for the later discussion of gender issues and self-government in Nunavut and Oaxaca, I identify the reasons for comparing the two regions and provide relevant background information. I also compare the national contexts of both regions. This section then introduces the comparison of each territory's experience of self-government along several themes. First, the importance of situating both regions within a history of colonization is identified. Although it is beyond the scope of this paper to fully represent both areas' experiences of colonization, the major differences and similarities between the two regions' experiences are identified. Next, the process that led to the redefinition of the relationship between indigenous peoples and governments in each region is examined. The areas in which indigenous

peoples gained autonomy with these new relationships, as well as the forms of self-government that were established is also outlined. I also consider how the national constitutions of Canada and Mexico support or undermine the rights gained for indigenous peoples in Nunavut and Oaxaca. Each case raises the question of whether the new autonomy indigenous peoples have gained in governance can be considered a form of indigenous self-government, and I suggest that each present a different possible model of self-government. The characteristics of traditional indigenous governance, including a view of this from a gender perspective, is also identified. The potential the contemporary forms of self-government in the two regions have to reflect traditional approaches to governance is compared.

In addition to providing a comparison of the two models of self-government along the above mentioned lines, this chapter will also problematize static representations of tradition in the discussion of contemporary indigenous politics. In both Nunavut and Oaxaca, contemporary indigenous politics are situated within a context that evades static representations of tradition.

While the central goal of this chapter is to provide a political context and understanding of the meaning of self-government in Nunavut and Oaxaca, a related goal is also to introduce traditional forms of governance from a gender perspective in each region. Linda Tuhiwai Smith asserts that colonization had a destructive impact on gender relations which reached out to all areas of indigenous societies (151). It is beyond the

scope of this chapter to examine the damage colonization caused to all dimensions of indigenous gender relations and, by extension, indigenous society; however, I will focus on two examples which demonstrate the impact government intervention had on indigenous women's participation in formal politics in each region during the twentieth century. In both cases government intervention resulted in indigenous women becoming distanced and excluded from formal political decision making. Although this focus provides only a limited view of the impact of colonialism on gender relations, and in this case gender relations and formal decision making, it is of importance because it is likely that indigenous women's current limited participation in decision making is linked to this colonial past.

At this point some commentary regarding my use of the concept "tradition" is necessary. In my discussion of traditional forms of governance and gender in Inuit societies I use the term "traditional" to apply to those systems as they existed prior to colonization. As will be discussed later in this chapter, the colonization of the Canadian North occurred in recent history —during approximately the 1950s — and, as a result, there are Inuit who have experienced traditional life on the land. Within the contemporary context I suggest that tradition is a cultural discourse that is contested by members of a collective and I suggest that this is true in the case of contemporary Inuit, as demonstrated in the gender debates discussed in Chapter 4 of this work. While cultural discourses are contested in transitional societies, such as contemporary Inuit

society, tradition was shared by all members of the collective in traditional Inuit culture before the colonization of the North.

In the case of Oaxaca, my use of the concept of "tradition" has a different meaning than in the Nunavut case for several reasons. First, colonization of the region took place during the 16th century. As a result, there are no individuals alive who have experienced pre-columbian traditions. Second, in the case of Oaxaca, traditional forms of governance, and related gender roles, were influenced by pre-colonial traditions as well as those of the colonizers — as the inclusion of Catholic ritual into local systems of traditional governance, for example, demonstrates. There is academic disagreement regarding the details of the origins of what are considered to be indigenous traditional systems of local governance in Oaxaca; however, it is clear that the current systems represent a syncretism of traditions and are currently considered to be "traditional" by indigenous peoples within the State of Oaxaca and are defended as such. For this reason I focus on these systems of "traditional" governance and I do not outline how these relate to pre-columbian traditions as this task is beyond the scope of this work. I demonstrate that as cultural discourses these "traditional" systems are contested within the contemporary context.

I conclude this chapter with an overview of the main similarities and differences that characterize the political contexts of the Nunavut and Oaxaca cases. I also relate the conceptual questions raised regarding tradition to Tuhiwai Smith's characterization of

gender debates within indigenous communities. I suggest that the two case studies demonstrate that as the relationship between contemporary structures of self-government and tradition are complex, Tuhiwai Smith's approach to tradition may be too static to incorporate the dynamic nature of tradition represented in these two cases, both in relation to traditional forms of governance and from a perspective of gender relations and governance. In conclusion I suggest that attempts to represent indigenous women's participation within community life will be limited if a focus remains on the realm of formal politics; however, understanding and mapping women's informal political participation presents many challenges to the researcher and policy maker.

Comparing the Nunavut Territory and the State of Oaxaca

There are three central reasons for comparing how the new forms of self-government in the Nunavut Territory and the State of Oaxaca addressed gender issues. As discussed in the previous chapter, indigenous peoples constitute the social majority in both regions and both areas have recently implemented or recognized a form of indigenous self-government. In addition, indigenous women's participation in the new structures of self-government were addressed in both Nunavut and Oaxaca while the institutions of indigenous self-government were being defined.

The Nunavut Territory

On April 1st 1999, the Northwest Territories were divided to create a new Canadian territory, Nunavut. Encompassing over two million square kilometers,

Nunavut constitutes twenty percent of the Canadian land mass (NIC Nunavut... 3). The territory's population is small and dispersed; the estimated 28 000 residents live in 26 communities (Gov Nu. "Nunavut at a Glance"). The population is the youngest in Canada with 60% of its residents under the age of 25 (ibid). Inuit are a social majority in the territory; an estimated 85% of the population is Inuit. For this reason the public government of Nunavut is considered to be a form of Aboriginal self-government. The Nunavut Implementation Commission (NIC), the commission established to advise on the design and planning of the Nunavut government, asserted that the government of Nunavut would be open to all its citizens, but also controlled by the Inuit population that is the territory's social majority.

As a public government, the Nunavut Territory, like other territories, has a different status than that of provinces. The primary three features which distinguish territories from provinces are that they do not have ownership over Crown land; they are not immune to federal involvement in provincial-type affairs; and they are not included in the Constitutional amending procedures (NIC Nunavut...3). Nunavut has its own federal Member of Parliament and its own Senator (ibid). Nunavut has two levels of government: the territorial and municipal governments. At the territorial level political authority is concentrated in the Legislative Assembly, and there are currently no political parties at this level (NIC Nunavut...5). The Legislative Assembly functions according to the standard Westminster Cabinet-parliamentary system with some unique northern

modifications (Hicks and White 69). One of the NIC's recommendations was that the Legislative Assembly consists of between 20 to 22 elected members; in Nunavut's first election residents voted to fill 19 seats in the Legislative Assembly (Hicks and White 76).

The State of Oaxaca

The State of Oaxaca covers 95 364 square kilometers, representing 4.8 percent of Mexico's total land mass (Gob. Oax."Informacion General"...1). Of Mexico's thirty-one states, Oaxaca is the fifth largest. Oaxaca is located in the southwestern area of Mexico and borders on the states of Puebla and Veracruz in the south, Chiapas to the east and Guerrero to the west (ibid). The most multicultural state in Mexico, the following 16 ethnolinguistic indigenous groups are recognized by the Oaxaca government: *amuzgos*, *chatino*, *chinanteco*, *chocho*, *chontal*, *cuicateco*, *huave*, *ixcateco*, *mazateco*, *mixe*, *mixteco*, *náhuatl*, *triqui*, *zapoteco*, *zoque* and *popoloca* (ibid). According to recent government estimates, indigenous peoples represent the social majority in Oaxaca. Oaxaca's population is 3.3 million and almost 2 million are indigenous peoples (ibid). The state government estimates that in Oaxaca 6 of every 10 people are indigenous (ibid).

As in Nunavut, there are two levels of government in Oaxaca: the municipal and the state level. The state level of government is standard congressional. The state legislature has 42 seats and is renewed every 3 years (ibid 3). Unlike Nunavut, in Oaxaca there are partisan politics at the state level. The current legislature has a PRI majority (*Partido Revolucionario Institucional*) with 25 delegates. The political party that is

considered to be farther left in the political spectrum, the *Partido de la Revolución Democrática* (PRD), has 13 seats, and the party that currently is in power at the national level, the *Partido de Acción Nacional* (PAN), has 4 seats (ibid 3). Municipal elections can take place using partisan politics or traditional indigenous methods. Elections at the municipal level also take place every three years (ibid 3).

In the state of Oaxaca, it is at the municipal level that the right to indigenous self-government is entrenched. In the Bill of Rights of Indigenous Peoples and Communities of Oaxaca (1998), the political, cultural, social and economic rights of indigenous peoples in Oaxaca were recognized in the amendments made to the state's constitution. The autonomy indigenous peoples have at the municipal level, and the right of indigenous communities to govern themselves at the local level, are recognized in these amendments. The content of these reforms will be further outlined in the chapters that follow. According to a 1997 study, 412 of the 570 municipalities in Oaxaca were governed under traditional customary forms of government (Sedesol "Oaxaca"...).

The National Contexts

Canada and Mexico each have a history of colonization and a present marked by its continued legacy, as well as similar national environments, shared international influences, and demands for indigenous autonomy and sovereignty (Cook and Lindau 3-4). Besides these similarities the differences between the two cases are substantial. Cook and Lindau cite history, culture, ethnicity, level of economic development, and political

organization as features that distinguish the two countries (4). I will restrict my commentary to a brief comparison of indigenous ethnicity and demographics in each country, as well as a comparison of the two countries' federal political structures and cultures. These two differences are of particular importance in the present discussion of indigenous peoples and self-government in both countries. Interestingly, while Canada is formally recognized as being a multicultural state, Mexico has recently—in 1992—amended Article 4 of its constitution recognizing the pluricultural nature of the nation based in its original indigenous inhabitants (Stavenhagen 75).

Canada and Mexico differ significantly with regard to the ethnic makeup of the population, how indigenous peoples have been defined, and the demographics of indigenous peoples. Cook and Lindau cite miscegenation as Mexico's most distinctive ethnic trait; *mestizos*, people of both European and indigenous heritage, comprise at least 80 percent of the population (5-6). In contrast, miscegenation did not take place on this scale in Canada (Cook and Lindau 4). In Mexico, the fact and ideology of *mestizaje*, the mixing of indigenous and European peoples, has led to an avoidance of defining indigenous identity based on clear ethnic identity (Cook and Lindau 4). Instead, indigenous peoples are defined in reference to both cultural and linguistic criteria (ibid 7).

Currently, 56 indigenous language groups, thus indigenous groups, are identified in Mexico (ibid).¹

Indigenous peoples represent between 10 to 15 percent of Mexico's 95 million population (Cook and Lindau 7). The estimates vary depending on the criteria used to define indigenous peoples. For example, a conservative estimate comes from the 1995 national population census calculating that 9% of the 95 million population are indigenous language speakers (Sedesol "National Profiles"...). Other sources using cultural and not just linguistic criteria estimate that over 12 million people are indigenous in Mexico (ibid). These numbers contrast with the reported 799 000 people in Canada who identified themselves as North American Indian, Métis, or Inuit in the 1996 national census (Statistics Canada 1). According to this census, 2.8% of Canada's almost 29 million population identify themselves as indigenous or Métis (ibid). The majority of these individuals identified themselves as North American Indian (554, 290), about a quarter as Métis (210, 190), and a smaller number were Inuit (41, 080) (ibid 4).

In contrast to the Mexican case, Aboriginal peoples in Canada have been historically defined not by linguistic or cultural criteria but by criteria outlined in the Indian Act that focused on "blood" relations (although the recent 1996 census allowed indigenous peoples to self-identify). Since the 1876 Indian Act, "Indian" has been both

¹ This categorization is subject to some dispute, however, due to conflict over whether some variations in language usage merit the recognition as a separate language as opposed to dialect (Cook and Lindau 7).

an ethnic and legal category (Cook and Lindau 7). The Act gave the state the power to determine membership in indigenous communities, as it defined who were status and non status Indians. The Act was highly discriminatory in relation to First Nations women. Under the Indian Act, Aboriginal women who married non-Aboriginal men lost their Indian status, denying them rights normally awarded to members of their community, such as the right to live on reserve. Although this discriminatory aspect of the Indian Act was amended in 1985, many Aboriginal women and their descendants continue to suffer the ill effects of this discriminatory legislation.

The discriminatory aspects of the Indian Act did not affect Inuit women as it did First Nations women for several reasons. First, it was not until 1939 that the Indian Act was deemed to apply to Inuit² (Cook and Lindau 7). Second, because Inuit do not live on reserves, the theoretical loss of "Indian" status Inuit women could experience by marrying a non-Inuit man would not deny them the right to live within their community.³

Canada and Mexico's political structures, as well as their legal and political cultures have shaped indigenous peoples' relationship to the state, as well as how their demands have been formulated and responded to by state governments. Canada's political

² It was "[a]fter a ludicrous debate over whether or not Inuit were Indians (and therefore under the Indian Act)," that "the Supreme Court of Canada ruled, in 1939, that they were indeed Indians" (Coates qtd. in Mitchell 198).

³ Historically, issues related to Indian status have been central to First Nations women's activism. Issues related to Indian status have had little impact on Inuit women. This is one of the reasons why Inuit women have continued to stress that national Indigenous women's organizations, such as the former Native Women's Association of Canada (NWAC), do not represent their concerns and issues.

system has a federal structure with a great deal of power decentralized to the 10 provinces, and to a lesser extent, to the 3 territories. In contrast, Mexico has a highly centralized political system with enormous power vested in the president (Bruhn and Levy 182). Although the country has a federal structure comprised of thirty-one states and the Federal District, the national government has a great deal of control of policy at the state level (ibid 183).

Mexico's political system has been infamous for its corruption, fraudulent elections, lengthy one-party rule and human rights abuses. The recent election of Presidente Vincente Fox (2000) saw the conservative opposition National Action Party (PAN) replace the long ruling Institutional Revolutionary Party (PRI). The change in Mexico's ruling party has been welcomed as a regime change and as a sign that Mexico is moving towards greater democratization. Before this regime change, the PRI maintained hegemonic rule and Mexico was characterized as being a semi-democratic state (Bruhn and Levy 186). Under the PRI Mexico was a corporatist state and the regime strove to control mass groups by incorporating them into the political system (ibid 172, 177).

Unlike Mexico, Canada does not have a political legacy of semi-authoritarian rule, election fraud or state corporatism; however, like in Mexico, indigenous peoples in Canada have suffered disproportionately from human rights abuses and have been politically marginalized by the state. In addition, despite the high standard of living and level of economic development in Canada, Aboriginal peoples suffer disproportionately

from the ill effects of poverty, unemployment, inadequate health care and impoverished living conditions, as well as low levels of education. In Mexico, indigenous peoples also suffer from poverty, health problems and other, social and economic problems related to their marginalized position in the state.

The Nunavut Territory and Government

According to Jose Kusugak, President of the Inuit Tapirisat of Canada, the creation of the Nunavut Territory and Government offers a lesson to the broader global community about the resilience and strength of the human spirit. "Not that long ago, it was possible to say that the Inuit of Nunavut were thoroughly colonised people — we had lost control of large parts of our lives through the introduction of outside institutions, languages and values," states Kusugak. (28). Involved in the process of establishing Nunavut since its early beginnings (Dall, Hicks and Jull 15), Kusugak asserts that the creation of the Nunavut Territory and Government ". . . within the lifetimes of those of us who were taken away to regional schools, is proof that the strength of the human spirit can overcome the biggest of political obstacles and transcend the most entrenched cultural prejudices" (28).

Jack Hicks and Graham White similarly stress the importance of understanding Nunavut Inuit's current situation within a colonial historical context. In their view, this history demands that ". . . the creation of Nunavut, as well as the critical social, political and economic problems facing Nunavut, must be understood in terms of Inuit's society's

evolution in a context of colonial domination by southern Canadian economic and political interests" (45). The authors assert that Inuit contact with European society was similar to those experiences of other Aboriginal peoples in North America: "Overtaken by overwhelming social, economic and cultural changes, their status as autonomous, self-governing peoples disappeared as they lost control of their land and resources to governments imposed on them without their consent" (45).

What distinguishes Inuit's experience of colonization from that of other indigenous peoples in North America is that it took place within very recent history. It was in the late nineteenth century that Inuit in northern Canada had increased contact with foreigners due to European and American whaling activities, but it was in the mid twentieth century that colonialism came to the North, if as Mark Dickerson states, "...by colonialism, one means state control through a bureaucratic apparatus on the ground..." (62). Traditionally a nomadic people, during the late 1950s and early 1960s Inuit were increasingly encouraged to move into settlements (Ittinuar 291) — Pauktuutit suggests that they were simultaneously "pulled" to the settlements by the services offered there and "pushed" off the land by the drastic reduction in live stocks and low fur prices (5). With the movement to settlements Inuit lost their autonomy in most areas of their lives and were increasingly pressured to adopt southern systems and ideologies (Pauktuutit 5). "By the end of the 1960s," Marybelle Mitchell states, "Inuit were dominated

economically (by the traders), politically (by the police who placed them under state authority in towns), and ideologically (by Roman Catholics or Anglicans)" (139).

Inuk Maata Pudlat expresses wonder at the rapid change Inuit experienced during her lifetime in the following:

When I try to sleep sometimes at night, I think to myself, "How did I pull through all this?" So many changes in such a short time! Nobody else in the world has seen so many changes in such a short time like Inuit. . . . (17-18)

During Pudlat's lifetime Inuit experienced great changes and losses, however, as Kusugak observes, during the same generation Inuit have regained some of the autonomy and control lost through colonization and have created the Nunavut Territory and Government (28).

It was in the 1970s that Inuit began a struggle to regain control of their land and resources as well as the institutions that directly affected them. Specifically, in 1976, the Inuit Tapirisat of Canada (ITC) first presented a Nunavut land claim to the federal government (Hicks and White 53). The process that led to the creation of the Nunavut Territory and Government was lengthy; it stretched over more than two decades. One individual involved in the process of negotiation characterizes it as being one of ". . . consistent effort, endless negotiation, and detailed text," which followed a slow and steady course (qtd. in Hicks and White 55). Despite its length, Hicks and White observe that during the process Inuit leaders never wavered from following fundamental principles that directed their goal: the ". . . settlement of a comprehensive land claim

which would set out and enshrine Inuit use of their lands and would compensate them for past and future use of Inuit lands by non-Inuit as well as the creation of a new government in the eastern and central Arctic with capacity to protect and foster Inuit language, culture and social well-being" (54).

The three parties involved in the negotiations that led to the creation of the Nunavut Territory and Government were the government of the Northwest Territories, the federal government and Inuit organizations. The process also demanded establishing consensus amongst the residents of the NWT and Nunavut Inuit through several plebiscites. According to Hicks and White, during the early 1990s the national political context favored the successful creation of the Nunavut Territory and Government; Canada's conservative government, led by Prime Minister Brian Mulroney, ". . . was badly in need of a 'good news' story about its relationship with aboriginal peoples" (55). Although this context may have facilitated the later negotiations, the creation of the Nunavut Territory and Government is largely attributed to Inuit leaders' patient, persistent and strategic negotiating tactics.

As Mitchell states, "History was made on July 9th 1993" when the Parliament of Canada passed the Nunavut Land Claim Settlement Act and the Nunavut Act (356). These two pieces of legislation formally set April 1st 1999 as the date for the creation of the Nunavut Territory and Government. According to Hicks and White, these two

pieces of legislation ". . . constitute the terms of a new social agreement between Inuit of Nunavut and the people of and government of Canada" (57).

What rights did Nunavut Inuit gain through this new social agreement with the people and government of Canada? In general, the principles and goals Hicks and White identify as having directed Inuit negotiation are reflected in the new social agreement. Kusugak identifies three general areas where Inuit have made gains with the Nunavut Land Claim Settlement Act and the Nunavut Act. First, Inuit gained a set of property rights that include land ownership — Inuit have title to approximately 350, 000 square kilometers of land — royalties, and access to wildlife (21, 26). Second, several joint Inuit and government resource management boards were created (26). According to Kusugak, these boards will encourage responsible development and promote environmental conservation, and, along with Inuit property rights, they will also promote the value of Inuit involvement in resource development projects (ibid). Third, the Nunavut Territory and Government is constitutionally guaranteed through the agreement (ibid). In Kusugak's view, the new government has the potential to ". . . shape public life and public services in ways that are more compatible with our unique social and cultural characteristics" (26).

Similarly, the Nunavut Implementation Commission (NIC), the commission established to advise on the design and planning of the Nunavut government, predicted that a Nunavut government peopled by Nunavut residents would "...better reflect the

nature of Nunavut society and result in the development of policies and the delivery of programs and service more in tune with the needs of the culture and economy" (Nunavut ..10). Many of the NIC's recommendations have been incorporated by the Nunavut Government in an attempt to make it responsive to Inuit culture and values. One of the NIC's key recommendations was the decentralization of the many government operations to the municipal level. This proposal has received support for several reasons, including the potential it has to encourage Inuit involvement in the government bureaucracy, and it is also viewed as being consistent with traditional Inuit political culture (White and Hicks 66). The Nunavut Government predicts that by March 2003 it will have successfully decentralized 429 government positions to ten communities (Gov Nu. "Premier Reassigns"....)

To ensure the Nunavut Government reflects the culture of the territory's majority it also strives to incorporate the Inuit language, Inuktitut, and Inuit cultural values into its operations. Inuktitut is promoted as a working language of the government (Kusugak 26). The Bathurst Mandate, the mandate designed in 1999 by the Nunavut Government's first Cabinet, identifies that Inuit cultural values and approaches, *Inuit Qaujumajatuqangit*, also known as the Inuit Way, as the principles that will guide the development of the Nunavut Government (Gov. Nu. "Bathurst Mandate"). It is also possible that a juridical system will be developed in the Territory based on Inuit custom (Kusugak 26). In addition, measures will be taken to ensure that Inuit are represented in

the public service at a rate that reflects the territory's population (Kusuga 21). As the Nunavut Government is still very new — it will be four years old in April 2003 — it is still in the process of development and its successful incorporation of cultural and language initiatives must be measured over a longer period of time.

The Nunavut Government is widely supported as a means for Inuit to regain control of their futures in a territory where they represent a social majority (85 percent of the population of Nunavut are Inuit); however, it is also a form of public government that is open to all its citizens. As Hicks and White observe, the Nunavut Territory has the potential to be unique as a result of its Inuit social majority, and promotion and incorporation of Inuit culture and values, but ". . . its accommodation of Inuit aspirations will take place squarely within the four corners of established Canadian forms of governance" (31).⁴

In Hicks and White's view, the creation of Nunavut is an enormous accomplishment (92). "Nunavut follows Greenland as an example of a regional Inuit population equipping itself with political tools intended to counterbalance the power of the nation-states in which they reside," state the authors (92). Hicks and White suggest that both cases demonstrate that self-government by way of public government — the

⁴ In their negotiations with the federal government, Inuit demonstrated an openness to pursuing a form of public government, as opposed to a form of aboriginal self government. According to Hicks and White, this openness was a "critical element in the Inuit position" which made it more "palatable to the federal government" (54).

basis of both Greenlandic Home Rule and the Government of Nunavut — may be an approach through which other indigenous groups with a large land base may have their needs and aspirations met "without threatening the territorial integrity of the state in which they exist" (92).

The degree to which Inuit can be considered to have attained self-government in Nunavut depends on one's definition. It is beyond the scope of this paper to weigh the varied views of Nunavut as a form of self-government; instead, like Hicks and White, I accept that it is one form of self-government which may provide a model for other indigenous groups. It is important to note, however, that the autonomy of indigenous peoples in the territory could be restricted or expanded in the future. While the Nunavut Government has been heralded as a form of self-government for Inuit because they constitute a social majority in the territory, there is no guarantee that Inuit will remain the territory's social majority. In contrast, future constitutional reform could further strengthen the autonomy of Inuit. Hicks and White observe, through negotiations Nunavut Inuit did not relinquish their right to self-government ". . . in existence at the time the land claim was agreed to, or which may be defined by future constitutional amendments" (59).

While the Nunavut Government can be considered to be a form of self-government through public government, despite initiatives to incorporate Inuit language and culture into the territory's government, there are great differences between this

government and traditional forms of Inuit decision making. I will address some dominant aspects of traditional Inuit governance as well as the relationship between traditional gender roles and decision making. The intent here is not to give a comprehensive representation of these subjects, but to demonstrate how different the current form of governance is from that which characterized traditional approaches to Inuit decision making.

The literature about traditional Inuit decision making, including its gendered dimensions, represents varied views of Inuit traditional political culture and Inuit women's involvement in decision making. As Nicole Gombay warns, it is important to be aware of regional cultural variations in concepts of gender and governance amongst Nunavut Inuit (130). In addition, what is considered to be "traditional" varies amongst Inuit, Gombay asserts (*ibid*). One reason for this variation is differences in experiences; Inuit who grew up on the land may have a different understanding of tradition than those who grew up in settlements (Gombay 130). In short, one should not be surprised that there are divergent representations of traditional Inuit life in the literature and that these representations do not always present a consistent and invariable image of Inuit tradition.

Despite some differences, there are some broad areas in which there is some consensus regarding traditional decision making and gendered involvement. The way of traditional life shaped the organization of decision-making amongst Inuit. Although Inuit currently live in settlements, traditionally they were nomadic people who lived in small

groups whose sizes were flexible and variable (Pauktuutit 15). Inuit usually lived amongst extended family in camps; however, the basic unit of decision making was the family (ibid 12). Some authors suggest that although men formally represented decisions made by the family, both men and women were involved in decision making regarding important issues, such as the movement of camps to a new location (Jeness qtd. in Minor, Briggs, Pauktuutit).

In Pauktuutit's guide to Inuit culture, decision making is represented as being based on the consideration of the advice of those who had expertise in the area, such as a hunter, elder, or shaman (15). In a recent study, one Inuk's description of traditional governance emphasizes the influential role elders held:

. . . we didn't have a structure like band councils in Indian societies. Our elders were our government regardless if they were female or male. If they were elders, you respected them, it was like they were the government. (qtd. Minor 72)

Pauktuutit stresses that expertise an individual had may have granted them leadership in one context; however, this was for a temporary period of time and authority was not formalized (1). According to Pauktuutit, decision making amongst Inuit was based on consensus that required compromise to ensure group support of a decision (ibid).

While the literature suggests that there were areas of decision making that involve both men and women, there is also a broad consensus regarding the division of labour along gender lines and related separate areas of authority and decision making allocated to men and women according to the work they did (Guemple, Briggs, Billson Pauktuutit).

The mutual interdependence between men and women and the value associated with both genders' contribution is also highlighted in the literature (Guemple Briggs, Billson, Pauktuutit). Martha Flaherty, the former president of Pauktuutit summarizes this dominant view in the following:

There is agreement that women were traditionally responsible for decisions about children, food preparation, and the running of the camp. While clear divisions of labour along gender lines existed, women's and men's work was equally valued. If a woman was a sloppy sewer, her husband might freeze; a man who was a poor hunter would have a hungry family. Everyone in the camp worked hard and everyone had a specific role based on their age, gender and capabilities (qtd. in RCAP 19).

Not all the literature adheres to Flaherty's representation of traditional decision making and gender roles, however. For example, a survey of the literature leads Gombay to suggest that despite the complementary nature of traditional men and women's work, women were traditionally subject to male domination within Inuit culture (132). Others may take issue with the Flaherty's emphasis on rigid gender roles and would point instead to examples that demonstrate their fluidity. For example, Bernard Saladin d'Anglure's discussion of a "third sex" (another gender category represented by shamans) in traditional Inuit culture defies a rigid and binary conceptualization of gender roles (1986).

Although it is beyond the scope of this paper to examine the effect colonization had on all aspects of gender relations, one example will be discussed here which demonstrates how the imposition of local colonial structures of governance displaced traditional processes of decision making and altered gender relations in this area. The

imposition of colonial forms of local governance has probably had enduring consequences for Inuit women's participation in formal politics.

Marianne Lykke Thompson suggests that in the north of Canada, as in Greenland, ". . . formal leadership went first to Inuit men, with Inuit women continuing to hold a minority position within decision-making bodies" (242). The establishment of the settlement councils in Canada's north in the 1960s led to Inuit men holding the majority of formal leadership positions within them. In Pond Inlet, for example, during the first years of the community council's establishment it was dominated by male Inuit with previous experience with southerners (Matthiasson 66). John Matthiasson suggests women's limited success running for the council was a result of the early administrators' tendency to encourage Inuit who had experience with southerners such as former camp headmen and those who had worked for the Hudson Bay Company (*ibid*). Although underrepresented on the council, Inuit women did attend the meetings regularly and were "active and vocal participants" in the discussions, observes Matthiasson (66).

John Honigmann and Irma Honigmann similarly observe that the early processes favored the representation of Inuit men on the Frobisher Bay settlement council (105). Their study provides an interesting record of the decision making process that led to women having reserved seats on this council (Honigmann and Honigmann 105). Although some Inuit men strongly supported the need for women's representation on the council, in 1961 the council decided that three seats would be reserved for women from

each of the council's three neighbourhoods (ibid). The rest of the council was made up of eleven male Inuit and two Eurocanadians (105). In effect, the council guaranteed Inuit women's minority position within it.

It is widely agreed that the settlement councils had very little real power (Matthiasson 65, Mitchell 128); however, they undoubtedly played an important role in preparing Inuit for future involvement in southern-style formal politics and also created new Inuit leaders (Honigmann and Honigmann 101). The limited representation Inuit women had on these councils may have had enduring consequences for their future involvement in formal politics. Tina Minor strongly argues that Inuit women's low participation in formal politics in Nunavut is a result of remnants of the Euro-Canadian political system and gender role pattern, as well as an inability to make the required time commitments (5).

Tuhiwai Smith asserts that colonization had a destructive effect on gender relations which reached out to all areas of indigenous society (151). Indigenous women view the roles imposed on them by colonization to be different than their traditional ones which involved participation in many areas of traditional decision making (151-152). The imposition of colonial local governments replaced Inuit systems of traditional decision making which involved small groups and the family, with a system that formalized authority and favored male leadership for a larger community. A result for

Inuit women, and for many men without previous experience with southerners, was an exclusion from the process of formal decision making.

The creation of settlement councils marked the beginning of incorporation of Inuit into southern political systems. The councils, like the Nunavut Government, contrast greatly with traditional systems of decision making that involved small groups and families and did not formalize authority. The functions and structure of the Nunavut Government are also far removed from those of traditional decision making processes. Due to these differences, there is no obvious fit between traditional decision-making and the current form of self-government. Neither is it apparent how traditional gender roles might be represented within this form of public government. This does not mean that it is not possible to establish cultural continuity between traditional forms of governance — including its gendered aspects — and Inuit cultural values and contemporary Inuit decision making. As Pauktuutit asserts, Inuit leaders involved in politics at all levels "... are still bound by traditional values and can see their public support dwindle if they go against these values too often" (17). What the present context does suggest is that an effort to represent Inuit culture, including gender relations, within the Nunavut Government is a venture that demands creativity. It also suggests that Inuit tradition cannot be understood to be static because the current political context will require dynamic adaptations of Inuit culture that can be applied to respond to the current realities of Nunavut.

The State of Oaxaca

In 1998, the state of Oaxaca reformed its constitution with the addition of the Bill of Rights of the Indigenous Peoples and Communities of Oaxaca, *Ley de Derechos de los Pueblos y Comunidades Indígenas del Estado de Oaxaca*,⁵ a bill that redefines the relationship amongst indigenous peoples, their communities, and the state. The bill recognizes the social, cultural, political and legal rights and autonomy of indigenous peoples and municipalities within the state. Gustavo Esteva views the reform as part of a "radical mobilization to reorganize Mexican society from the bottom up" (216). In Esteva's view the reform clearly applies agreements represented in the San Andres Accords, the 1996 agreement reached between representatives of the federal government and the Ejército Zapatista de Liberación Nacional (EZLN) (ibid). It also establishes a juridically pluralistic regime within the state of Oaxaca (ibid). In his words, the reform ". . . is one of the more advanced laws in the world, fully recognizing cultural and political pluralism and supporting the autonomy of the Indian peoples and their transition from resistance to liberation" (ibid).

Hicks and White insist that the creation of the Nunavut Territory and

⁵ Both the state of Oaxaca and Mexico's constitutional amendments recognizing Indigenous rights are often referred to in the English media as Indigenous rights "laws." This is due to the fact that the Spanish word "*ley*" means both "law" and "bill" in English. In my translation I consistently use the word "bill" in this context. I also refer to these bills as constitutional amendments and constitutional reforms.

Government, as well as the challenges facing the region, must be understood within a historical context of colonization. Similarly, to understand indigenous peoples of Oaxaca's recent constitutionally recognized autonomy, it must be situated within a long history of colonization. In contrast with Inuit's recent experience of colonization in Canada's north, Mexico's indigenous peoples' colonial history stretches back over centuries with its beginnings in the conquest of the Aztec Empire in 1521 by the Spaniards (Hamilton 289). By the end of the 16th century, the conquest of most of what is now Mexico was complete and the Spanish had established domination over the region's indigenous peoples (Cook and Lindau 11). During the first hundred years of conquest, war, European disease, and forced labour had a devastating effect on indigenous populations: one estimate suggests that throughout Mesoamerica the indigenous population declined by 90 per cent as a consequence of Spanish practices of domination and disease (Kearney and Nagengast 70). In the southern area of what is now the state of Oaxaca, known as Tehuantepec, the impact of disease and Spanish domination were similarly devastating. According to Howard Campbell, in less than 100 years (1529-1623), the Tehuantepec region lost 88 percent of its entire population (10). In his words, "Entire villages ceased to exist" (10). The indigenous peoples of the region, the Zapotec, not only suffered from disease and famine due to the conquest, but they were also overworked by the Spanish and had their lands appropriated (10).

The patterns of colonization in New Spain, and specifically throughout the region

of Oaxaca, were varied and influenced by such factors as geography, and the existence of resources desired by the Spanish. Despite variations in colonial rule, the imposition of Spanish governance on local populations, including in many cases the movement of dispersed populations to new settlements, was a common feature of Spanish colonization. Michael Kearney and Carole Nagengast outline the process that led to the domination of the Mixtec of the Mixteca Baja, an area of what is now Oaxaca, by the Spanish in the following:

Most of the previously dispersed population was forcibly concentrated into Spanish-planned settlements to facilitate more effective government, conversion, and (most important) extraction of wealth—all under the tutelage of priests who were largely responsible for incorporating the native peoples into the administrative structure of the colonial society and economy (71).⁶

Despite the differences in colonial experiences of the indigenous peoples of northern Canada and within this southwestern region of Mexico, it is striking that in both cases the movement of indigenous peoples to new settlements and the imposition of foreign economic, political, religious systems facilitated colonial rule.

⁶ Of importance for the development of indigenous communities in the region is that they were given semi-autonomy and were forbidden to interact with other communes (Kearney and Nagengast 71). These restrictions on the communities were intended to prevent the organization of communes to resist Spanish rule (ibid). The result of this imposed isolation is that over time "...the communes became socially and culturally separate worlds in the which new 'traditions' developed from the syncretism of local practices and the imposed Spanish culture" (ibid). In their article, Kearney and Nagengast argue that what are now categorized as closed corporate communities in Oaxaca are not representative of diverse political and cultural indigenous traditions of the pre-columbian past. Instead, they argue, "[m]any of them first emerged from the tension between Spanish and Mexican, the powerful and the powerless. Their isolation has been further reinforced by the economically and politically more powerful in the century and a half since independence" (ibid 72).

Municipal governments were an imposition of colonialism in Oaxaca; however, it is at this level of government that indigenous peoples have historically defended their traditions and rights. As the national development organization of Mexico, Sedesol, reports, "Although the municipality was the first link between indigenous communities and Colonial authorities and later the Nation State, it has also been the arena where the communities defended their territorial rights and fought for their own forms of governance" (Sedesol "Oaxaca"...). Esteva similarly observes that indigenous peoples in Oaxaca struggle daily to control local government, the municipalities imposed by European forms of governance (187). In his words, "They have always resented this institution as a tool of domination, and they have attempted for centuries to put it at the service of their own ends and use it to settle their own conflicts with the government and the society" (187). Lynn Stephen's observations regarding the traditional role of the municipal government in the Zapotec community of Teotitlán del Valle in Oaxaca reinforces Esteva's assertion. According to Stephen, the traditional role of the local government has been to ". . . guard local customs, keep public order, adjudicate local disputes, allocate community resources, and manage the community's relationship with the government" (161).

Within a contemporary context, indigenous movements in Oaxaca have supported a model of autonomy that is located in the local community (Assies, van der Haar and

Hoekema 527).⁷ In contrast, a model of regional of indigenous autonomy that would create pluriethnic indigenous regions and a fourth level of autonomy is supported by indigenous peoples in Chiapas, many grassroots indigenous organizations, and Mexico's left of centre political party, the Party of Democratic Revolution (PRD) (Stavenhagen 96, Assies, van der Haar and Hoekema 528).⁸ Although the PRD's proposal for regional indigenous governance was tabled in Congress, Mexico's 2001 constitutional reform restricts indigenous autonomy to the municipal level of government.

The creation of the Nunavut Territory and Government is largely attributed to the lengthy and consistent negotiations of Inuit leaders with Canadian governments. In Oaxaca, the recognition of indigenous peoples' and communities' rights and autonomy appears to have been in response to several factors: the demands of the state's indigenous peoples; international legislation concerning indigenous rights; negotiations reached between the Mexican state and indigenous peoples in Chiapas; and an effort to maintain peace within the state of Oaxaca.

Oaxaca's Permanent Commission of Indigenous Affairs (*Comision Permanente de Asuntos Indigenas*) claims that the Bill of Rights of the Indigenous Peoples and Communities of Oaxaca is founded on the fundamental demands of the state's indigenous

⁷ According to Stavenhagen, this model of autonomy is also supported by most grassroots organizations which view it as leaving the possibility open for future regional integration and governance (96).

⁸ The goal of the proposal was to decentralize power and establish a structure that allowed for greater indigenous control over cultural, educational and juridical matters (Lindau and Cook 20). According to

peoples expressed during the "intensely democratic and participatory" 1996 National Consultation on Indigenous Rights and Participation, as well as in other fora (17).⁹

Mexico's 1990 ratification of the International Labour Organization's (ILO) Convention 169, a convention outlining the rights of indigenous peoples and the government's related obligations, is also cited by the Commission as being a central reason why the state passed the indigenous rights bill (16).¹⁰ In addition, the San Andres Accords are also identified as having influenced the drafting of Oaxaca's bill of indigenous rights.

Indigenous peoples in Oaxaca supported the Accords, and as a result, the Commission asserts, ". . . the approaches in the Accords were taken into consideration in relation to our circumstances" (translation mine) (17).¹¹

The 1994 uprising of the EZLN, the revolutionary liberation army representing the indigenous peoples of Chiapas, and the Mexican government's brutal attempts to squash it, are not listed by the Commission as factors that influenced the drafting of the state's indigenous rights bill. It is likely, however, that the violent conflict in the neighbouring state of Chiapas spurred the Oaxacan government to address the rights of

Stavnhagen, how the PRD's proposed autonomous regions would be constituted was unclear (96). The roles and functions of these regions were also poorly defined (Stavnhagen 96, Lindau and Cook 20).

⁹ The Commission claims most Oaxacan indigenous communities and municipalities participated in the Consultation which was held in the city of Oaxaca (Permanent Commission 17).

¹⁰ The ratification of Convention 169 by the Mexican Senate led to the 1992 amendment of the Mexican constitution which recognizes that the nation's "...pluricultural makeup is based on its original indigenous inhabitants" (Stavnhagen 75).

indigenous peoples and communities within its borders. A desire to maintain peace within the state of Oaxaca may have been a central influence that led to drafting the 1998 bill of indigenous peoples' and communities' rights.

Indigenous peoples in Oaxaca have historically defended their autonomy at the municipal level of government, and the recent constitutional recognition of their rights may be partly in response to these demands; however, other influences from the international and national contexts appear to also have spurred the recognition of the state's indigenous peoples and communities. As Esteva's earlier comments suggest, Oaxaca's bill is comprehensive in its recognition of indigenous peoples' and communities' political and cultural rights. The organization of the bill's 63 articles under the following chapter headings demonstrates its comprehensiveness: General Provisions, Indigenous Peoples and Communities, Autonomy, Culture and Education, Internal Normative Systems¹², Indigenous Women, Natural Resources, and Development. While it is beyond the scope of this chapter to analyze the constitutional reform at length, I would like to address the main gains that indigenous peoples and communities made with the reform. I will focus on the rights gained in relation to indigenous autonomy and local and municipal governance, as well as provide some examples of how the bill addresses other

¹¹ "Por esta razón, se han tomado en cuenta los planteamientos de los Acuerdos en función de nuestras circunstancias" (Permanent Commission 17).

¹² Internal Normative systems are defined in Article 3, Section VIII as follows: "Set of oral juridical norms of customary character that indigenous peoples and communities recognize as valid and use to regulate

areas identified above. The bill's treatment of indigenous women's rights will be outlined in Chapter 4 of this work.

The Bill of Rights of the Indigenous peoples Communities of Oaxaca builds on earlier progress made in the state related to the recognition of indigenous peoples political rights. In 1995 the state reformed its election practices recognizing the right of indigenous peoples to constitute municipalities according to local traditions (Comision Permanente de Asuntos Indigenas 13).¹³ The 1998 bill further strengthens the autonomy of indigenous municipalities: Article 8 recognizes the autonomy of indigenous peoples and communities at the municipal level (Gobierno del Estado de Oaxaca 37).

Importantly, the rights of indigenous communities that are under the jurisdiction of non-indigenous municipalities are also addressed in Article 11 and 12 (37-38), and Article 13 guarantees the right of indigenous peoples and communities to form associations (38).

The bill identifies the autonomy of indigenous communities and municipalities and also their right to operate according to traditional systems of government and justice. As Esteva states, the bill establishes a juridically pluralistic regime (216). For example, Article 10 recognizes the right of indigenous communities to autonomous social and political organization in accordance with their internal normative systems (Article 10 37).

public life and that authorities apply in the resolution of conflicts" (translation mine) (Gobierno del Estado de Oaxaca 35).

¹³ Indigenous peoples electoral rights in this area were further clarified in reforms of the state's political and electoral procedures code in 1997 (Comision Permanente de Asuntos Indigenas 13).

The bill identifies areas in which communities and municipalities can apply their own juridical system, such as in disagreements between indigenous peoples, and crimes that are punishable in the penal code of Oaxaca with a sanction that does not exceed 2 years of prison (Article 38 45).

An important element of this bill is the inclusion of the right of indigenous peoples and communities to self-definition. The constitution guarantees the social right of indigenous peoples and communities to self identify as belonging to indigenous groups (Article 10 37). The social right of indigenous peoples to determine membership of their groups and communities according to their own customs is also recognized (Article 10 37).

Indigenous peoples' cultural and educational rights are outlined in the bill's fourth chapter. The right of indigenous peoples and communities to live according to their cultural traditions and to enjoy protection against all forms of discrimination is guaranteed (Article 15 39). The chapter defines the crime of ethnocide and discrimination and outlines related sanctions (Article 16, 17 39). The rights of indigenous peoples to practice, revitalize and teach and transmit their culture, languages, histories and technologies are also guaranteed in this chapter (Article 20, 23 39-41), indigenous peoples' right to access education, as well as the state government's related obligations are also addressed in this section (41).

In the bill's seventh chapter indigenous territories are defined as are indigenous peoples' and communities' rights and obligations related to natural resources (48-49). The obligations of the state in relation to development, as well as indigenous peoples' related rights are forwarded in the bill's last chapter. As in the case of Nunavut, the Oaxacan government commits to the decentralization of state services to the local level (Article 63 51).

The Bill of Rights of the Indigenous Peoples and Communities of Oaxaca recognizes a broad range of indigenous peoples' and communities' social, cultural, political, economic and land rights, and also guarantees the autonomy of indigenous communities and municipalities. As in the case of Nunavut, whether one considers this to be a legitimate form of indigenous self-government is largely determined by definitions, and I similarly consider it to represent one possible model of self-government.

As discussed earlier, the public form of self-government and associated rights Inuit have in Nunavut are entrenched in the Canadian constitution and there is the possibility that their rights to self-government may be expanded in the future. In contrast, the gains made for the rights of indigenous peoples and communities in Oaxaca are tenuous due to the 2001 reform of the Mexican constitution in relation to indigenous peoples' rights. Amendments made to the Mexican constitution require state governments to adjust their constitutions and laws to reflect those of the State; however,

the state of Oaxaca continues to resist adopting the Mexican bill of indigenous rights. I will briefly outline Mexico's controversial Indigenous Bill and the state of Oaxaca's continued active resistance in adopting it.

In August 2001 the majority of Mexico's state congresses approved the proposed amendments to the constitution known as the Indigenous Bill, *ley indígena*, despite being strongly opposed by indigenous representatives and the eleven state congresses in which indigenous peoples are the most highly represented (Navas). Indigenous peoples and hundreds of social and political organizations throughout Mexico have also rejected the bill (AFP "Oaxaca Governor...") There are two central reasons for the strong opposition to the bill. First, opponents of the bill argue that its content does not reflect the agreements reached between the EZLN and the federal government in either the San Andres Accords or the COCOPA proposal (Cook and Lindau 32).¹⁴ For example, the bill's critics focus on its failure to recognize indigenous peoples' territorial rights including their access to resources as well as its refusal to recognize the community as the subject of public law. The restrictions and limitations the bill places on indigenous peoples' right to regional association and to elect local authorities are also reasons why it is widely opposed (SIPAZ "For the Rights of Indigenous Peoples"..., Bermejillo)

¹⁴ The COCOPA proposal is the set of constitutional and legislative reforms designed by the commission established to facilitate dialogue between the Mexican government and the EZLN, the Commission of Pacification and Agreement (COCOPA) (Cook and Lindau 32).

The second central reason why the bill is strongly opposed is because it did not adhere to the process that the EZLN and the Mexican government had agreed would govern constitutional change regarding the indigenous peoples' rights. Indigenous peoples continue to protest the reform and in the case of the EZLN, they have ended all contact and dialogue with the federal government as a result (Reuters "Mexico's Indians Urge State"... 8).

The governments of Oaxaca, including representatives of municipal governments and the state's governor Jose Murat, have played a central role in challenging Mexico's Indigenous Bill. In 2001, 319 municipal governments, primarily from Oaxaca, and two state governments, including that of Oaxaca, requested that the Supreme Court strike down the constitutional reform (Lange).¹⁵ The Supreme Court rejected the challenges filed against the constitutional reform addressing indigenous rights and culture in September 2002 (AP "Mexican Supreme Court"...);¹⁶ however, Oaxaca's governor continues to challenge the bill. Murat asserts that Oaxaca's legislation and laws are more advanced regarding indigenous issues than the bill passed by Congress (AFP "Oaxacan Governor"...). He plans to continue to fight against the Mexican bill both nationally and through international organizations such as the International Labour Organization and the

¹⁵ The complainants charged that the Congress did not follow constitutional amendment approval procedures and failed to abide by the principals of the ILO's Convention 169 (the treaty requires legislators to consult indigenous peoples regarding legislation that affects them directly)(Lange).

Inter-American Human Rights Commission in Costa Rica (*ibid*). It is still unclear how the situation will be resolved. The governors' strong support of the Oaxacan Bill and resistance to adopting the national constitutional reform is probably related to a desire to maintain peace within the state by keeping an indigenous rights bill that the state's indigenous peoples support.

Unlike the Nunavut case where Inuit political, territorial and cultural rights have been constitutionally guaranteed, there is the threat that indigenous peoples and communities in Oaxaca may lose some of their newly gained rights as a result of the national constitutional reform. Despite this difference between the Nunavut and Oaxaca cases, neither case radically challenges the structure of the political system in either country. As discussed earlier, the Nunavut Government has some unique features; however, it is structurally similar to Canada's other territories. Similarly, while Oaxaca's indigenous municipalities have some unique rights, especially in relation to the autonomy of local governance and juridical systems, they do not radically challenge the political structure of Mexico's government.

In the case of the Nunavut Government and Territory there is no direct relationship established between traditional decision making processes, including their gendered dimensions, and the form of public government that exists today. In contrast,

¹⁶ The court founded its decision on Article 105 of the constitution which does not allow the Supreme Court to invalidate a constitutional reform made by the reformer organism (SIPAZ "Appendix" The Supreme

the newly defined relationship between the Oaxacan government and indigenous peoples and communities secures the right of indigenous peoples to govern and organize their communities in accordance to traditional forms of governance. I will briefly identify some main features of this form of traditional governance, but I will also identify how the Oaxaca case also evades a rigid approach to concepts of tradition. A discussion of gender roles and participation within traditional forms of governance will provide a springboard for a general discussion of the challenges involved in approaching indigenous women's participation in traditional governance and decision making.

Oaxaca's bill of indigenous rights recognizes the right of indigenous peoples and communities to govern themselves in accordance with norms of traditional governance. Although systems of customary governance vary amongst indigenous communities within the state, the *cargo* system, a hierarchical system of civil and religious organization (Sedesol "Oaxaca"...), is the base of traditional forms of governance. The word *cargo* in Spanish means post, office and responsibility (Collins 132). Interestingly, *cargo* also means burden, load and weight (ibid). Within indigenous communities cargo systems are also commonly referred to as the "ladder of services," the "system of services," or the "system of posts and cooperation" (translation mine) (Velásquez 79). Anthropologists refer to cargo systems as systems of civil-religious hierarchies.

According to 1997 findings, at least 411 of Oaxaca's 569 municipalities operate according to the cargo system (Velásquez 109).¹⁷ Through this system of community service individuals are nominated to fill civil and religious positions within their municipality or community (Velásquez 297).¹⁸ There are posts in the areas of the administration of public justice and municipal politics, development, the Catholic church, agrarian concerns, festivals and celebrations, mediation and diplomacy, as well as development and education (Velásquez 111). Some positions of honour in the system are reserved for elders (111).

The cargo systems of different communities vary in many respects, for example, in their number of posts and their inclusion of religious positions; however, there are some general characteristics shared by all cargo systems. First, the system requires all male citizens, except musicians and dancers, to complete at least one duty if they are native to the community, father of a family and member of the collective (Velásquez 297). The system is based on the principles of obligation and reciprocity — the posts are filled voluntarily: normally individuals do not receive monetary compensation for the work they complete (ibid). Individuals begin their careers of service occupying the lower positions and work up the hierarchy of posts during their career of public service

¹⁷ Velásquez suggests that although there is no information about how or whether the cargo system functions within the other 158 municipalities in Oaxaca, it is possible that the civil-religious cargo system functions in some form (109).

¹⁸ Communities of less than 1500 people are known to have more than 150 posts filled (Velásquez 297).

(Velásquez 298). The lower positions are filled by young men who are usually chosen by authorities; however, in the positions of greater importance the individuals are nominated according to public will (ibid 269). The more duties an individual fulfills the more prestige and respect he gains from within the community (ibid).

Indigenous peoples in the state of Oaxaca consider contemporary cargo systems to represent traditional forms of governance as does the Oaxacan state government. The classic representation of cargo systems in the anthropological literature also stresses their origins in indigenous tradition. For example, Alicia Barabas and Miguel Bartolomé represent the system as a syncretism of pre-colonial indigenous traditions and those imposed on indigenous communities during colonization (26). The authors suggest that the cargo system has changed and developed over the centuries with communities having their own reinterpretation and adaptation of the original model (27). Informed by the work of ethnohistorians, however, researchers such as Lynn Stephen and Jiménez Castillo challenge this classic representation of the cargo system. They argue that contemporary cargo systems represent recent historical creations. Stephen argues that the classical models of civil-religious hierarchies are actually representations of specific institutions that existed from after Mexican independence (1821) until the 1950s (157). Manuel Jiménez Castillo similarly asserts that although contemporary cargo systems are called 'traditional' they are products of the 19th and, in some cases, 20th centuries (ibid).

The intent here is not to dismiss the validity of the cargo system as a form of traditional governance, nor is it to suggest that no cultural continuity exists between this system and earlier systems of indigenous governance. Rather, it is to demonstrate that although recent reform of the Oaxacan constitution has recognized the right of indigenous peoples to govern themselves according to traditional systems, these systems have not been static.

As discussed earlier, the cargo system requires all male citizens (who meet the criteria listed above) to fill positions of social service in local governance, jurisprudence, and other areas of social and political community organization. Women are not obligated to fill positions within the cargo system; however, an increasing number of women currently hold posts in the areas of health and education. Indigenous women's contemporary participation in the cargo system in Oaxaca's communities will be discussed in greater detail in Chapter 4. Traditionally women have not held posts in the areas of formal political participation, and Stephen's study of Zapotec women in the town of Teotitlán del Valle suggests that government intervention in community politics undermined women's link to formal politics during the early twentieth century.

As in the case of Nunavut, in Oaxaca government intervention in local politics had the effect of distancing women from formal politics. In her study of Zapotec women, Stephen convincingly argues that their historical link to political influence was undermined by state intervention that sought to eliminate religious posts from traditional

systems of indigenous governance. From the late 1880s until the 1960s, the religious cargo system was central to community ceremonial life in Oaxaca, and was also an important area where prestige and local political authority were developed (Stephen 156). The posts in the religious cargo system are called *mayordomías* and the men and women who filled these posts were awarded authority and prestige, as well as the opportunity to influence local politics (ibid). Male and female informants in Teotitlán del Valle report that both men and women *mayordomos* shaped local political opinion and these opinions became policy through elderly men who held the highest civil cargo posts (160). Stephen states that in Teotitlán, ". . . older women emphasized the importance of women with religious authority in formulating such policy" (160).

The separation of the religious from civil hierarchies was actively encouraged by the state beginning in the late 1920s with a series of mandates intended to reorganize municipal governments as well as consecutive strategies to phase out the *mayordomías* (173). According to Stephen, the result of these combined measures ". . . is that women lost their most formal link to institutional community politics" (159). Stephen views indigenous women's involvement in life-cycle celebrations and ritual as a new area where women gain ritual authority that can be mobilized to influence decision making. As there are differences amongst municipalities in their continued incorporation of religious cargo posts within their systems of local governance in Oaxaca, it is possible that in some

communities indigenous women continue to gain political influence through their religious ritual posts.

In Oaxaca, indigenous women's participation in community life and politics is not reflected by their representation within the cargo system, however. Both Velásquez and Stephen emphasize the important roles they play in supporting their spouses in filling their posts, such as in official functions (Velásquez 224), and in the labour they must provide to make up for that lost due to men completing their civil cargo posts (Stephen 161). In her study, Stephen demonstrates the importance of the household in the fulfillment of duties related to the civil cargo system and ritual and social celebrations. Velásquez also stresses that indigenous women participate in community life through their roles in social, religious and civic celebrations and organization, and also within development organizations (224-226).

Conclusion

Indigenous women, according to Tuhiwai Smith, understand their traditional roles within their societies to be different than those allocated to them by colonial regimes (151). "Indigenous women would argue that their traditional roles included full participation in many aspects of political decision making and marked gender separations which were complementary in order to maintain harmony and stability," states Tuhiwai Smith (151-152). Although the discussion of traditional gender roles in relation to decision making in Nunavut and Oaxaca here has been brief, it does suggest that the

points identified by Tuhiwai Smith would resonate with indigenous women in the two regions. In addition, in both the Nunavut and Oaxaca cases the interdependence of men and women's roles are stressed. In the case of Nunavut, the roles of both men and women are understood to have ensured survival in the harsh northern conditions, and the family is represented as a central unit of decision making. Similarly, in Oaxaca the household is an important unit within the community and it is through the labour of a household that political and social influence is gained. In addition, both studies confirm that the imposition of colonial structures of government affected gender relations, and specifically, resulted in indigenous women becoming distanced from influencing formal decision making.

The case of Oaxaca raises many important issues regarding indigenous women's participation in governance in the region and the study of indigenous women's political participation in general. First, the Oaxacan case suggests that to understand women's participation in community life, including their participation in formal politics, it is necessary to look beyond their direct participation in formal decision making. Women traditionally did not hold civil posts in the cargo system, yet Stephen convincingly argues that women mobilize the political influence they gained from their roles in ritual celebrations to directly affect local policy. In addition, due to the emphasis on the household in the local system of governance, indigenous women's indirect participation in the system, such as making up for the loss of male labour, is crucial for the system's

functioning. Indigenous women also participate in other areas of community life, such as ritual and life-cycle celebrations and development organizations through which they may gain political influence. These dimensions of indigenous women's participation suggest that there is a need to approach both research and policy directed at women's participation in governance with an open perspective regarding what constitutes participation and informal and formal politics.

Tradition is a central concept in any discussion of contemporary indigenous politics, and yet it is also a concept which must be approached with caution. As demonstrated earlier, the meaning of tradition is not fixed in the political contexts of either Nunavut and Oaxaca due to both individual differences in interpretations of what constitutes tradition, and also because traditional approaches to governance have been adapted historically to new structures of government. For this reason I suggest that the concepts of tradition and governance, including traditional gender roles in decision making, must be approached with an understanding that these may be subject to both continuity and change. To represent these concepts as fixed is to underestimate a culture's ability to adapt meaningfully to change. Tuhiwai Smith asserts that in the context of contemporary indigenous politics a central issue for indigenous women is the restoration of their traditional roles, rights and responsibilities (152). This assertion implies that these roles, rights and responsibilities are fixed and not subject to change. While there are political reasons for indigenous women forwarding a fixed representation

of their roles, rights and responsibilities, I suggest that to do so from an analytical perspective simplifies the goals of indigenous women. An understanding of traditional governance and gender roles will be deepened by an analytical perspective which allows for both continuity and change.

The new relationship established between Nunavut Inuit and the Canadian people and state is the product of a long process of negotiation. In contrast, although indigenous peoples in Oaxaca have traditionally defended their rights at the municipal level of government, the recognition of their political and cultural autonomy and rights appears to be in response to Oaxacan indigenous peoples' demands, international and national agreements regarding indigenous rights, as well as warfare in the neighbouring state of Chiapas. A major difference between the Nunavut and Oaxaca cases is the degree to which traditional governance is represented in the form of self-government each region has gained. In the Nunavut Territory Inuit are faced with the challenge of making a territorial public government responsive to and representative of Inuit cultural values and approaches towards governance. In contrast, Oaxaca's indigenous peoples have gained the recognition of their right to govern themselves at the municipal and local levels according to traditional systems of governance. For Oaxaca, Mexico's state constitution threatens to undermine the gains indigenous peoples have made in rights and political autonomy within the state, whereas the rights Inuit have gained with the creation of the Nunavut Territory and Government are safeguarded by the Canadian constitution. It is

interesting to note that in neither case does the new relationship between indigenous peoples and governments threaten the established structures of the existing national governments.

	Nunavut	Oaxaca
Population	28 000	3 300 000
Indigenous Population	Majority approximately 85% 23 800	Majority approximately 60% Almost 2 000 000
Indigenous Groups	Inuit (1)	Amuzgos, Chatino, Chinanteco, Chocho, Chontal, Cuicateco, Huave, Ixcateco, Mazateco, Mixe, Mixteco, Nahuatl, Triqui, Zapoteco, Zoque and Popoloca (16)
Size of Territory	2 000 000 km squared	95 363 km squared
Territorial and Constitutional Powers	Like other territories, Nunavut does not have ownership of Crown land, is not immune to federal involvement in provincial type affairs, and is not included in constitutional amendment procedures. Territory is bound to Canada's constitution.	Oaxaca's state constitution must reflect the content of the Mexican State's constitution.

Territorial/State System of Government	Standard Westminster Cabinet-parliamentary System	Standard Congressional
Partisan Politics	Territorial Level: No Municipal: No	State Level: Yes Municipal: Optional (both partisan and traditional systems of government exist)
Party in Power (Territorial/State Level)	No	PRI (Institutionalized Revolutionary Party) Majority
Size of Territorial/State Legislature	42 Seats	20-22 Seats
Women's Suffrage	Federal Government 1918	All Levels 1955
Indigenous Peoples' Suffrage	Inuit 1950 Status Indians 1960	Independence from Spain in 1821 eliminated legal distinctions between indigenous peoples and other Mexican citizens.
Year Self-Government Institutionalized	1999	1998
Form and Type of Self-Government	Territorial, Public Government	Municipal, Traditional Indigenous Systems

Chapter 3

Introduction

For Jose Kusugak, President of the Inuit Tapirisat of Canada, the establishment of the Nunavut Territory and Government presents many opportunities and challenges for Inuit. In his view, the new government means that Inuit, in democratic partnership with other residents, ". . . will be in a position to shape public life and public services in ways that are more compatible with our unique social and cultural characteristics" (26). The new government may be unique in Canada due to its strong Inuit majority and its potential to respond to the cultural, social and economic realities of the new territory; however, as Jack Hicks and Graham White note, the government's ". . . accommodation of Inuit aspirations will take place squarely within the four corners of established Canadian forms of governance" (Hicks and White 31). The challenge Inuit leaders face, then, is to establish a government that is both responsive to Inuit realities but consistent with established Canadian political norms.

It is this context that frames how indigenous women's rights and participation are institutionalized in the Nunavut Territory. This chapter's two central goals are to address this study's two-part research question, first, by demonstrating how the Nunavut Implementation Committee (NIC) and the Nunavut Government addressed Inuit women's rights and participation within the new model of Inuit self-government, and second, by comparing how two community based Inuit gender debates compare to Linda Tuhiwai

Smith's representation of indigenous rights discourses. Through addressing this two-part research question this chapter demonstrates that in the context of establishing a new form of self-government in the Nunavut Territory there has been an effort on the part of the NIC and government to address the broad range of indigenous women's participation. This chapter also demonstrates that while Tuhiwai Smith's representation of indigenous gender discourses has some applicability in the context of Nunavut's gender debates, it is limited by its representation of indigenous women as a homogeneous group with shared political demands. Tuhiwai Smith's indigenous gender discourse is also limited by its inability to situate indigenous gender discourses in a context characterized by both cultural continuity and profound social, economic and political change. This chapter demonstrates that as a theoretical approach to indigenous gender issues, Tuhiwai Smith's representation must incorporate an understanding of cultural discourses as having some constant elements but also as being political, dynamic and changing phenomena.

This chapter's second goal is to examine two community-based gender debates that took place in the Nunavut Territory. One debate focuses on the proposed legislation of women's equal representation in Nunavut's legislature, and the other addresses issues related to services provided to female victims of domestic abuse. Both of these debates are analyzed in relation to Tuhiwai Smith's characterization of gendering debates in indigenous communities and the additional themes that emerge in the context of Nunavut is also outlined. This chapter's two-part goal allows for an investigation into what public

self-government means for Inuit women's participation in the territory while also testing and expanding upon a model that characterizes approaches to gender issues in indigenous communities.

While an identified goal of this chapter is to examine how women's participation has been addressed by the NIC and the Nunavut Government, my focus will be the proposal to legislate women's equal participation in Nunavut's legislature and the debate it provoked. There are several reasons for this focus. The proposal is innovative and represents what would have been the most ambitious attempt in the territory to address women's participation. In addition, the proposal for gender parity sparked a lengthy, complex and fascinating debate that was well covered in the local print media. I analyze the debate as it is represented in the newspaper the Nunatsiaq News.

The Nunavut Government has demonstrated a commitment to support women's participation in other areas of life in Nunavut; however, the related governmental initiatives will only be briefly considered as the newness of the government renders an assessment of the success or comprehensiveness of such new programs and policies limited. I also examine a debate that took place in Nunavut's legislature regarding domestic violence and the role of women's shelters in the territory. This debate as represented in the print media will be analyzed in relation to Tuhiwai Smith's representation of indigenous gender discourses. A consideration of this debate is of import because it took place within the highest level of formal politics in the territory and

because it addresses a crucial aspect of women's participation. The debate focuses on one of Nunavut's most critical social problems that causes devastating physical and emotional harm to women, while also stripping them of their ability to participate in family and community life.

An analysis of the NIC's and the Nunavut government's approach to gender issues demonstrates that there is a will to support the range of women's participation in the new territory. It is not yet clear how this commitment will be reflected in programs and policy, however. Two important debates regarding women's formal and informal participation in the territory have emerged in tandem with the establishment of the new government. The debates demonstrate the usefulness of Tuhiwai Smith's characterization of gendering debates, while also highlighting how Nunavut's gender discourses expand her representation of indigenous gender discourses.

The Proposal for Gender Parity in Nunavut's Legislature

Established to facilitate the creation of Nunavut, the Nunavut Implementation Commission (NIC), was to advise the three signatories to the Nunavut Political Accord — the Government of Canada, the Government of the Northwest Territories and the Inuit negotiating body, Tungavik Federation of Nunavut — concerning a broad range of issues related to the political and administrative design of Nunavut (Hicks and White 63). The NIC had nine Commissioners and one Chief Commissioner, veteran Inuit leader John Amagoalik. Nine of the original ten commissioners were Inuit, nine were residents of

Nunavut and eight were men (ibid). Included in the NIC's mandate was the responsibility of recommending an electoral system for the Nunavut legislative assembly and a process to determine electoral districts (Young 307).

The NIC released its first report of recommendations in 1994. Included in this report is a discussion paper recommending an electoral system that would establish gender parity in Nunavut's legislature. In the discussions that followed, the NIC's recommendation was referred to as a gender parity proposal and not as an electoral reform proposal, although what the proposal recommends is a new electoral system, as Lisa Young's analysis thoroughly demonstrates (1997). The NIC's proposal called for the maintenance of the existing electoral districts and the creation of two-member constituencies that would reserve one of the seats for a man and the other for a woman (NIC Footprints...A-8.9). During elections, there would be a list of male and female candidates and each voter would cast a vote to elect an individual male and an individual female MLA. The female candidate with the highest number of votes would be elected as would be the male candidate with the highest number of votes. Each constituency would be represented by the elected male and female MLAs (ibid). The NIC recommended that the Nunavut Legislative Assembly would have between 20 or 22 members, and would function within a consensus government or if party politics were adopted in Nunavut (Hicks and White 69).

The NIC presented the proposed electoral system as a solution to several potential problems, and they offered three main arguments in support of their proposal. First, the dual-member system ensures a reasonably sized legislature—"large enough to function smoothly but small enough to be cost-effective",—while maintaining the ten existing electoral districts in Nunavut (NIC Footprints...A-8.2).¹ Second, the proposal addresses the systematic under-representation of women in politics. Finally, the proposed system of two-member constituencies is consistent with the Canadian political tradition; for Canada has a history of using two and multi-member constituencies at both the national and provincial level (ibid). According to the NIC, the proposal ensured an effective and representative legislature for the people of Nunavut (ibid).

The proposal solved several problems facing the future design of the Nunavut Government. A window of opportunity opened when mechanisms ensuring gender parity were feasible because every aspect of Nunavut's government, itself, was being defined. When Inuit were redefining their political relationship with the federal government, an opportunity arose to redefine Inuit women's relationship to the polity while also solving problems related to the territory's electoral and legislature design.

Women, the NIC argued, require mechanisms ensuring their participation in politics due to the numerous barriers that limit their political involvement

¹ According to Lisa Young (1997), this is the weakest of the NIC's three arguments in support of the gender equality two-member constituencies in Nunavut.

(Footprints...A-8.3). Due to their under-representation in politics, the political interests of women as a *group* are not addressed within the formal political process, the NIC argued (*ibid*). As Young notes, the NIC forwarded its argument by constructing women's rights to equal representation in politics as a group rights claim (308). The discussion paper links their claim to those of other marginalized groups who have made similar political demands on the Canadian state. "In constructing this as a group claim," Young observes, "the discussion paper noted the established practice of recognizing group rights in Canadian politics, including the recognition of Aboriginal rights that are reflected in the settlement of the Nunavut Land Claim and the formation of the Nunavut territory" (308). The NIC's representation of women's right to equal representation in the legislature as a group claim, establishes it within a political tradition and discourse of Aboriginal rights with which the review committee and residents of Nunavut could easily identify.

In the NIC's discussion paper, the argument in support of the gender parity proposal is furthered with a brief reference to Inuit traditions and Inuit women's current involvement in politics. "Women have always played prominent roles in Inuit society", the NIC argues (Footprints...A-8.4). Women in Nunavut participate in decision-making processes at the community, territorial and national levels, the commissioners assert (*ibid*). Yet, despite this demonstration of strength and commitment to public life, women in Nunavut are underrepresented in electoral politics at the territorial level (*ibid*).

The NIC points to the fact that in 1994 only one of the ten Nunavut MLAs was a woman (ibid). Young similarly observes northern women's historical underrepresentation in legislative politics (307).

Thus, Inuit culture only played a small role in how the NIC presented its arguments in favor of the gender proposal in its formal discussion paper. In contrast, during the weeks leading up to the 1997 Nunavut-wide plebiscite on the gender parity proposal, members of the NIC discussed the proposal with a greater focus on its compatibility with Inuit traditions. Before the plebiscite, the proposal was debated and discussed in reference to both Canadian democratic and electoral traditions and Inuit cultural traditions. The unique debate that ensued was complex and raised other issues regarding the political process and leadership in the creation of the new territory and government.

The Gender Parity Debate

To be implemented, the NIC's proposed electoral system required the approval of the three parties of the Nunavut Political Accord. During the February 1997 Nunavut Leaders' Summit, however, the three parties could not reach a consensus on the issue. Ironically, it was the NWT minister responsible for the status of women, Inuk, Maniok Thompson, who was the driving force behind the opposition to gender parity (Bourgeois, "Gender Parity To Be Decided"... 1). Leading the Nunavut Caucus in rejecting the proposal, Thompson asserted that the proposal placed too many restrictions on the

political careers of women and men (ibid). Thompson argued that it was not right to put her in position where for the rest of her political career, she would only be able to run against women (ibid).

The lack of consensus between the three parties led Indian and Northern Affairs Minister, Ron Irwin, to agree to hold a public vote on the implementation of the gender parity proposal. In Nunavut, some individuals and organizations quickly aligned themselves with the side they supported and a debate ensued in community centres, on community and regional radio and television stations, as well as in the local newspaper, the Nunatsiaq News (ibid).

As Thompson's opposition to the proposal demonstrated early in the debate, gender was not a factor that determined an individual's position on the gender parity proposal. In fact, while Thompson was one of the most vocal opponents of the gender parity proposal, one of the strongest supporters of the proposal was John Amagoalik. Many other influential individuals and groups placed their support behind the proposal: Ron Irwin, Mary Simon, the Arctic Ambassador, Nunavut Tungavik Incorporated (NTI), Pauktuutit, and the staff of the Nunatsiaq News (Hicks and White 72). Supporters of the proposal, known as the 'Yes' side, began a campaign that received financial support from the NTI. They produced pamphlets, posters and buttons and visited communities to discuss the proposal (ibid). Those who opposed the proposal were less organized and largely not funded (ibid). The different support given to each campaign provoked a side

debate about the political process and the role of the political elite in Nunavut. It appears that people who are considered to be members of the political elite are not only those who have been elected to represent the Nunavut region, but also include other Inuit who have positions within various Inuit organizations, such as Pauktuutit, Nunavut Tungavik Incorporated, and the NIC that allocate them greater access to resources and political influence. Gombay suggests that resentment towards the political elite was expressed in the context of the gender parity debate because the actions of Inuit leaders were seen to be contrary to Inuit cultural norms. In Inuit culture individual freedom from interference is highly valued as is leadership through example (140). Gombay suggests those who supported the gender parity proposal may have offended Inuit during their campaigning because they did adhere to concepts of non-interference and may have been seen as being too "bossy" (140).

From February until the May 26th 1997 plebiscite, the Nunatsiaq News covered the gender parity debate and provided a forum for residents to express their opinions. The debate, as represented in the print media, will be examined here in relation to the five major themes of Tuhiwai Smith's characterization of gender debates within indigenous communities. First, Tuhiwai Smith's characterizes indigenous gender discourses as having a community centered approach to gender issues that focuses on the relations between indigenous men and women. Second, the role colonization had in undermining the balance that traditionally characterized gender relations is emphasized. Third,

indigenous societies are represented as collectively oriented. The fourth theme of Tuhiwai Smith's indigenous gender discourses is the representation of gender roles as complementary and including women's participation in many aspects of decision making. The final theme is Tuhiwai Smith's assertion that in the context of contemporary indigenous politics, indigenous women's central political demand is the restoration of their traditional roles, rights and responsibilities.

These five major themes in Tuhiwai Smith's characterization of indigenous gender debates emerge in the discourse around gender parity proposal; however, my investigation also demonstrates that other important themes emerged in the debate outside of Tuhiwai Smith's gender discourse structure.

Supporters of the gender parity proposal argued that it would restore the balance that traditionally characterized gender relations, gender roles and decision making. Rita Arey, president of the NWT Status of Women Council, opined that the proposal addressed the political inequalities Northern women face and is also consistent with traditional Inuit values. According to Arey, "gender parity is a reflection of what has always been part of traditional Inuit culture" (Bourgeois, "Assembly Plebiscite"... 2). In her view,

Women's opinions were respected and sought out because they provided balance and harmony to decisions affecting the well being of the community as a whole. We must regain this balance by making sure that women's voices are equally heard in the legislature (ibid).

NIC commissioner Peter Ernerk similarly viewed the proposal as being consistent with Inuit values. Disappointed by the Nunavut Caucus' rejection of the proposal, he argued "The whole idea is to return equal partnership responsibility to both men and women in Nunavut" (ibid).

Mary Simon also viewed the gender parity proposal as an opportunity to remedy existing inequalities between Inuit men and women; inequalities brought to the North with colonization. Equality between men and women in traditional Inuit society would never have been questioned, Simon argued (Philips 3). According to her, "Men and women in traditional times were always equal — neither could survive without the work performed by the other" (ibid). She insisted that the contemporary situation demands intervention "to fix the imbalances in the Inuit world caused by contact with outside cultures"(ibid). For Simon, the proposal was an elegant solution to the imbalances caused by colonialism in the North. She deemed the proposal enlightened ". . . in its awareness of the need to rebalance what was once so, and to do so through such a simple and practical fashion" (ibid).

According to Tuhiwai Smith's characterization, gender debates in indigenous communities recognize the destructive effect colonization has had on gender relations, and by extension, the broader community. Simon's argument in support of the gender parity proposal engages with this theme. In her argument she also refers to the importance of restoring aspects of Inuit women's traditional roles, rights and

responsibilities, an issue that Tuhiwai Smith asserts is key in indigenous women's challenges to contemporary politics.

Simon's discussion of traditional gender relations as having been balanced, or equal, as a result of the interdependency survival demanded, is consistent with Tuhiwai Smith's characterization of gender roles as well. Like Arey and Ernerk, Simon asserts the need to return to a balanced and equal partnership between Inuit men and women. All three supported the proposal as a means to reestablish Inuit women's traditional place within Inuit society as well as to rebalance gender relations. In their characterization of traditional gender relations and roles, and support of the proposal as a means of reestablishing Inuit women's traditional roles, rights and responsibilities, Arey, Ernerk and Simons engage with major themes represented in Tuhiwai Smith's characterization of indigenous gender debates.

The discourse opposing the gender parity proposal also referred to gender roles and relations in their arguments. Not all Inuit viewed the equal representation of Inuit men and women in Nunavut's legislature as being consistent with traditional Inuit roles. For example, in Pond Inlet, at a meeting organized by the 'Yes' side, an elder expressed her opposition to the gender parity proposal. After lamenting the emptiness caused by women leaving the home she expresses her opposition to the proposal by referring to patterns of traditional decision making: "If we were following our culture, women don't make decisions about the land or animals, but they do with other issues" (Bourgeois,

"Yes Tour Gets Tepid"... 2). Her comments suggest that she associates the legislature's decision making powers with traditional male responsibility. Another community elder, Gammiel Kilukishak, similarly raised his concern regarding the effect the gender parity proposal would have on the family and asked, "What's going to happened to those kids when their mothers are at the capital?" (ibid).

It's important to note that not all the elders in the Pond Inlet shared this perspective. Mary Kilukishak, Kilukishak's wife, supported the proposal. In her view, if women were represented in half the seats in the Nunavut legislature, social issues would receive a higher priority (ibid). Social issues would not be addressed unless the current system was changed, she told the panel members promoting the gender parity proposal in her town. In her view, the current system was incapable of solving social issues because "nobody talks about them in the present government" (ibid). These comments suggest that Kilukishak views women fulfilling their traditional roles as caretakers within this new context of decision making.

In another context, the former president of the NTI, Paul Quassa, rejected the suggestion that Inuit women's equal representation in Nunavut's legislature represented a return to traditional values. Suggesting that this representation of tradition was a fantastical invention made to gain support for the equality of the genders in the legislature, Quassa asserts that the concept of gender equality is not an Inuit tradition:

Have Inuit ever quarreled about being equal, that women and men should be the same in who is more authoritative? Have Inuit ever quarreled about the need to have both sexes to be equal in what they do in order to survive the harsh land? ("Former NTI President Opposes Gender Parity" 7)

Traditionally, Inuit men and women had very different roles to play that ensured the survival of the group, Quassa asserts (*ibid*). He argues that if they had the same roles within the family "Inuit surely would not have survived to experience the signing of the Nunavut land claims agreement and the creation of a new territory with its own government" (*ibid*).

According to Tuhiwai Smith, indigenous women "... would argue that their traditional roles included full participation in many aspects of political decision making and marked gender separations which were complementary in order to maintain harmony and stability" (152). The comments of both those who opposed and those who supported the gender parity proposal represented traditional gender roles and relations in a predominantly similar fashion: traditionally gender roles were complementary and gender relations were balanced. The main disagreement that emerged between the opposing positions related to how traditional roles and values relate to concepts of equality and how they could be transferred to the current social and political institutions.

For example, Simon suggests that due to Inuit experience of colonization, gender provisions that strive to establish gender equality would assist in reestablishing the balanced and complementary nature of gender roles and relations. Both Simon and

Quassa emphasize the mutual dependence and harmony that characterized traditional gender relations. In Simon's view, the work of both Inuit men and women was vital for the survival. For her, this interdependence signals the traditional existence of equality between the sexes. Quassa views traditional gender roles as also being balanced and complementary; however, for him, concepts of equality applied to Inuit gender roles and relations imply a "sameness" which did not characterize traditional gender roles. Quassa emphasizes the importance of Inuit fulfilling different gender roles that ensured Inuit survival. For him, decision making structures designed to reflect the concept of gender equality are inconsistent with traditional roles. In his view "equality" is a culturally inappropriate concept for Inuit. Simon and Quassa differ in their views of how traditional values can be represented in contemporary decision making institutions. They also disagree about how the concept of equality relates to traditional Inuit culture and how it should inform contemporary gender roles and relations. While both view traditional Inuit gender roles as being complementary, they disagree about the appropriateness of applying the concept of "equality" to Inuit cultural understandings of gender roles and relations.

Similar views of Inuit gender relations yet different perspectives regarding how gender roles and relations should relate to contemporary circumstances are also reflected in the comments of both the women elders in Pond Inlet. Their comments suggest that they have similar views regarding gender roles; that Inuit women are traditionally

responsible for caring for the family and social issues. Despite this similarity, one elder thought the legislature to be an inappropriate place for women, while the other asserted the need for women to fulfill their role within this political institution.

Despite the different perspectives expressed in Simon and Quassa's arguments they both address another of Tuhiwai Smith's themes regarding indigenous gendering debates. Tuhiwai Smith asserts that in contrast to the roles colonial regimes assigned to them, indigenous women understand their relationships to the community to be based on different beliefs, including beliefs about ". . . the collective endeavors that were required in the organization of society" (151). Simon and Quassa both recognize that traditional gender roles established a division of labour that ensured the survival of the group.

Another commonality that exists between Simon and Quassa's perspectives is that they both consider the gender parity proposal from the perspective of gender relations and the community. This is a consistent theme that emerges in the discourse around the gender parity proposal in Nunavut and demonstrates the applicability of Tuhiwai Smith's characterization of indigenous approaches towards gender issues. In her words, "Gendering indigenous debates, whether they are related to politics of self-determination or the politics of the family, is concerned with the issues related to the relations between indigenous men and women" (151).

Further examples demonstrate that the proposal for gender parity in Nunavut was considered from the perspective of gender relations. Many Inuit argued that the proposal

would improve the relations between Inuit men and women. The former MLA Charlie Crow suggested that the proposal would improve the way of living among Inuit where violence against women is common (Philips 3). Amagoalik argued that the proposal would foster better understanding, respect, and cooperation between men and women" (ibid). Asserting the need for change in the relations between Inuit men and women, Amagoalik presents gender parity in Nunavut's legislature as a way of bringing about this change:

There needs to be a reconciliation between men and women. There needs to be a strengthening of the family. We need to express our faith in each other. Having a gender parity in our legislature would be a good beginning (ibid 27).

Pauloosie Qulitalik of Iglooklik also saw gender parity in the legislature as a way to bridge the divisions between men and women. Qulitalik supported gender parity because he saw too much division between men and women in the world today (Bourgeois, "Yes Tour Gets Tepid Support"... 2).

While proponents of the gender parity proposal suggested that it would bridge divisions between Inuit men and women, opponents of the proposal saw it as essentially divisive. Paul Quassa asserted that the proposal would result in a "battle of the sexes" (ibid). He also argued that in traditional Inuit culture the ancestors did things "collectively in order to survive" (7-8). In Quassa's view, the proposal would be divisive to Inuit society because it encouraged Inuit to think and act ". . . as if there are two distinct groups rather than viewing us all as one" (ibid). It would weaken Inuit

communities, he argued. In Quassa's view, "It will only make us weaker, as there is a saying, "divide and conquer"" (ibid).

An analysis of the debate regarding gender parity in Nunavut's legislature as represented in the print media affirms that five main themes Tuhiwai Smith identifies as characterizing indigenous gender discourses emerge in the Nunavut debate.

Beyond Tuhiwai Smith's Gendering Debates

Other themes emerge in Nunavut's gender parity debate which Tuhiwai Smith's characterization of gender discourses in indigenous communities does not address. One of these themes is the disagreement expressed regarding how continuity between past gender roles and relations and contemporary social and political organization could be established. As demonstrated earlier, despite some minor differences in how Inuit represented traditional gender roles and relations, there is a consensus about how these aspects of traditional life can be characterized. For example, Inuit emphasize the complementary aspect of gender roles that ensured survival. The gender parity debate demonstrated that there were major disagreements, however, concerning whether the proposal established continuity or a decisive break between these traditions within contemporary political and social organization and institutions.

The discord amongst Inuit regarding how continuity could be established between traditional gender roles and relations and the current situation in Nunavut is not surprising when one considers the rapid rate of change that Inuit have experienced during

the past 50 years. Social organization and decision making processes have been radically altered for Inuit. In the context of such rapid change it is not evident how the balance that once characterized gender relations and roles will be reestablished. For example, since the 1960s many Inuit women have been engaged in work as wage earners, work that introduces women to new activities and new roles. This is not to say that continuity is not possible, but, rather, that it is not clear how it can —and is —or should be re-established. The debate regarding gender parity in Nunavut suggests that some individuals are more open to finding innovative ways to redefine these traditions within the new context.

A second theme to emerge in the debate regarding gender parity in Nunavut's legislature was the role of both Inuit and southern political and cultural norms in framing the debate. Inuit debated and evaluated the proposal for gender parity in relation to two political and social traditions, those of Inuit and those of the south. For example, in a letter to the editor, Quassa not only evaluated the proposal in reference to Inuit cultural practices, but he also evaluated it against the established norms of the western liberal democratic political system. He argued that the gender parity proposal was inconsistent with Inuit traditions and contrary to established electoral norms. "The seat of any political organization or government has never been viewed as a seat for one particular group or sex," (21) Quassa argued.

Both Inuit and southern traditions influenced how Inuit evaluated the proposal, and in general, what Inuit considered to be an appropriate approach towards governance and the electoral process. In the case of the gender parity proposal, Hicks and White suggest that dominant Canadian electoral norms influenced how Inuit received the proposal. Hicks and White observe that while Nunavut's residents expressed a desire for a government that was different from that of the Northwest Territories, the government of the NWT still remained the point of reference for discussion about the new government (74). Hicks and White suggest that "The 'one man, one vote' norm for electoral systems in Canada has been accepted and internalized as 'the way elections are done', even though the results tend to be 'one vote, one man'. . . " (74). From this perspective Hicks and White indicate that the NIC's suggestion to choose representatives in a slightly different manner ". . . was regarded by many people as just plain loopy" (74).

The role that both Inuit and southern political norms played in framing the gender parity debate raises interesting questions about the coexistence of these two traditions. First, the debate reflects the tensions that exist with the creation of a government that is understood to be indigenous self-government that still functions according to the norms of a public government. The Nunavut Government must adhere to the established norms of governance in Canada while it is also expected that it will be different, that is, more responsive to and reflective of Inuit traditions. In Nunavut, political innovation as well as

the political process will be informed by and evaluated against the norms of both traditions.

This broad theme also raises questions about the role and influence of southern culture and political institutions in Inuit society. Inuit have lived with a colonial system of government for over 50 years. Many aspects of this government and its norms have become a part of Inuit life that coexist with Inuit traditions. For many Inuit, this may have resulted in a syncretism of traditions. For example, the comments of Inuk Suzie Napayok suggest that she identifies with the political and social norms of the Canadian state. In her opposition to the proposal she did not refer to Inuit traditions, but rather, to northern women's ability to understand the dominant southern political system. In an argument opposing the gender parity proposal, Napayok asks John Amagoalik not to patronize women. She asserts that "We are able to grasp the concepts and ideas in our Charter of Rights and Freedoms. We understand the democratic processes of our society" (21).

As a broad theme, the role Inuit and southern political and cultural norms played in framing the gender parity debate raises many interesting issues. These related issues suggest that a discussion of gender issues in Inuit communities does not take place in an ahistorical past, nor does it take place in a context where colonialism has extinguished traditional understandings of gender roles and relations. Instead, debate takes place in a present where two cultural and political traditions shape and influence how issues related

to gender and governance are understood and evaluated. There are individual differences in how much each tradition influences an individual's approach. Many Inuit may live according to a syncretism of traditions that only appear contradictory and confusing from the point of view of an outsider.

Although in some respects the above broad theme may be unique to the case of Nunavut, due to, for example, the form of self-government that is institutionalized in the territory, in general it is a theme that may have application in other debates regarding gender issues in indigenous communities. Although indigenous communities around the world vary in their experiences of contact with other cultures and colonization, many communities have lived under colonial rule. This history may have influenced how members of the community approach debates regarding gender and governance.

A related theme that emerges in Nunavut's gender parity debate is how concepts such as gender equality, and by extension provisions that recognize and legislate gender equality, are compatible with Inuit traditions. As demonstrated earlier, this theme emerged in the Nunavut debate. For some Inuit, the focus on individual rights which the proposal evoked has no place in a culture that is oriented towards the collective. Others do not see the proposal as being antithetical to Inuit notions of collectivity. It is noteworthy, however, that this issue did not dominate the debate in Nunavut. In contrast, within the context of Canadian constitutional negotiations, the issue of gender equality has been a divisive one in First Nations communities.

Tuhiwai Smith suggests that a key issue for indigenous women in challenges to contemporary politics is the ". . . restoration to women of what are seen as their traditional roles, rights and responsibilities" (152). I have suggested that in the discourse around gender and governance in Nunavut Inuit did not establish a clear consensus about what the relationship between traditional dimensions of Inuit women's participation and the newly established institutions should be. I have also demonstrated that in the case of Nunavut, those who supported the gender proposal as a way to reestablish Inuit women's traditional role in society were both men and women. Tuhiwai Smith identified gender as a characteristic that determined who challenged and demanded the restoration of women's traditional roles, rights and responsibilities in the challenge made to contemporary politics. In the case of the Nunavut, it appears that being a member of the political elite was a factor more likely than gender to determine support for the proposal,

A related theme that emerged in the debate regarding gender parity in Nunavut was the role of the political elite in influencing the political process in the region. During the public discussions of the proposal, a side debate emerged expressing resentment and frustration towards the political process and the political elite. As Hicks and White note "The 'damn the elites and their agreements' mindset that had helped sink the Charlottetown Accord resonated in a side debate that came to dominate public discussion in the closing days of the campaign" (73).

For example, Peter Ivalu expressed his doubts as to whether the gender parity proposal reflected the aspirations of the people of Nunavut (8). In addition to being out of touch with the views of the majority, Ivalu also viewed Nunavut's political leaders as attempting to impose their political agendas on the public. In his words, "Whenever the MLAs and other Nunavut leaders want something implemented in the North, all they have to do is tell the public to say yes and it becomes law" (ibid). Ivalu clearly saw the political elite dominating the political process. He suggested there is a need for an opposition party in Nunavut, because without one, the Nunavut leaders "pretty much have a monopoly as to what goes into legislation" (ibid).

This side debate may not have been a specific reaction to the content of the gender parity proposal, and it could have emerged in another context; however, the broad support the gender parity proposal received from the most influential Inuit organizations and individuals in Nunavut evidently provoked the criticism against the political elite and political process. The proposal for gender parity in Nunavut's legislature sparked a debate not only about whether men and women should be equally represented at this level of decision making, it also encouraged a debate regarding how culture and society in Nunavut in the broad sense were being defined, by whom and for what purposes.

The above analysis of Nunavut's gender parity debate suggests that while Tuhiwai Smith's characterization of gender debates in indigenous communities is relevant in the Nunavut context, other themes emerge which are just as important in understanding the

dimensions of the gender debate in this territory. These themes emphasize the social, cultural and political change that influence discourses around gender and governance in Nunavut. In particular, these themes suggest that attempts to establish continuity between past gendered traditions and current social and political organization are contentious issues. The emerging themes suggest that the meaning of political tradition in Nunavut may incorporate two traditions and two approaches to politics. In addition, the debate regarding gender parity highlights the role that both Inuit and southern traditions play in framing discussions about gender and governance in the territory. The emerging themes suggest that the debate created divisions and alliances between Nunavut's residents that did not follow gendered lines.

The Gender Parity Plebiscite

Following weeks of debate, on May 26 1997, residents of Nunavut responded to the following question at the polls: "Should the first Nunavut legislative assembly have equal numbers of men and women MLAS, with one man and one woman elected to represent each electoral district?" (Bourgeois, "Yes Tour Gets Tepid"... 1). Nunavut residents rejected the proposal for gender parity by a small majority; 57 percent of voters rejected the proposal, while 43 voted in favour (Gombay 137). Only 39 percent of eligible voters went to the polls, however (ibid). The vote took place in the spring, a season when families spend time on the land ice-fishing and hunting (ibid 140). The time of year, as well as voter apathy, are factors believed to have influenced the low voter

turnout (Gombay 140; Hicks and White 74). Dissatisfaction with the tone of the debate and the role of the political elite are also offered as possible explanations for the low voter turnout (Gombay 140; Hicks and White 74). Not voting, Gombay suggests, was a passive expression of resistance against the political elite (140).

Dissatisfaction with the political elite also influenced how residents cast their votes, Gombay suggests. In her words, "The rejection of the proposal represented a rejection of the ideas of the Inuit political elite, the vast majority of whom had publicly supported the proposal for gender parity" (140). It is likely that many people voted against the proposal for the same reasons they opposed it in debate. During the debate leading up to the plebiscite, in addition to viewing the proposal as incompatible with Inuit cultural norms, many people opposed the proposal on the grounds that it was undemocratic, insulting to women and contrary to the valued concept of meritocracy (e.g., Carey 19; De Melo 21; Napayok 21). Voters may have also rejected the proposal because, as Hicks and Whites suggest, they considered it "just plain loopy" (74).

Other Provisions and Support For Inuit Women's Participation

Although the proposal to legislate the equal representation of men and women in Nunavut's legislature was rejected, the Nunavut Government has made other subsequent commitments to support women's participation in the territory. It will require more time to evaluate how effective these new government's initiatives have been; however, the present situation suggests that there are the institutions, funding and ideological

commitments being made to support a range of women's participation in Nunavut. For example, the department responsible for gender equality, The Department of Culture, Language, Elders and Youth, has grants available ". . . to societies, government and community organizations which direct their efforts to enhancing the cultural, economic, political and social participation of women in society" (Gov. Nu. CLEY). The department also funds the Nunavut Status of Women Council and programs that address family violence.

The Nunavut Government's institutional approach to gender issues is modeled after that of the NWT. A government department is responsible for gender equality funds programs and initiatives that support women's participation as well as the Status of Women Council. Although Nunavut's governmental institutions are based on the design of the NWT government, the creation and implementation of programs may prove to be responsive to the specific social and cultural realities of Nunavut.

Many of Nunavut's institutions are based on the NWT government's designs, however, they have the potential to be adapted to meet the needs of Nunavut's residents. For example, the Nunavut Status of Women's Council's interim president, Rebecca Kudloo, stated that the council does not plan to not make any major changes to the Status of Women Council Act it inherited from the Northwest Territories (Connell 10). According to Kudloo, the council plans to address the following issues in Nunavut: women's participation in leadership, violence against women, day care, women's shelters,

teenage pregnancy, medical equipment for women's health, specifically a mammography machine, and discrimination against women in non-traditional jobs (ibid). The council's issues oriented goals may allow it to be particularly responsive to the social and cultural realities of women in Nunavut.

The orientation of the council may also make it unique to Nunavut. According to Kudloo, the council's community oriented perspective distinguishes it from women's organizations in the south. This orientation reflects Tuhiwai Smith's characterization of indigenous approaches to gender issues. According to Kudloo, women in Nunavut do not see themselves as feminists like women in the south do (ibid). In her words, "I think we are really in this because we care about women, children, and men too. The wellness of everyone in Nunavut, I think, that's what our goal and mission is" (ibid).

Although Inuit women are a social majority in Nunavut, about 15 percent of the population is non-Inuit. As a public government the territory is responsible for services for all women within its boundaries. It is not clear how programs can both follow *Inuit qaujimajatuqangit*, the Inuit Way² and address the needs of all women in the territory.

This issue has not been as controversial as the perceived exclusion of the Inuit Way in the approach to social issues in Nunavut. The type of conflict that can emerge when

² *Inuit qaujimajatuqangit* is defined by Hicks and White as follows: "'Inuit traditional knowledge', literally 'that which is long known by Inuit'" (86). The expression is frequently translated in English to the expression "the Inuit Way". For the sake of brevity and clarity, "the Inuit Way" will be used here unless the Inuktitut expression appears in quoted or paraphrased text included in this study.

government approaches to social issues are not seen to be respectful of Inuit culture, or the Inuit Way, is represented in the debate regarding the role of shelters for battered women in Nunavut.

Women's Informal Participation: Their Place in the Family and Community

In February 2002, a debate took place within Nunavut's legislature concerning the role shelters for battered women should play in the territory. The MLA Robie Nuturak sparked the debate by asserting that abusive husbands should have greater access to their wives in shelters (D'Souza 3). He went on to suggest that shelters encourage marital breakup. Nuturak's comments and questions were directed towards Health Minister Ed Picco. Arguing that he wanted to see Picco's department take a holistic approach to preventing family violence, Nuturak asserted the need for both men and women to receive counseling (ibid). Approaching the issues holistically by looking at both the right and left hand is *Inuit qaujimajatuqangit* Nuturak argued (ibid). Picco asserted that the Inuit Way is being incorporated into the department's social programs, however, in reference to women's shelters, he asserted that there are some regulation and rules that have to be followed (D'Souza 3).

The debate, as represented in the Nunatsiaq News, will be considered here. According to the paper's reporter, Patricia D'Souza, Nuturak's comments were both supported and opposed by other MLAs. For example, Manito Thompson supported his

comments suggesting that he was getting at the fact that "In the past, according to *Inuit qaujimajatuqangit*, when couples were having problems, elders were made available and they were able to talk to the couples" (ibid).

In contrast, Rebekah Uqi Williams disagreed with the opinions of the other MLAs who she claims do not think the needs of victims of abuse can be addressed in shelters (ibid). Labeling her colleagues' thinking as narrow, she asserted that "As long as there is violence in the home, we must support shelters that provide safety" (ibid). Williams, who formerly worked as a nurse and social worker in Nunavut, has witnessed scenes of domestic violence and asserts that her colleagues do not know the whole story (ibid). In her words, "They're looking at the situation as minimal — they don't think it's a dangerous thing (ibid).

Although Williams disagreed with some of her colleagues, she stated that she understood their concerns and was glad that they began a debate regarding the issue, because otherwise the situation cannot be resolved, she asserted (ibid). Williams acknowledged that "The thinking is women shouldn't leave their husbands", but, she asserts "the situation now and 60 years ago are totally different things" (D'Souza 3).³

³ As Williams suggests, perhaps the debate may have been a necessary step towards addressing domestic violence, including clarifying the role that shelters play in the territories. It is unfortunate that, as in debates about domestic violence elsewhere, the blame for the disruption of traditional family life is placed on the women, and not on the violent actions of men.

The debate about the role of shelters in Nunavut engages with several themes previously discussed in relation to the gender parity debate. First, the debate addresses gender issues with a focus on gender relations and the community. The Inuit Way, Nuturak and other MLAs asserted, would have both men and women receiving counseling by elders. In this respect, the debate is consistent with Tuhiwai Smith's characterization of approaches to gender issues in indigenous communities. The other themes that emerge in the debate regarding domestic violence are also those identified in the Nunavut gender parity debate and are outside Tuhiwai Smith's characterization. The emergence of these four themes in the debate regarding domestic violence further reinforces the value of extending Tuhiwai Smith's characterization of gender discourses in indigenous communities.

First, an important theme that emerges during the debate is, as in the gender parity debate, the disagreement expressed amongst Inuit regarding what the relationship between traditional gender roles and relations and current institutions under self-government should be. Members of the Nunavut Legislative Assembly were divided over what the relationship between the Inuit Way and approaches towards domestic violence should be.

How the Nunavut governmental departments and social programs will incorporate the Inuit Way raises important questions and will undoubtedly continue to provoke debate. While the Nunavut government is a public government, it is also expected to

incorporate the Inuit way and respond to the realities of life in the North. As the debates regarding gender issues and self-government demonstrate, how cultural understandings of gender issues should be reflected in government policy and institutions is a divisive issue. This is particularly true within the context of Nunavut where social and political realities have changed dramatically. For example, when Inuit lived on the land according to the Inuit Way, domestic violence was considered despicable and was extremely rare (Billson 49). However, settlement life altered gender relations and made violence against women a tragically common social reality.

As in the gender parity debate, the debate over women's access to shelters engages with new social realities, institutions and traditional Inuit culture. This is the second general theme that emerges in the debate regarding domestic violence that also emerged in gender parity debate extending Tuhiwai Smith's characterization of gender discourses. Shelters for battered women and laws concerning restraining orders, for example, have their origins in the south while community counseling with elders is an Inuit tradition. In the case of Nunavut, both traditions determine the types of approaches that are considered in discussions about addressing domestic violence. There is no consensus amongst Inuit regarding how much influence each tradition should have. From a legal perspective it appears that southern laws around domestic violence will continue to determine many aspects of how domestic violence is approached.

Within both the gender parity debate and the debate regarding domestic violence, Inuit and southern political, legal and cultural norms framed the debate and exposed tensions that emerge in the creation and operation of a form of public government that is understood to be indigenous self-government. The Nunavut government is expected to respect both Inuit and southern traditions, however, there is no established consensus regarding how this balance will be achieved.

The fourth theme that emerged in the debate about domestic violence is a conflict regarding the relevance of provisions and legislation that support an individualistic concept of rights when Inuit culture is traditionally oriented towards the collective. As in the debate regarding gender parity, during the debate regarding shelters for battered women a community oriented sense of rights was expressed as being more relevant to Inuit than a concept of rights that focuses on the individual. The views expressed suggest that for many the appropriate focus is on the couple and not on the rights of women.

Tuhiwai Smith asserts that "... gendering indigenous debates, whether they are related to the politics of self-determination or the politics of the family, is concerned with issues related to the relations between indigenous men and women" (151). The debate in Nunavut's legislature regarding shelters for battered women shared this concern, and was also informed by a community centered approach to the issue. In this respect the debate was consistent with Tuhiwai Smith's characterization of indigenous gender discourses. The debate also engaged with themes that Tuhiwai Smith's characterization does not

incorporate: the question of what the relationship between traditional gender roles and relations and contemporary institutions in the territory should be, the role both southern and Inuit traditions played in the debate and the conflict between individual and collective approaches to rights. These also emerged in the territory's gender parity debate. The emergence of these themes in debates regarding Inuit women's formal and informal participation in the territory suggest these are areas that can further expand Tuhiwai Smith's representation of gender discourses.

Conclusion

This chapter examined how the NIC and the Nunavut Territory addressed indigenous women's rights within the new model of self-government. It also analyzed two community-based Inuit gender debates in relation to Tuhiwai Smith's representation of indigenous rights discourses. Although it will require more time to determine how successful the government, gender programs, and the Nunavut Status of Women Council are in supporting and promoting indigenous women's participation, the contemporary context suggests that there is the political will as well as the institutions to further Inuit women's participation within the territory.

Although residents of the Nunavut Territory rejected the NIC's proposal for gender parity in the territory's legislature, the proposal represented an innovative attempt to secure women's equal formal participation in the territory while also resolving legislative design issues. The proposal for gender parity also elicited an interesting

debate that exposed the diversity of Nunavut Inuit's opinions regarding Inuit women's roles within the new institutions of self-government and Inuit society. The analysis of the gender parity debate in relation to Tuhiwai Smith's representation of indigenous gender discourses demonstrated that the five central themes of her gender discourse emerged in the debate: the Inuit gender debate focused on gender relations and was community oriented; colonization was recognized as having undermined the balance that traditionally characterized gender roles and relations; Inuit society was represented as being collectively oriented; traditional Inuit gender roles were represented as being complementary and having included women's participation in many aspects of decision making; Inuit women demanded the restoration of their traditional roles, rights and responsibilities.

This chapter demonstrated that in the Nunavut gender parity debate other themes emerged which were just as important in understanding the debate as those identified by Tuhiwai Smith's indigenous gender discourses. These additional three themes demonstrate the limitations of Tuhiwai Smith's discourse and signal how it could be adjusted to represent a theoretical approach to indigenous gender issues. The first theme which emerged in the Nunavut debate was disagreement amongst Inuit regarding how continuity between traditional Inuit gender roles and contemporary social and political institutions would be established. The intense social, political and economic change Inuit have experienced during the past 50 years is related to the existing disagreement

regarding how cultural continuity will be established. A second additional theme that emerged was the role that both Inuit traditions and those associated with the south played in influencing Inuit's opinions regarding Inuit women's rights and participation. A related theme was the discord that existed amongst Inuit regarding whether such concepts such as equality are compatible with Inuit cultural traditions. A final theme that emerged in the Nunavut context was a critique of the role of the political elite in the Nunavut Territory.

The debate regarding domestic violence that took place within Nunavut's legislature reflected themes represented above as well as some of those identified in Tuhiwai Smith's representation of indigenous gender discourses. An examination of these Nunavut gender debates demonstrates that they take place in a context of social and political change and that they express struggles to define Inuit women's roles, responsibilities and rights within a new context, but in a manner that is consistent with Inuit traditional culture. These debates demonstrate that Inuit women are not a homogeneous group and that their political demands differ as do their opinions of how traditional Inuit gender roles and relations are best represented in the contemporary context. In addition, the study shows that Inuit men's views of gender issues are also varied. The debates represented in this chapter demonstrate that while Inuit strive to establish cultural continuity in gender roles and relations—for some through legislating Inuit women's representation in the legislature and for others through ensuring

approaches to domestic violence incorporate the Inuit Way —these efforts are situated within a context of change. This context means that establishing cultural continuity is a creative process that is often the subject of dispute.

As Nira Yuval-Davis observes, in the study of cultural theory, representations of cultural discourses as "static reified homogenous phenomena" has been replaced by an understanding of cultural discourses as dynamic processes (41). The Nunavut gender debates demonstrate the necessity of informing theoretical approaches to indigenous gender issues with this understanding of cultural discourses, for indigenous gender discourses are situated within a context of change and reveal shared points of departure as well as battles to define cultural meaning.

Chapter 4

Introduction

If, as Linda Tuhiwai Smith asserts, a central demand of indigenous women within the context of contemporary indigenous politics is the restoration of their traditional roles, rights and responsibilities, this demand is not represented within the 1998 constitutional reform redefining the relationship between indigenous peoples and the State of Oaxaca: the Bill of Rights of Indigenous Peoples and Communities of Oaxaca (152). In a bill which otherwise recognizes indigenous peoples' autonomy and right to self-government at the local level, it is surprising that the bill's gender provisions legitimize state government intervention to define the roles of women, their rights and responsibilities within their indigenous communities. The goal of this chapter is to demonstrate how the Oaxacan Bill addresses indigenous women's rights and participation and to also offer some speculation concerning why the government chose to adopt an interventionist approach to indigenous gender issues. A second goal of this chapter is to compare the Bill's gender provisions to Tuhiwai Smith's representation of gender discourses within indigenous communities to illustrate how a state directed approach to indigenous women's participation may differ from that which emerges from within indigenous communities. The final goal of this chapter is to represent a Oaxacan, indigenous-centered view of indigenous women's participation within their communities

to demonstrate how indigenous women's political demands compare to both the Oaxacan Bill and Tuhiwai Smith's indigenous gender discourse.

The chapter's goals are directed by this study's two part research question which asks how indigenous women's rights and participation have been addressed in a context that recognizes indigenous peoples' right to self-government and how the gender discourses that emerge in this context compare to Tuhiwai Smith's characterization of indigenous gender discourses. There is a significant difference between how I address this research question in the Nunavut and Oaxaca case studies. The former study focuses on an indigenous gender debate that emerged in the Nunavut Territory in response to proposed gender provisions. In contrast, the Oaxaca case study does not focus on a community based indigenous gender debate. This is because the resources available do not indicate that a regional debate was sparked in response to the Oaxacan Bill's gender provisions, nor is there any representation of how indigenous peoples in Oaxaca responded to the Bill's gender provisions. In order to represent an indigenous perspective regarding gender issues in the Oaxaca case, and to suggest how indigenous women may view the Bill's gender provisions, three different perspectives regarding indigenous women's participation are explored in this chapter. A summary of findings regarding Oaxacan indigenous women's contemporary participation within local traditional systems of governance is presented, including explanations given for their low rates of political participation. These findings are compared to Lynn Stephen's case study of Zapotec

women (the Zapotecs are one of the 16 ethnolinguistic groups of Oaxaca) and their views of participation. In this chapter I also present the views of indigenous women leaders from Oaxaca regarding the challenges indigenous women face in their efforts to participate fully in decision making at the regional and local levels, as well as within the family.

This chapter supports the overarching research thesis by demonstrating that within the context of recognizing the right to self-government of indigenous communities in Oaxaca the political will to support and develop indigenous women's full participation in these autonomous structures was exercised. The move to address indigenous women's participation did not restore indigenous women's traditional roles, rights and responsibilities, however. While this could be attributed to the fact that the Oaxacan Bill represents a government's view of how indigenous women's participation should be supported and not that of indigenous communities, it is not clear what type of gender provisions indigenous peoples within the state of Oaxaca would support. Indeed, the Oaxacan case demonstrates that tradition may affect indigenous women's participation differently depending on such factors as age, class and level of education, and membership to regional indigenous communities. In short, how the meaning of tradition relates to women's participation appears paradoxical in the Oaxacan case. For some indigenous women, tradition may present a barrier to their full participation, while for others, traditional roles may present them with alternative avenues to influence formal

decision making. Traditions related to local systems of governance also present barriers to women's representation in formal positions of decision-making; however, attempts to broaden women's participation within local systems of governance appear to be successful when they respect cultural traditions, such as gender segregation in public space. In the Oaxacan case, indigenous gender discourses around women's participation within traditional systems of governance represent both shared points of departure and battles to define meaning.

The Bill of Rights of the Indigenous Peoples and Communities of Oaxaca and Indigenous Women

The Bill of Rights of the Indigenous Peoples and Communities of Oaxaca redefines the relationship amongst indigenous peoples, their communities, and the state. The rights of indigenous women are addressed in one of the Bill's eight chapters. Although the Bill strives to promote and broaden indigenous women's participation in all areas of community life, it guarantees that the state government will play the central role in redefining indigenous women's roles, rights and responsibilities. This contradiction will be further explored in the sections to follow; however, I suggest that it stems from the uneasy balance the Government of Oaxaca tries to strike between forwarding the collective rights of indigenous peoples and protecting the individual rights of indigenous women. The Bill's gender provisions are situated within a broad constitutional context that seeks to secure the collective rights of indigenous peoples while also guaranteeing

their individual rights. Article 6 enshrines the government's duty to respect these rights.

According to this article, Oaxaca's state and municipality authorities, like individuals:

... will completely respect the dignity and individual rights of indigenous people, treating them with the respect that derives from their worth as persons. They will have the same obligation in relation to the social rights of the indigenous peoples and communities. (translation mine) (Gobierno del Estado de Oaxaca 36)¹

In relation to internal normative systems, the bill similarly guarantees indigenous peoples' collective rights while protecting individual rights. For example, Article 35 states that the imposition of penalties based on internal normative systems will not be to the detriment of human rights (ibid 35). In relation to the organization of municipal work, the bill identifies the obligation of authorities to respect the traditions and internal normative systems of indigenous peoples and communities, as well as indigenous women's "dignity and integrity" (ibid 47).²

Within this broad constitutional context, the chapter "Of Indigenous Women" secures indigenous women's rights in the following four areas: the family, traditional practices, education and training, and women's cultural, social, economic and political

¹ Article 6: "Las Autoridades estatales y municipales, en le ejercicio de sus atribuciones, asi como los particulares, respeterán íntegramente la dignidad y derechos individuales de los indígenas, tratándolos con el respeto que deriva du su calidad como personas. La misma obligación tendrán con relacion a los derechos sociales de los pueblos y comunidades indígenas "(Gobierno del Estado de Oaxaca 36).

² Article 42: "En los pueblos, comunidades y municipios indígenas, asi como en los municipios en que la población indígena constituye un sector importante, la distribución de funciones y la organización del trabajo municipal deberán respetar: las tradiciones y los sistemas normativos internos de cada comunidad; y tratándose de mujeres indígenas la dignidad e integridad de las mismas" (Gobierno del Estado de Oaxaca 47)

participation. The chapter also commits the Oaxacan government to supporting and promoting indigenous women's rights within their communities.

In relation to the family, the state of Oaxaca recognizes the diversity of indigenous peoples' family structures. The family, in all its diverse forms, is recognized as being the source of reproduction and sustenance of the indigenous peoples and communities of Oaxaca (ibid Article 45 47)³. The reproductive rights of the family and the state's related responsibilities are also addressed. The fundamental right of indigenous women and men⁴ to determine "the number and spacing of their children" is guaranteed in Article 47 (translation mine) (ibid 48)⁵. This article also commits the state government to the dissemination of reproductive health information to indigenous peoples and communities (ibid).

The chapter, "Of Indigenous Women," guarantees the protection of indigenous children's rights: their right to life, physical and mental integrity, to the freedom and security of their persons is secured in Article 50 (ibid 48). In addition, this article states that the forced separation of children from their families, peoples and communities will

³ Article 45: "El Estado reconoce las diversas formas de organización de las familias indígenas como base de reproducción y sustentación de los pueblos y comunidades indígenas de Oaxaca" (Gobierno del Estado de Oaxaca 47).

⁴ In both the constitution of Oaxaca and Mexico reproductive rights are defined as rights shared by both men and women. It is unclear why this approach is legislated in Mexico.

⁵ Article 47: "A las mujeres y a los hombres indígenas les corresponde el derecho fundamental de determinar el número y espaciamiento de sus hijos; y al Estado, la obligación de difundir orientación sobre salud reproductiva de manera que aquéllos puedan decidir informada y responsablemente al respecto" (Gobierno del Estado de Oaxaca 48).

be punished according to the sanction applied to other “ethnocidal crimes” defined in Article 16 (ibid 48, 39).⁶ It is not clear what historical events prompted the state to specifically identify the removal of indigenous children from their parents as an ethnocidal crime.

In the area of education, the bill secures indigenous women's right “. . . to receive bilingual and intercultural training and education to fulfill activities that promote their integral development” (translation mine) (ibid Article 48 48).⁷ The earlier chapter, “Of Culture and Education”, Article 24, also guarantees indigenous girls' and boys' access to bilingual and intercultural education (ibid 41). This article secures the right of indigenous peoples and communities, and, specifically, those of mothers and fathers of indigenous families, to participate in the education system (ibid).

The Oaxaca Bill further commits the state to provide education, training and information promoting indigenous women's participation in their communities. The state government is obligated to promote indigenous women's participation in traditional practices; Article 46 commits the state to promote women' s participation in traditional work and, also, activities that indigenous women do not traditionally participate in, and in

⁶ Article 16: “Comete el delito de etnocidio y se sancionará con prisión de tres a seis años y multa de doscientos a quieniento salarios mínimos: I: Al que por cualquier medio atente contra el derecho de los pueblos y comunidades indígenas a disfrutar, enriquecer y transmitir su propia cultura y su propia lengua...” (Gobierno del Estado de Oaxaca 39).

⁷ Article 48: “Las mujeres indígenas tienen derecho a recibir capacitación y educación bilingüe e intercultural para realizar actividades que estimulen su desarrollo integral” (Gobierno del Estado de Oaxaca 48).

which their participation would further their development — through which they would "attain self-realization and elevation" — as well as the recognition and respect of their dignity (translation mine) (ibid 47).⁸ While it is not clear how activities that lead to women's "self-realization" would be identified, the article's general aim is to commit the state to the promotion of indigenous women's participation in areas that have been traditionally closed to them. The Oaxacan state evidently views tradition alone and not colonial practices as restricting the participation of indigenous women within their communities.

The Oaxacan Bill also commits the state to providing education to further indigenous women's participation in other areas of life. In article 49, the state is obligated to sponsor the training, diffusion of information and a dialogue ". . . so that indigenous peoples and communities take measures intended to attain the full participation of women in the political, economic, social and cultural life of their peoples and communities. . . ." (translation mine) (ibid 48).⁹

In summary, the Bill of Rights of the Indigenous Peoples and Communities of Oaxaca strives to protect and promote the individual rights of indigenous women, and

⁸ Article 46: "El Estado promervá en el marco de las prácticas tradicionales de las comunidades y pueblos indígenas, la participación plena de las mujeres en tareas y actividades que éstos no comtemplán y que tiendan a lograr su realización, su superación, así como el reconocimiento y el respecto a su dignidad" (Gobierno del Estado de Oaxaca 47).

⁹ Article 49: "El Estado asume la obligación de propiciar la información, la capacitación, la difusión y el diálogo, para que los pueblos y comunidades indígenas tomen medidas tendientes a lograr la participación

human rights in general, while also recognizing and securing the social, cultural, political and legal collective rights of indigenous peoples and communities. Indigenous women's rights in the areas of reproductive health, the family, education, traditional practices and social, cultural, economic and political participation are formally secured. The government of Oaxaca's responsibilities related to indigenous women are outlined; it is committed to providing education, training, and information to indigenous communities to promote women's participation in traditional activities, as well as to encourage the full participation of women in the political, economic, social and cultural life of their communities. The provision of reproductive health information to indigenous families is also a responsibility allocated to the state government. The Bill assigns the state government a strong role in redefining indigenous women's roles, rights and responsibilities through providing education and training in "autonomous" indigenous communities.

Drafting of the Bill of Rights of the Indigenous Peoples and Communities of Oaxaca

It is surprising that a bill securing indigenous peoples' right to political autonomy at the municipal level, as well as their right to live according to their traditional cultures in "freedom, peace and security" (Gobierno del Estado de Oaxaca Article 15 39) also supports government intervention within indigenous peoples' communities to redefine

plena de las mujeres en la vida política, económica, social y cultural de los mismos, a fin de cumplir cabalmente con el mandato del artículo 12 de la Constitución Estatal" (Gobierno del Estado de Oaxaca 49).

the nature of indigenous women's participation in traditional practices and the social, cultural, economic, and political realms (translation mine).

The state of Oaxaca's Permanent Commission of Indigenous Affairs (*Comision Permanente de Asuntos Indigenas*) identifies three contemporary influences that shaped the drafting of the Bill of Rights of the Indigenous Peoples and Communities of Oaxaca: Mexico's ratification of Convention 169 of the International Labour Organization (ILO), the demands of indigenous peoples within the state of Oaxaca, and the San Andres Accords. Although the armed conflict and violence that racked the neighbouring state of Chiapas since 1994 is not referred to by the Commission, the desire to maintain peace within the state must have tacitly influenced the drafting of Oaxaca's Bill. This section will demonstrate how Convention 169 and the San Andres Accords influenced the approach to gender issues represented in the Oaxacan bill, and also how the bill fails to incorporate principles that would ensure that indigenous women are consulted with and able to participate in the development of policy and programs that affect them directly.

The ILO's Convention 169 commits governments to participate with indigenous peoples in the development of mechanisms to protect and promote their rights. For example, Article 2 states that "Governments shall have the responsibility for developing, with the participation of the peoples concerned, co-ordinated and systematic action to protect the rights of these peoples and respect for their integrity" (Part I, Article 2, 1). This action, the Convention states, includes measures that will promote the respect of

indigenous peoples' social, economic, and cultural rights, as well their social and cultural identity, their customs, traditions and institutions (Part I, Article 2, 2b). The convention also commits the government to consulting with the "... peoples concerned, through appropriate procedures and in particular through their representative institutions, whenever consideration is being given to legislative or administrative measures which may affect them directly;" (Part I, Article 6, 1a). The convention addresses gender issues in its assertion that its provisions "... shall be applied without discrimination to male and female members of these peoples" (Part I, Article 3, 1).

While the Oaxacan government did adhere to some of these principles in its bill of indigenous rights (in the area of the development of community associations, which will be discussed shortly), it is significant that the Bill does not incorporate the principles of consultation and participation of women in the design and implementation of programs and policies that will directly affect them.

The San Andres Accords, the agreement negotiated between the Mexican government and the EZLN in 1996, also influenced the drafting and content of Oaxaca's constitutional reform (Gobierno del Estado de Oaxaca 17). A comparison of the two documents demonstrates that they share a similar general approach to gender issues, but they also differ in some significant ways. The Accords, like Oaxaca's reform, stress the need for training programs for indigenous women in order to further their participation in family and community life:

Social policy must set up priority programs for the improvement of the levels of health and nourishment of children, as well as support programs, in an egalitarian plane, for the training of women, increasing their participation in the organization and the development of the family and the community. Priority must be given to the intervention of the indigenous women in the decisions regarding economic, political, social and cultural development projects. (Bermudez-Ballin Section III, Article 5)

The San Andres Accords make indigenous women's participation in all development projects a priority. Oaxaca's Article 49 similarly commits the state to providing education and to forward women's participation in political, economic, social and cultural areas (Gobierno del Estado de Oaxaca 48). However, the Oaxacan Bill does not guarantee indigenous women's collaboration in these educational programs, nor does it secure their participation in other development projects. Article 60 of the Bill commits the government to working with indigenous associations in indigenous communities and towns in the "formulation, design, application and evaluation of development plans and programs" (Article 60 50),¹⁰ but this commitment does not guarantee indigenous women's participation in the process. This is an important distinction that must be made, because (as will be further discussed later in this chapter) indigenous women's representation on committees tends to be limited to the areas of education and health.¹¹

¹⁰ Article 60: "...Y con el fin de impulsar el desarrollo de las asociaciones de pueblos y de comunidades indígenas, el Estado por conducto de la instancia de planeación competente, acordará con aquéllas la formulación, diseño, aplicación y evaluación de planes y programas de desarrollo" (50).

¹¹ The San Andres Accords recommend that the Mexican Congress recognize "...in constitutional and political reforms that may derive, of the rights of the indigenous woman to participate as an equal with men in all levels of government and in the development of indigenous peoples " (Bermudez-Ballin Section II

Another difference between the two documents is that the San Andres Accords refer to indigenous women's rights more frequently than the Oaxacan bill does. For example, in Part II, Article 6 B, the San Andres Accords propose that indigenous peoples:

... obtain the recognition of their internal normative systems for regulation and sanctions, insofar as they are not contrary to constitutional guarantees and human rights, especially those of women. ... (Bermudez-Ballin)

The Oaxaca reform is similar, but it refers only to human rights and not to the specific rights of women (see Article 35 44). Similarly, the San Andres Accords recognize the right of indigenous peoples to elect their authorities according to their own internal norms, and also the right of women to participate on equal terms with men.¹² In contrast, the Oaxacan bill does not guarantee women's right to equal participation in formal politics although it recognizes the collective political rights of indigenous communities (Chapter III, Article 3).¹³

Article 5 D). This proposal was not completely incorporated by either the Oaxacan constitutional reform or the Mexican State's constitutional amendmen

¹²In Section V titled "Constitutional and Legal Reforms" the Accords propose this as one of many specific reforms: "Legislate on the rights of the indigenous towns to elect their own authorities and to exercise authority according to their own internal norms in their autonomous localities, guaranteeing the participation of women on equal terms;" (Bermudez-Ballin Section V, e).

¹³It is interesting to note that the 2002 controversial reform of Mexico's Constitution, closely resembles the San Andres Accords in its approach to gender issues. For example, the constitution recognizes the right of indigenous peoples and communities to "Elect, in accord with their traditional standards, procedures, and practices, authorities or representatives for the exercise of their own internal government, guaranteeing the participation of women in conditions of equality to those of men, in a way that respects the Federal Pact and the sovereignty of the states" (Pamachena Article 2, Section A III). In the section addressing the regulation of internal conflicts (Article 2, Section A II) and Indigenous women's involvement in development projects (Article 2, Section B V) the Mexican state's reforms also reflect the content of the San Andres Accords.

In general, the San Andres Accords address indigenous women's right to equal political participation, and they specifically refer to women's rights in reference to the imposition of sanctions, access to training, and their involvement in decision making in development projects. The Oaxacan Bill does not specifically refer to the rights of indigenous women or use the language of gender equity as frequently as the Accords do. Despite these differences, similar overall goals are represented in both documents.

Oaxaca's Bill addresses a broader range of gender issues than the San Andres Accords does, including women's access to bicultural education, participation in traditional activities, and their family rights, and in this respect it demonstrates the political will of the state government to support indigenous women's full participation in community life. However, in its failure to incorporate the consultatory and participatory principles of the Accords and Convention 169 into the Bill's gender provisions, it adopts an interventionist approach to indigenous gender issues. Due to this failure, it is possible to view this interventionist approach, skeptically, as proof of the Oaxacan government's attempt to retain control of indigenous culture and communities through indigenous women. However, the interventionist approach to gender issues may also be a result of the state's attempt to address the contradiction it faces in its recognition of the right of Oaxaca's indigenous communities to govern themselves according to traditional systems of governance in which women traditionally do not hold formal positions.

Indigenous women's contemporary participation within traditional systems of governance will be later discussed in further detail.

Tuhiwai Smith and Oaxaca's Gender Discourse

A comparison between Tuhiwai Smith's gender discourse and that of the Oaxacan Bill distinguishes a community-based indigenous gender discourse from that of a state. In the context of contemporary indigenous politics, states Tuhiwai Smith, a central demand of indigenous women is the restoration of their traditional roles, rights and responsibilities (152). However, the Oaxacan Bill of rights does not restore these roles, rights, and responsibilities to indigenous women. As demonstrated above, the Bill allocates the role of defining indigenous women's roles to the state. Although Tuhiwai Smith stresses that within indigenous communities gender issues are approached with a focus on gender relations, the Oaxacan Bill addresses gender issues from the perspective of individual rights.

The Oaxacan Bill's gender discourse is dissimilar to Tuhiwai Smith's in another important respect: the Bill fails to acknowledge the destructive effect colonization had on gender roles and relations. The Oaxacan bill can be understood to symbolize an acknowledgement of the destructive impact colonization and state policies had on indigenous peoples and a recognition of the rights of the state's indigenous peoples. According to Tuhiwai Smith, within indigenous gendering debates, the destructive effect colonization had on gender relations is recognized and understood to have extended out

to all areas of indigenous society (151). It is striking that the Oaxacan Bill does not specifically recognize the effect colonization and state policy had on indigenous gender roles and relations and instead focuses on tradition as a factor that limits indigenous women's participation.

The Oaxacan Bill's gender discourse implies that tradition, and not colonization or the state's past assimilationist policies, is what undermines indigenous women's ability to participate fully within their communities. Traditional activities, it is implied, exclude women, and require government intervention and modification to ensure indigenous women's participation.¹⁴ For example, Article 46 commits the state to the promotion of women's participation in traditional activities and work that indigenous women are not actively engaged in — activities which would further their development and lead to the recognition and respect of their dignity (Gobierno del Estado de Oaxaca 47). It is not clear, however, how indigenous women in the state would choose to have the relationship between tradition and their participation reconciled in programs and policy.

The Oaxacan case presents a complex context against which to consider the meaning of tradition and state policy for indigenous women's participation. How Oaxacan state policy distanced indigenous women from participating in formal politics was discussed in Chapter 2 as an example of the negative impact state intervention had

on gender relations in Oaxaca. However, contemporary government initiatives to incorporate women within local systems of governance have been met with some success, according to Lynn Stephen's study of indigenous women in Teotilán del Valle. Her study suggests that a program's success is related to its ability to respect local traditions, such as customs related to gender segregation. However, tradition is also associated with placing restrictions on indigenous women's participation. Many indigenous women in Oaxaca, as well as indigenous men and representatives of indigenous municipalities, cite tradition as a factor that limits women's participation within local systems of governance (this will be discussed further in the sections that follow).

The reality of indigenous women's participation within local systems of indigenous governance, as well as the role such factors as tradition and limited education play in restricting women's participation, and indigenous women's views of their participation suggest that Tuhiwai Smith's characterization of indigenous women's political demands would not represent those of many indigenous women in Oaxaca. Indeed, the gender discourses that emerge from these areas suggest that indigenous women's political demands may be informed by their class, age and levels of education,

¹⁴ It could be argued, however, that the organization and content of the Oaxacan Bill acknowledges Indigenous women's traditional role in the family as articles regarding indigenous family life are found in the chapter "Of Indigenous Women".

and that some indigenous women may support the gender provisions represented in the Oaxacan bill. These issues will be discussed in the sections that follow.

Women's Participation in Oaxaca's Indigenous Communities and Municipalities

Recent findings demonstrate that indigenous women participate in the traditional systems of governance in Oaxaca's indigenous communities at a lower rate than men, that their participation is predominantly restricted to areas related to health and education, and that they are rarely represented in formal politics. Tradition, including gender roles and customs around political participation, as well as lack of education and training are factors linked to indigenous women's lower rates of participation in these traditional systems. In the two sections that follow, indigenous women in Teotitlán del Valle and female indigenous leaders in the state express the opinion that indigenous women should be able to participate more fully in the decision making in general and, specifically, within the cargo system. For this reason, for many indigenous women in Oaxaca a central political demand may not be the restoration of their traditional rights, roles and responsibilities. Many indigenous women may support initiatives which broaden their participation.

I consulted the findings of the Institute of the Oaxacan Woman's (*Instituto de la Mujer Oaxaqueña*, IMO) 2001 study of indigenous women's participation in the state's 418 municipalities that operate according to traditional practices (the total number of municipalities in the state is 570) (8). I also consulted María Cristina Velásquez's in-

depth 2000 study of traditional local governance, the system of uses and customs, in Oaxaca's indigenous communities.¹⁵ Both studies' findings are based on information submitted from indigenous municipalities.

The results of the Institute of the Oaxacan Woman's (IMO) survey of indigenous women's participation within indigenous municipalities are as follows: in 62% of these municipalities, women did not hold a post in the cargo system; in 15.5% of these municipalities, women held posts in the areas of health, education or public finance; in 4.2% of these municipalities, women held posts as treasurers; and in 2.8% of these municipalities, women held post as town clerks (8). Fifteen percent of Oaxaca's indigenous communities did not respond (IMO 8). The faulty question design of the survey (the design does not allow municipalities to choose more than one area in which women participated), indicates that the results should be considered to represent general trends only. However, the results suggest that women participate at a lower rate than men do in the cargo system and, in some municipalities, do not participate at all. In addition, it also shows that women participate predominantly in the areas of health, education and public finance.

¹⁵ Both studies rely on data provided by local governments and presumably collected by state government agencies. Stephen reports that in Teotitlán del Valle one of the traditional roles of the local government has been to "guard local customs" and "manage the community's relationship with the government" (161). If this is also true of the role of other local indigenous governments, the data reported may be influenced by the communities' desire to "manage" their relationship with the state government.

Yet María Cristina Velásquez's research suggest that the rate of indigenous women's participation within the cargo system is higher than the IMO's estimates.¹⁶

According to her sources, in 1997, women held community posts in at least 67% of municipalities functioning according to traditional systems of governance (225).

Indigenous women held posts in the following areas listed in order of importance:

education committees, health committees, patriotic boards, and various other committees such as those for communal shops, corn mills, libraries and potable water, for example

(Velásquez 225). Despite the different rates of participation represented in the two

studies, Velásquez's findings, like those of the IMO, demonstrate that indigenous women participate at a lower rate than men in the cargo system and that the most significant areas of their participation are on education and health committees.

An important aspect of Velásquez's study is her focus on regional variations in indigenous women's electoral and cargo system participation in the state of Oaxaca. For example, her findings demonstrate that in the 248 of the 417 municipalities that functioned according to cargo systems in 1997, women vote and hold posts in the cargo system (Velásquez 229). This contrasts with the 51 municipalities where women are reported to neither vote nor hold community posts, for example (ibid). Her findings

¹⁶ María Cristina Velásquez's findings in this area are based on detailed descriptions of over 400 of Oaxaca's municipalities found in Oaxaca's 1997 Municipal Catalogue of Uses and Customs (*Catálogo municipal de usos y costumbres*) (Velásquez 269).

demonstrate that there are regional cultural differences that affect indigenous women's participation in local systems of governance.

In Oaxaca's communities that operate according to traditional systems of governance, indigenous women's participation in formal political posts is rare, but recently a few indigenous women have held political posts in the state. In 2001, one of the municipalities governed by traditional systems of governance elected a female municipal president (IMO 9); in 1998, four municipalities were governed by women (Velásquez 226). Velásquez links several factors to the under-representation of indigenous women in political posts, such as the dominant appointment of men to these posts, the undervaluing of women's abilities, the fact that it is not considered to be customary for women to seek leadership positions, and also because women do not have the required minimal levels of education or experience in the Spanish speaking world (some positions require Spanish language skills) (226). In addition, she suggests that women's responsibilities in their reproductive and productive roles limit their ability to fill these political posts (226).

Similar reasons for indigenous women's limited participation in the cargo systems are represented in the IMO's findings. Those municipalities functioning under uses and customs were asked to respond the following question: Why don't women hold municipal posts? While 22.5% responded that women *do* hold posts, 29.6% stated that it was because women are not nominated, 8.5% stated that it was because they are not

considered suitable, 19.7% stated that is due to the uses and customs of the community, and 8.5% responded that it was due to a lack of training (IMO 8).

Zapotec Women of Teotitlán del Valle and Community Participation

The patterns of indigenous women's participation in the cargo system identified by Velásquez and the IMO are similar to those identified in Stephen's study of Zapotec women in Teotitlán del Valle (1991). Stephen's study represents a culmination of seven years of research on the subject (xi) and provides more qualitative data related to the issue of indigenous women's participation in the system of cargos. During the period of Stephen's research, which constitutes most of the 1980s, almost all of the formal cargo positions in the town council, the judicial system and the church committee, were held by men (216).

Women had more representation in committees related to education and health; according to Stephen, a few women held posts in the kindergarten committee, health committee, and an education committee (ibid). Women attended committee meetings associated with school business and health; however, these committees were ones initiated by the state government, as were those committees where women held posts — women's participation in these committees was actively encouraged or required by the state (216).

During the period of Stephen's study, women's participation in the formal politics of Teotitlán del Valle was limited. Women generally did not hold formal posts in the

municipal government, neither did they attend the municipal assemblies (Stephen 217). According to Stephen, the greatest barrier to their participation in the municipal assemblies, "...is not a formal law that forbids them from coming, but *costumbre*, " custom or tradition (217).¹⁷ It is not customary for women to attend and participate in municipal assemblies. In addition, in this community, as in other indigenous communities in Oaxaca, gender segregation in ritual and community space¹⁸ is the norm (217). According to Stephen, "... any time men and women come together outside their immediate household for an event, they congregate in physically separate spaces" (217). This segregation includes attendance at formal civic or community religious festivities in the public square (218), as well as participation in family celebrations, *fiestas*, also identified as life-cycle rituals, which take place within households (184). Informed by the concept of mutual respect, the gendered segregation of public space discourages women from attending public meetings (Stephen 218).

¹⁷ Stephen observes that men and women generally thought it would be better for women to participate in all public meetings; however, custom along with the following factors impeded their attendance: the fact that meetings were often held at night, that women might attend alone, and that meetings violate the norms of gender segregated space (217).

¹⁸ According to Stephen, these spaces do not adhere to the public/private dichotomy often used to characterize space (231). A housing compound, which would include a house but also an open atrium and outside kitchen where central domestic activities take place, becomes a ritual space once preparations for a celebration held there begins. See Stephen for a description of how the space and preparations for rituals are gendered (178-207).

This is not to say that women are not involved in political discussions or are not interested in political issues in Teotitlán del Valle. On the contrary, women actively discuss political issues and see themselves as having the necessary skills to contribute to municipal assemblies:

There are some women in this town who are really articulate. I know that they can express themselves very well and would be really good at *juntas* [assemblies]. We always talk about politics at fiestas and that way you can see who the really influential and articulate women are. Often we talk about what the men do and say. It's too bad that the *costumbre* keeps us from going to *juntas* because we know how to do things. Fiestas are very important to us because that is where we talk about things, things that men discuss in their *juntas*. A lot of women know how to talk really well, but they are afraid to talk in front of men. (Isabela, age 50) (Stephen 218)

Tradition restricts women's participation in meetings, most notably the municipal assemblies; however, as Isabela notes, fiestas have become an informal forum for women to "talk about things, things that men discuss in their *juntas*" (218). Fiestas, or life-cycle celebrations, not only offer a way for women to discuss politics, according to Stephen, they also offer women experience that supports women's political participation in the community (180).

Stephen's study demonstrates that many women and men feel that the municipal assemblies would benefit from women's contribution (217). Her study also suggests that the small community of Teotitlán del Valle is stratified by class, and these class differences affect how men and women view women's participation within the community. For example, Stephen suggests that men from the weaver class were more

likely to support women's increased participation in the cargo system than men from the higher merchant class (219).

Education is also a factor that influences women's view of their roles and rights in Teotitlán del Valle. Young women educated within the Mexican school system and familiar with national political rights, rose to critique the committee and system that controlled their work yet excluded them (Stephen 224). Working in the market running artisan stalls for their families, the young women had direct daily experience in their trade, yet the committee that regulated the market's policy and prices was made up of men — men who were elected at the all-male meetings held to elect local officials (224). As one woman observed, "We know what is going on because we are there all day. The problem is that men run the meetings" (225). According to Stephen, a group of about 25 women became critics of the committee that excluded them, and some also went on to criticize the municipal structure that excludes women (224).

In Stephen's view, the situation regarding women's participation in Teotitlán del Valle, suggests that ". . . women will push to be formally included in the municipal structure of government, yet also continue to use the institutions of social reproduction as a basis for political influence" (226). Her study demonstrates how both ethnicity, class and education affect women's view of their roles and rights and the strategies they choose to use to influence local politics. As Stephen concludes:

Not all women are likely to have the same perceptions of themselves as political actors or be attracted by the same institutional possibilities or strategies. In addition, their strategies for change tend to reflect the different positions they hold and language skills, which have become vital in determining formal political authority at the level of the *municipio*. In Teotitlán, poorer, older, illiterate, and monolingual women will continue to use ritually based *respet* as a way to gain influence. Younger, literate, bilingual, and wealthier women will construct a political position in relation to a claim of superior knowledge and wealth. (226)

Views from Oaxaca's Female Indigenous Leaders

The views of some of Oaxaca's indigenous female leaders regarding the barriers women face to participating in decision making within regional indigenous political organizations, their communities, and their families are expressed in a background paper prepared for the First Indigenous Women Summit of the Americas (2002).¹⁹ While the paper cannot be seen to represent the diversity of indigenous women's views in the Americas, or Oaxaca, it does represent the views of some indigenous women expressed during interviews conducted in August 2002 at an International course held at a university in Nicaragua titled "Indigenous Peoples in the Interamerican System."²⁰ These

¹⁹ The summit took place from November 30th to December 4th 2002, in the city of Oaxaca, Oaxaca, Mexico.

²⁰ The course was held at the University of the Autonomous Regions of the Caribbean Nicaraguan Coast (URACCAN), and the background paper was drafted by the university's Center of Studies and Information of the Multiethnic Woman (CEIMM). Although I refer to the paper here to gain an understanding of the views of some of Oaxaca's indigenous women leaders, I do not rely on it in other aspects of my research as the document itself has some serious flaws. For example, many of the sources are not clearly cited, and there are major errors evident in the representation of some events, such as the Gender Parity plebiscite in Nunavut. In addition, although the paper claims to represent the views of indigenous women in the Americas, and one can infer that both academic literature and interviews inform the views represented in the text, the methodology of the study is not clearly outlined. It is possible that reports and conclusions drawn from the conference will be made available in another form, which may provide more information

Oaxacan leaders suggest that tradition plays a central role in restricting indigenous women's participation in many areas of decision making. As a result, it is unlikely that these leaders would support a political demand similar to that summarized by Tuhiwai Smith. Instead, they may support other non-traditional initiatives that strive to broaden women's participation such as training programs.

According to one Oaxacan leader, indigenous women's struggle to establish their own working groups to ensure they were not silenced and their views were expressed has ensured them a place within the Oaxacan Indigenous Peoples' Congress:

At the Congress of Indigenous peoples, indigenous women have been able to stand for their space, because we found it necessary to have women's working groups, not only to discuss women's issues . . . , but also to analyze the congress agenda, such as territory [*sic*] and the institutional recognition of Indigenous Peoples of Mexico, and our mates did not believe in us. They refused to accept our proposal because they thought that we were not capable of addressing these issues at the women's table, we argued that we wanted the women's table because our process was slower, and we had been silent for too long. Sometimes women are sorry to ask the floor [*sic*] if there are other participants who talk a lot, who are experienced speakers. We had to argue that we did not dare speak because we lacked the knowledge, if there are experienced men, I do not dare speak because they can shut my mouth. A women's table was organized, and we can say that we were inserted in these struggles of our rights as Peoples, but also in special moments we have the right and space where we will talk about our situation as women. (CEIMM 3.2.1.2)

This view suggests that indigenous women of Oaxaca struggled against traditional views of women's role within decision making at a regional level. This view also

that is clearly documented. Due to the scarcity of resources that provide direct quotes from indigenous women leaders of Oaxaca, I have decided that despite the other weaknesses of the paper, it is worthwhile

suggests that indigenous women feel that their lack of experience in decision making and public speaking affects their ability to participate. Despite the challenges indigenous women faced, this view also demonstrates that they created a space for themselves where their views on indigenous rights in general and women's issues in particular can be expressed.

Although indigenous women in Oaxaca have fought to be involved in decision making at the regional level, they continue to struggle against the view that they should not be involved in political issues:

The councils of the elderly consider that women should not be involved in these issues, they having nothing to do there, they should remain in the kitchen cooking the meals and looking after the children, they know nothing . . . I say that we deserve an opportunity because they are part of the community, they are capable individuals [*sic*]. We are not ignorant. Men also vote on behalf of women in elections for deputies and president of the republic. When they go, their husbands tell them who to vote. . . . [*sic*] (ibid)

The above suggests that traditional views of indigenous women's roles may restrict women's participation, including within the family where political decision making is deemed to be a male responsibility.

According to the background paper prepared for the First Indigenous Summit of the Americas, despite the active and important roles indigenous women play within their families "indigenous women lack decision-making power in the family both in economic

and political terms, which is often exercised by men" (CEIMM 3.2.1.1). An indigenous woman from Oaxaca states that men usually:

. . . believe that after they marry with [*sic*] indigenous women they become their owners and masters, as if they took possession of them. They set the rules and conditions and take social and economic decisions on behalf of women. These are negative aspects that women encounter to develop as individuals. . . . (ibid)

The paper suggests that for indigenous women, it is the family which is the " . . . first and strongest barrier that limits their participation in other spaces of power, either at the community or territorial level" (ibid). It is unlikely that all indigenous women in Oaxaca support this view; however, the above suggests that views of women's roles and gender relations may present barriers to indigenous women's participation in many areas of decision making. Traditional views of indigenous women's roles, may limit their participation at the level of the family, the broader community and territorial levels.

Conclusion

The Bill of Rights of Indigenous Peoples and Communities of Oaxaca recognized the autonomy of local indigenous municipalities and their right to govern themselves according to traditional systems of governance. The Oaxacan Bill addresses many other aspects of indigenous peoples' rights, such as their cultural, educational, and territorial rights. Within this constitutional context a chapter is devoted to outlining the rights of indigenous women in the state. The gender provisions of the Oaxacan Bill represent an effort to promote and broaden indigenous women's participation within the social,

cultural, economic and political realms. Although the Oaxacan Bill was influenced by other indigenous rights documents which stress the necessity of including consultation and participation of indigenous peoples in policy and projects that affect them directly, it is notable that these principles are not incorporated within the bill's gender provisions. Instead, the Bill supports government intervention in indigenous communities to implement gender programs intended to support and broaden indigenous women's participation.

The Oaxacan case study demonstrates that within the context of recognizing the rights of indigenous peoples and communities, the state government also adopted gender provisions intended to support indigenous women's participation within the newly recognized autonomous communities and municipalities. The Oaxacan Bill's gender provisions do not restore the traditional roles, rights and responsibilities of indigenous women, but instead places the state government in the position to define and support indigenous women's participation within their communities. It is surprising that a constitutional reform that otherwise recognizes the autonomy of the state's indigenous peoples supports an interventionist approach to indigenous women's participation. It could be argued that the gender discourse in the Oaxacan Bill is the product of a government reluctant to relinquish its control of indigenous communities; however, the gender discourse may also be a result of the state government's attempt to address the paradox of recognizing the collective rights of indigenous peoples to govern themselves

according to a traditional systems of governance in which women traditionally do not hold formal political positions. The Oaxacan case suggests that there would be no consensus amongst indigenous peoples, including indigenous women, regarding how indigenous women's participation within traditional systems of governance should be defined and supported. Some indigenous women may struggle against tradition in order to participate within local systems of governance in formal roles, while other indigenous women may choose to influence decision making through their participation in traditional roles, such as in celebrations. As a result of the different impact tradition can have on individual women's participation, the types of strategies indigenous women support to further their participation are bound to be varied. The cultural discourses around gender and political participation within indigenous communities demonstrate that these discourses represent both shared points of departure and a battleground of meaning.

Chapter 5

Esther Sandoval Cruz, a Triquis woman of Oaxaca, grew up learning "to live how the grandparents had decided..." (translation mine) (235). She learnt "... to prepare for celebrations, to respect water and corn, to sew our *huipil*, and everything else that I saw my mother do and continue to do to help my father. . . " (ibid). When she went to school the state education system taught her that Triquis peoples must change:

I grew, I went to school and learnt that we lived in poverty in my town, ignorant of everything, and that it was necessary to change. To change we had to organize ourselves, convince ourselves that we were poor, get angry and fight to stop being poor. When I went to school I saw that to learn we had to buy books, pencils and clothes, because to go to school you have to change yourself. . . . (translation mine) (235)

Sandoval Cruz is ambivalent about how state promoted concepts of development have affected her community, and specifically, women's work. She describes Triquis women's efforts to organize and modernize their production of artisan work and observes:

We saw that when we sewed out of obligation we got tired and that we were working like women in offices, in a workshop, or like the women in the city who are closed in cleaning and cooking because their houses are so big. Also we said: how will we prepare for our celebrations if we work out of obligation, how will we help our husbands if we are forced to sew. . . . (translation mine) (236)

Sandoval Cruz suggests that for Triquis peoples development meant having to change and this made life difficult for them: "When we knew we were Triquis we could manage our lives without many problems; now that we are poor, life is heavy and difficult" (236). Sandoval Cruz asks herself what it is that Triquis women really need

now, and suggests that for herself it is the traditions of the past: "... I am trying to look behind, to the path of grandparents, to see if this is the way to move securely forward" (237). Sandoval Cruz concludes her discussion by inviting the audience to a community celebration for which she was nominated to host as a *mayordoma* (237).

Sandoval Cruz's experience of education — which taught her Triquis culture and way of life had to change— parallels that of many indigenous peoples during the twentieth century. For Inuit, the movement of children to settlement schools during the 1950s and 1960s involved a loss of Inuit autonomy and an imposition of foreign cultural norms. One Inuk observes, that for Inuit "The details of our stories may be different, but a lot of the experiences are the same" (RCAP 20). When she moved to attend school in a settlement the people with authority were non-Inuit. According to her, the Eurocanadian teachers and other administrators "... acted like our parents but they weren't our parents[,]" and instructed Inuit to change:

They taught us a new culture, a different culture from our own, they taught us that we have to live like the white people. We had to become like the white people. (RCAP 20)

A history of colonization and assimilationist state policies mark the experiences of indigenous peoples in the Nunavut Territory and the State of Oaxaca. However, indigenous peoples in both regions have recently gained a degree of self-government and autonomy. Many indigenous peoples hope that these changes will allow indigenous peoples to shape their own futures and maintain and develop their cultures. Like

Sandoval Cruz, indigenous peoples in both regions may strive to maintain cultural continuity amidst cultural change. While it is still early to determine conclusively what the new structures of self-government will mean for indigenous women's rights and participation, this study has explored how, in their early stages, these structures of government have addressed indigenous gender issues.

This study was directed by a twofold research question. First, it was to establish how the new structures of government in the Nunavut Territory and the State of Oaxaca addressed indigenous women's rights and participation. Second, it was to compare the gender discourses that emerged in both regions to Linda Tuhiwai Smith's representation of indigenous gender discourses. I conclude this study by comparing how indigenous women's rights and participation were addressed by the models of self-government in Nunavut and Oaxaca. I also evaluate the strengths and limitations of Tuhiwai Smith's representation of indigenous gender discourses. I summarize how Tuhiwai Smith's representation of gender discourses could be further developed as a theoretical approach to indigenous gender issues and suggest why this contribution to the field is needed. I also highlight the contributions her representations make to the study of indigenous gender issues. Observations regarding the need to develop a greater understanding of the breadth of indigenous women's political participation conclude this study.

During the 1990s, indigenous peoples' relationship to state governments — in the case of Nunavut, their relationship to the territorial and federal governments, and in the

case of Oaxaca, indigenous peoples' relationship to the Oaxacan state government —were redefined and forms of self-government were established or recognized. In both regions of this study, the establishment of these new forms of government was accompanied by an effort to redefine indigenous women's relationship to their communities. In the Nunavut Territory Inuit gained a form of self-government through public territorial government. Indigenous peoples in the state of Oaxaca gained the recognition of their right to govern themselves locally according to traditional forms of governance. Despite the differences in models of self-government, similarities are apparent in the approach to indigenous women's participation in the two cases.

In both Nunavut and Oaxaca gender provisions sought to promote and secure indigenous women's participation in formal politics and in the cultural, social and economic realms. The Nunavut Implementation Committee (NIC) proposed to legislate the equal representation of indigenous women in formal territorial politics. The Nunavut Government also formally commits to supporting indigenous women's participation within all areas of community life in the territory. For example, the mandate of the territory's Department of Culture, Language, Elders and Youth and the goals of the Nunavut Status of Women Council formally commit to supporting Inuit women's full participation within the territory. In Oaxaca, the Bill of Rights of Indigenous Peoples and Communities of Oaxaca includes guarantees that aim to support and broaden indigenous

women's political participation, as well as their social, cultural and economic participation within their communities.

Another similarity the two cases share is that in both regions a degree of intervention was deemed necessary in the promotion of indigenous women's participation. In the case of Nunavut, the NIC, as well as other residents who supported the NIC proposal, promoted legislating Inuit women's equal representation in formal territorial politics. In the case of Oaxaca, the content of the Oaxacan Bill demonstrates that government intervention was also deemed necessary to ensure that indigenous women's participation in formal politics and other areas of community life was broadened.

The two case studies demonstrate that the gender provisions of the Nunavut and Oaxaca cases do not strive to restore indigenous women's traditional roles, rights, or responsibilities. If, as Tuhiwai Smith asserts, in the context of contemporary indigenous politics, this restoration is indigenous women's central political demand, neither the Nunavut case, nor the Oaxaca case meet this goal. As discussed above, the gender provisions of both regions strive to support women's full participation in their communities. As many indigenous women understand their traditional roles to have included full participation within many aspects of indigenous societies, it could be argued that to support women's full participation is restoring to them their traditional roles. However, as demonstrated throughout this study, and as will be discussed here further,

traditional gender roles are viewed differently by indigenous women and are the subject of debate within indigenous communities. The main point to note here is that in neither the Nunavut nor Oaxaca cases did the gender provisions focus on explicitly restoring indigenous women's traditional rights, roles, and responsibilities (although many proponents of Nunavut's gender parity proposal argued that it would restore aspects of traditional Inuit gender relations).

It is difficult to assess why the NIC and Nunavut Government and the Oaxacan Government strove to support indigenous women's broad participation, and also sought to legislate a degree of government intervention to secure women's participation within the regions. In the case of the Nunavut Territory, I suggested that a window of opportunity opened to address women's rights. The NIC needed to design the structure of the territory's legislature and the proposal for gender parity offered a solution to design problems while also securing an active role for women within the new government. In the case of Oaxaca, I suggest that the Oaxacan Bill allocates the government an interventionist role in relation to gender issues because it legislated a form of traditional self-government in which indigenous women do not traditionally hold formal political posts. It is probable that in both cases other factors also influenced the gender provisions adopted, such as the political demands of local indigenous women's organizations, or possibly, international discourses around indigenous women's rights. A definitive explanation of the Nunavut and Oaxaca governments' approach to gender issues remains

elusive; however, the case studies demonstrate that indigenous women would not neither completely endorse nor oppose the provisions in either region. This is because, contrary to Tuhiwai Smith's representation, indigenous women's gendered political demands are not homogeneous.

A limitation of Tuhiwai Smith's representation of indigenous gender discourses is that she represents indigenous women as one homogeneous group. The case studies demonstrate that indigenous women, as well as indigenous men, differ in their views of traditional gender roles and how these should be manifested in the contemporary context of their communities. Indigenous women are also divided in the types of political strategies and demands they forward to further their participation in decision making. For example, the Nunavut case study demonstrates that in a small community two Inuit women elders had similar views regarding Inuit women's roles, however, they differed in their support of the gender parity proposal. One woman expressed her concern that the proposal would create empty homes. In her view, the proposal was not consistent with traditional gender roles, as men were traditionally responsible for issues related to the land. In contrast, another female Inuk elder supported the proposal on the grounds that it would ensure that social issues are addressed in the territory's legislature. The comments of both Inuit women suggest while they agreed that Inuit women's traditional roles allocate them responsibilities related to social issues, they disagreed on how these roles should be represented in the current context.

The Oaxaca case study also demonstrates that indigenous women in the state differ in the political strategies they support. As my discussion of Lynn Stephen's case study demonstrated, some Zapotec women in Teotitlán del Valle struggle to gain representation in the local system of governance that has traditionally excluded them. Other indigenous women chose to influence and shape political decision making through mobilizing the respect and authority they gain through their traditional gender roles, such as in the preparation for celebrations.

Tuhiwai Smith's representation of indigenous gender discourses does not address the diversity of indigenous women's views and how this is related to their different positions within their communities. The case studies of Nunavut and Oaxaca demonstrate that such factors as their age, level of education, and class status influence how indigenous women view their roles within their communities and also the related strategies they support. These studies also suggest that factors such as class status may influence men's views of indigenous women's participation. For example, in the Nunavut case, the majority of Inuit who were deemed to be members' of the political elite — such as the NIC commissioners and members of Nunavut Tungavik Incorporated — supported gender parity regardless of their gender. In the Oaxaca case, Stephen's study suggests that class status influenced men's view of indigenous women's participation: men from the weaver class were more likely to consider it desirable for women to participate in the formal system of governance than were men from the merchant class.

An additional limitation of Tuhiwai Smith's representation of indigenous women's political demands is that it does not incorporate a consideration of how other cultural and political ideologies inform some indigenous women's views of gender issues. The case studies provided ample evidence of how the political norms of the dominant state influence some indigenous women's view of their roles, rights and responsibilities. The extent to which concepts of individual rights (associated with the political culture of the state) should influence indigenous peoples' communities has been a decisive issue amongst First Nations peoples in Canada. In Nunavut this was also an issue of debate. The comments of some Inuit women suggest that their view of their roles, rights and responsibilities in Nunavut are fundamentally shaped by the political norms of the Canadian state. Inuk Suzie Napagok's comments suggest she opposed the gender parity proposal because, in her view, it underestimated Inuit women's knowledge of their rights as expressed in the Charter of Rights and Freedoms and their understanding of the democratic processes of their (Canadian) society. In Oaxaca, Stephen suggests that young Zapotec women's understanding of their rights to participation as informed by the Mexican school system influenced them to challenge the traditional indigenous political system that exclude them.

These two case studies demonstrate that age, class, level of education, differing views of tradition, and the influence of the dominant political system and culture, are all factors that influence how indigenous women view their roles within their communities.

An additional limitation of Tuhiwai Smith's representation of indigenous gender discourses is that she does not place them in a context of broader political, economic social, and cultural change. This study demonstrates that in Nunavut and Oaxaca gender discourses and debates take place in a context of social and political change. In this study's second chapter, I demonstrated how in Nunavut and Oaxaca the imposition of colonial political structures distanced indigenous women from participating in formal politics. This study demonstrates that due to a context of historical and recent change, it is not obvious how, or if, traditional gender roles would be best represented within contemporary indigenous communities. In addition, change is likely to have different consequences for individual indigenous women.

Mary Crnkovich observes how the changes Inuit have experienced in the North have affected women differently in the following:

The changes experienced by women in the North are vast. The impact of these changes has been empowering for some and devastating for others. There are some who have used this time of change as an opportunity to get involved in formal politics and to ensure they have a role in shaping the future of the North. There are others who have felt powerless and have attempted to cope with the impact of change on their families and communities in isolation of everyone around them. While for some women the change is too slow, for others it is too fast and has passed them by (xv).

As Crnkovich observes, change has meant different things for Inuit women. The political and cultural contexts of both Nunavut and Oaxaca are characterized by change and, as a result, how the current context will represent cultural continuity and change is not a

given. For this reason, indigenous communities, like other communities, are bound to be involved in the dynamic process of redefining aspects of their culture, including how traditional gender roles will be represented and redefined in the contemporary context.

The Nunavut and Oaxaca case studies demonstrate that Tuhiwai Smith's representation of indigenous women's central political demands is limited and does not reflect the heterogeneity of their perspectives. In her assertion that, in the contemporary context, indigenous women demand the restoration of their traditional roles, rights and responsibilities, she represents indigenous women as a homogeneous group and gender roles as static and fixed. There are political reasons why, at specific moments, indigenous women may chose to represent their traditional roles as static and unchanging; however, to forward this representation as a theoretical approach to indigenous women's political demands is problematic as it is a narrow representation of the heterogeneity of indigenous women's political demands. Tuhiwai Smith's gender discourse also fails to represent the changing and dynamic context in which gender discourses are situated. In general, her representation is unable to account for both the constant and changing nature of cultural discourses.

In order to formulate a complex theoretical approach to indigenous gender discourses, Tuhiwai Smith's representation would benefit from the insights gleaned from contemporary approaches to cultural theory. According to Nura Yuval-Davis, in this area the representation of cultures as a "static reified homogeneous phenomena" shared by all

members of a community has been replaced by an understanding of cultures as dynamic processes (41). Informed by Yuval-Davis's approach, I suggest that, in the context of contemporary indigenous gender discourses, cultural representations of indigenous women's rights and participation within their communities represent both "shared points of departure" and "battlegrounds" to define meaning (41). To incorporate both these aspects, representations of indigenous women as homogeneous groups and traditional cultural values as fixed must be abandoned.

There is a great need to further develop theoretical approaches to indigenous gender issues informed by indigenous women's perspectives that incorporate understandings of cultural discourses as political, dynamic and changing phenomena. As a non-indigenous woman, I believe that it is possible to contribute to the study of indigenous gender issues; however, a potential flaw of research conducted from an outsider position is its inability to incorporate a more complex understanding of indigenous societies. The tendency to expect indigenous communities to be homogeneous and indigenous cultures to be purely "traditional" (unchanging, uninfluenced by other cultures and political systems and essentially spiritual) may limit outsider studies. Limited understandings of the political nature of cultural processes and the cultural nature of politics also have the potential to limit research.

For example, in what is otherwise an informative and well-researched study of Nunavut's gender parity proposal, Nicole Gombay's study is limited by its inability to

conceptualize politics as cultural processes and culture as political processes. In her study, she emphasizes the dynamic nature of cultural processes; however, her concluding paragraph suggests that she not only views a formal public system of government as a culturally neutral entity, but she also views formal politics as an inappropriate site for addressing cultural issues:

Through Nunavut, Inuit will be forced to confront their understanding of themselves as a people. If Inuit remain a majority in Nunavut, and if they keep their leaders in check, there may be something to be said for public government. In a government that is based on neither ethnicity nor culture, Inuit may be free to confront the difficult, and sometimes uncomfortable task of reconciling change and tradition without being formally shackled by stereotypical images of the past. The debate on gender parity was an attempt at accommodating both forces. Ultimately one must question whether through Nunavut, Inuit will be able to use a new political process and make it their own so that they need not play the politics of culture (143).

In her concluding paragraph she suggests that attempts to reconcile tradition and change will continue to be a challenge Inuit Nunavut face. However, her final sentence suggests that Inuit will eventually rise above the need to "play" at cultural politics. In an earlier comment, her view that formal politics should not be sites of struggles to define cultural meaning is revealed in the following: "The plebiscite on gender parity provides a remarkable illustration of the strange mix that results when culture and politics combine, a mix that is embedded in the concept of aboriginal self-government" (126). In her otherwise informative discussion of Nunavut's gender parity proposal, debate and

plebiscite, her assumptions regarding cultural discourses and their relationship to politics ultimately limit her conclusion.

Further development in theoretical approaches to indigenous gender issues would provide guidance to researchers in addressing the contradictions and challenges that the existence of cultural continuity, heterogeneity, and change pose for indigenous peoples and the study of contemporary indigenous politics.

While Tuhiwai Smith's representation of indigenous gender discourses could be further developed to represent a theoretical approach to indigenous gender issues, her representation has many strengths which have facilitated this study and which could also inform other research. First, as discussed in Chapter 1 of this study, many themes represented in her gender discourse are represented elsewhere in the literature. The Nunavut and Oaxaca case studies have further reinforced the importance of some of the themes she addresses. For example, she asserts that within indigenous gender debates, gender issues are addressed with a focus on gender relations and are situated within a cultural context that is community oriented. This perspective could be further developed in a theoretical approach to indigenous gender issues.

Another strength of Tuhiwai Smith's representation of gender discourses is that it characterizes one community based indigenous gender discourse which can be compared to other gender discourses, specifically, those that emerge from the state. In addition, her representation of indigenous women's central political demands provides a base

against which to compare either specific indigenous women's demands or the gender provisions of state governments. These comparisons encourage the researcher to speculate regarding the reasons for existing similarities and differences.

Finally, Tuhiwai Smith's representation of gender discourses has provided a springboard for posing many theoretical and methodological questions regarding the study of indigenous women's rights and participation in this study. One of the central questions which remains, is how the nature of indigenous women's participation in the Nunavut Territory and the State of Oaxaca can be further understood. While both studies demonstrate that there is a need for a greater understanding of both indigenous women's formal and informal political participation, the Oaxaca case study also challenges assumptions regarding the nature of political participation.

The Oaxacan case study demonstrates that while indigenous women have not traditionally held positions within the formal structures of government, their labour is critical for the maintenance of this system. In addition, within the traditional systems of governance the household is an important political entity; the household is a political unit whose members collectively contribute to the local system of governance. Women contribute to this system through their household labour and, as individuals, they influence formal politics by mobilizing the status they gain through their traditional roles in rituals and celebrations. These examples demonstrate how this case study defies rigid notions of political participation and also challenges the understanding of the individual

as the subject of politics. It also challenges the assumption that formal politics take place in the public sphere by demonstrating how women's activities in the private sphere support the formal system of politics, and also how women's activities in this sphere shape formal politics. Lynn Stephen predicts that in the future some indigenous women in Oaxaca will both continue to turn to the institutions of social reproduction as a basis for political influence, while others will increasingly demand representation in the public institutions of formal political decision making (226). Further research and consideration of these trends will both broaden our understanding of indigenous women's political participation and the nature of political participation itself.

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