



PART 4

# CONSENT AND GENDER JUSTICE in Indigenous Self-Determination

By Dr. Rauna Kuokkanen

In this four-part article series, Research Professor Rauna Kuokkanen shares the key findings of her research that has been published as the book *Restructuring Relations: Indigenous Self-Determination, Governance and Gender* (Oxford University Press, 2019). For her comparative study, she interviewed over 70 Indigenous individuals from Sápmi, Greenland and Canada, the majority of whom were women. She wishes to share her findings as a means to increase awareness and empower women.

**I**ndigenous self-determination politics stress the importance of collective consent in achieving Indigenous rights. A frequently used acronym for consent is FPIC (free, prior and informed consent). Collective consent is widely seen as one of the main ways of advancing Indigenous self-determination. It means that Indigenous Peoples, societies and communities discuss internally whether they give permission and agree to proposed measures, development plans and so on. Much less focus has been given to individual consent and its importance in implementing Indigenous self-determination.



## Collective and Individual Consent Are Inseparable

Consent plays a critical role in both land use and interpersonal relations. A common view of self-determination among those who participated in my research was that Indigenous self-determination is based on the norm of free, prior and informed consent. It has two inseparable sides: collective consent with regard to Indigenous lands and individual consent with relation to their own bodies. Individual consent is, however, too often overlooked when discussing violations of Indigenous People's bodily integrity.

Consent is closely linked to the norm of integrity, discussed in the first part of the series. Integrity is achieved and practiced through active consent. With regard to land use, consent is collective; a community must decide and give it together. Individual consent is always a personal matter and decision.

Individual consent is the foundation of individual self-determination and body sovereignty. In the past couple of decades, active consent has become a central part of eliminating sexual violence. Individual consent has not, however, been as widely accepted as collective consent has been. It is almost the opposite; unspoken social norms make physical and sexual violence possible and weaken or threaten individual consent. Rape culture that downplays sexual violence and blames the victim is rampant in some segments of society, such as in the military and sports, and on university campuses.

## Body Sovereignty

Discussions of body sovereignty have increased our understanding of the links between Indigenous Peoples' collective and individual consent, and strengthened the connection between the two. Body sovereignty means that everybody has a right to make decisions over their own bodies, including deciding one's sexual orientation and its representation, the way in which one dresses and which gender one identifies with.

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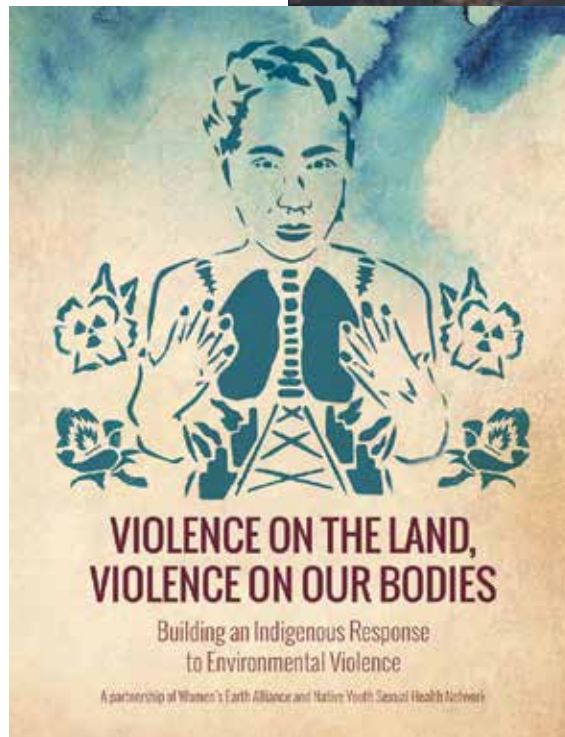
For some, body sovereignty is a way to heal and reclaim their own bodies and identities from misogyny, homophobia, and other public surveillance and control. For others, body sovereignty means coming out, rejecting gender binaries and heteronormativity, and decolonizing and restoring Two Spirit, queer or other LGBTQ+ identities.

A collaborative project between the Native Youth Sexual Health Network and Women's Earth Alliance called *Violence on the Land, Violence on our Bodies* explains how colonialism works at the intersection of Indigenous land and Peoples. The exploitation of Indigenous lands and bodies is interconnected. The exploitation of Indigenous women and their bodies has been inseparably linked to the ongoing exploitation and dispossession of Indigenous lands and resources since the first contact. Settler colonialism has to destroy Indigenous bodies that represent Indigenous political, legal and economic systems in order to get access to Indigenous lands and resources.

### Gender Justice

Consent is threatened by unequal gender power relations. Women are not always included in the collective process of obtaining consent, despite its different effects on men and women. Indigenous gender justice forms the foundation of Indigenous self-determination that is free from gendered violence and discriminatory gender practices. It also rejects the division or hierarchy between self-determination and gender.

Based on my research, I suggest that Indigenous gender justice means, above all, three things: protecting and upholding Indigenous children, eliminating gendered violence, and rematriating Indigenous governance (discussed in a previous issue). Indigenous gender justice also means that women and gender-diverse





people and their activities on the land are included on an equal footing with those of men when considering consent. As an example, we need to challenge views of hunting and fishing as male or gender-neutral activities. We also need to create space for all genders within those activities and give equal importance to women and gender-diverse people's roles on the land, such as seed protectors, healers and medicine collectors.

Instead of neglecting the concerns and views of Indigenous children and young people, we need to see them as essential to the future survival of Indigenous communities. For some, a key element of restoring or reclaiming traditional governance is to stress the centrality of children in decision-making. Love of and concern for children and future generations are frequently also mentioned by many Indigenous women as a reason for taking a stand and taking to the streets.

In many Indigenous communities (including urban ones), extended family networks still exist and form the central web of social relations. Yet we cannot ignore the questions this raises, such as: What is an Indigenous idea of family? How can we ensure that Indigenous ideas of family are free from sexist or macho biases, such as the lower status of women? How do we guarantee that these ideas do not normalize violence as an acceptable way of disciplining “annoying” or “unruly” women or asserting male authority?

Some Indigenous communities have traditions and teachings of holding women up. This is different from glorifying unspecified notions of culture or tradition. Romanticizing culture and tradition can increase concerns about and barriers to safety. We do not, however, need to reject

traditions or traditional teachings. We need to examine them with an eye for oppression and gender discrimination.

Indigenous laws play a central role in Indigenous gender justice and in eliminating violence against Indigenous women. Indigenous laws are different from community-based justice models and restorative justice approaches, such as peacemaking, which can be established on unequal gender relations and may pressure women to reconcile with their oppression.

There is no Indigenous self-determination without Indigenous gender justice, and there is no Indigenous gender justice without restructuring all relations of domination.

Self-determination together with gender justice reconstructs the relations of domination into relations of consent. This involves creating new collective norms. One important new norm would be a strong norm of consent that includes both collective and individual consent. We need to recognize the failure of the old norms and establish new collective norms, so that, for example, there would be consequences for the person who abuses their wife on Saturday and shows up at the council meeting on Monday.

We also need to rethink what collective responsibility would mean in practice. What roles and responsibilities would the community institutions, informal groups and networks have? What would be the role of kinship relations in upholding and promoting the norm of integrity, especially at the individual level? What kind of new institutions need to be created and at what level? How would we build them from an understanding that gender matters? ❗



## Rauna Kuokkanen

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