



January 26, 2007

Individual rights come first

By JOSEPH QUESNEL

It is a sad commentary on Canada when First Nation women have to fight their own band government for their individual rights.

Currently, the Sawridge First Nation and the Tsuu T'ina First Nation, two bands based in Alberta, are contesting the rights of aboriginal women on their reserve from claiming membership after marrying non-aboriginals.

The bands object to a 1985 amendment to the Indian Act, called Bill C-31, which reinstated the status of women who lost their status when they married off reserve.

The band governments are appealing to the arguments of self-government, stating that they have a right to determine membership. They also contend that before their ancestors signed their treaty, they had a cultural tradition of "woman follows man" when establishing where a couple moves to after marriage.

As a result, the right of aboriginal peoples to be self-governing inevitably clashes with the right of these aboriginal women to equality and individual rights.

But, is it morally right to allow these self-government rights to be used to oppress individuals? This is the issue facing all First Nations communities. I would argue that before aboriginal societies flesh out what it means to be self-governing, they ought to come to terms with the rights of their individual members. It is almost useless to talk about aboriginal rights as these rights are always defined by a narrow group of people at the top.

A letter writer responded to my column last week criticizing my decision to focus on the perspective of aboriginal individuals and not peoples. For this I offer no apologies. My response is I am proud to stand with aboriginal individuals. I do so because no one else appears to be.

DEFINED ETHNICALLY

The individual is the most important moral unit in society and all rights flow from that reality. For First Nations in Canada, this is not the case. To be First Nation is to face definition by ethnic membership from birth, to be placed on a specific territory, to have your economy and livelihood determined by collective fiat and to be denied the right to own and transfer property.

Even leadership excludes individuals. The current chief of the Assembly of First Nations is elected not by band members, but by chiefs.

As a Metis who has lived in mainstream society, I have not experienced this reality, although I have witnessed it.

While aboriginals possess constitutional rights to treaty territories and certain traditional rights, as a society they must deal with changes that place the individual front and centre. More than half of aboriginals now live in cities.

Grand Chief Patrick Brazeau of the Congress of Aboriginal Peoples said younger aboriginals are moving away from a "rights-based agenda" focusing on self-government and are embracing bread-and-butter issues like economic improvement for themselves and their families.

With conditions on reserves and demographic trends, it is highly probable that there will be so few people left on

reserves over the next couple decades to even exercise self-government rights.

Aboriginal societies will need to come to terms with their younger members demanding individual rights. It is a moral imperative.

Calvin Helin, an aboriginal entrepreneur from the Tsimshian Nation in British Columbia, in his book **Dances with Dependency**, argues that aboriginals need to have their own Glasnost, or period of openness as they did in the former Soviet Union, to discuss their problems with candour.

I believe he is right and the first order of business is to empower and define the individual.