

*Skannen Ko'wa: Attributing
Principles of Kashwenta to
Manitoba's Treaty Relationships*

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Introduction

The Manitoba Education Research Network's (MERN) initiatives on treaty education, activities that have been taking place for the last few years, engaged the collaborative effort of several Indigenous and non-Indigenous university faculty from five universities in Manitoba. The MERN Indigenous Education Research Group has brought these individual scholars together to share their knowledge and bring their expertise to bear results through regular interaction and opportunities for interactive dialogue on a semi-annual basis. Essential to the work of this group was the aggregation of diverse perspectives that represent a variety of different experiences, nationalities, and traditions. This paper presents an overview of the experiences, nationhood, and traditions that continue to inform and govern my contributions to the work of the MERN Indigenous Education Research Group based on my *Kanienke'ha* (Mohawk) ancestry.

The treaty relationship that is shared by the *Kanienke'ha* and our non-Indigenous counterparts is that of *Kashwenta*—the Two-Row Wampum Treaty. The principles behind *Kashwenta* are those of mutual respect, non-interference, and acknowledgement of peoples' journeys as we attempt to discover moral truth in this world (Simpson, 2014). This paper will advance the principles of *Kashwenta* in an attempt to foster a dialogue on the potential for a new sort of interpretation for the Numbered Treaties—one that explores sovereignty in a deliberately articulated manner and maintains reverence for the unique manifestations of Indigenous knowledge, heritage, consciousness, and tradition that are relevant to the treaty relationships of Manitoba.

Some Historical Context

In 1996, the Royal Commission on Aboriginal Peoples issued a final report that offered the following commentary related to the issue of the First Peoples of what is now known as North America:

Aboriginal people often say that they have been here since time immemorial and, indeed, evidence of their presence as Indigenous people is well documented. Estimates of the date of human habitation in North America range up to 40,000 years ago. (Indian and Northern Affairs Canada, 1996)

The argument about whether the *Onkwehonwe* (first) peoples have a claim as being “truly” indigenous to what is currently regarded as North America has been waged for decades. The contemporary nationhood movement (currently active in many First Nations forums) that is forwarded by many Indigenous groups is frequently predicated by the notion that the groups in question are the original inhabitants of their respective lands. Descendants of those who immigrated to and settled in North America may concede that there were peoples living in North America, but this concession is frequently made while asserting that the First Peoples also immigrated as well. Although some of European descent once

believed (and some still do) that Turtle Island's First Peoples were of the lost tribes of Israel, the empirical evidence supporting the claim that Turtle Island's First Peoples are of Mongol descent and traversed a land bridge between what are now Eastern Russia and Alaska is rather compelling. This land bridge, referred to as *Beringia* by anthropologists, may have been in existence between 10 and 70 thousand years BCE, and the period of its existence does correspond to some of the archaeological evidence of migration found in recent decades.

Much of the evidence of migration associated with the Beringia theory is related to hunting and other subsistence activities, as well as human skeletal remains. Discoveries of stone hunting tools, evidence of hunting patterns, and the extinction of some big-game mammals from the west coast of what is now Alaska to the southern regions of South America do support these migration theories. Perhaps more compelling are the human remains that have been unearthed in North America that, when examined within the framework of contemporary understandings of human evolution, show that these remains are relatively modern compared to human remains found in Africa and Asia (Oswalt, 2009).

These views of migration through Beringia (or perhaps *from*, if one accepts that this land bridge was inhabited for many millennia when ocean levels were relatively low) do exist in contrast with some of the perspectives on indigeneity held by numerous Indigenous peoples. Numerous First Peoples have orally transmitted creation stories from one generation to another that infer that their people have inhabited a particular place since time immemorial. One such story tells of a pregnant woman from the sky world who fell to Earth and came to rest on a turtle's back, upon which earth from the ocean depths was used to develop a land mass (to this day, Indigenous peoples refer to North America as *Turtle Island*). Some plains *Anishinaabe* adhere to a creationist belief that their people were given to this part of the world by a higher power. A Tagish story on creation tells of a crow that created land on an ocean world with sand acquired from a sea lion. Although popularly regarded by non-Indigenous peoples as mytho-historical in nature, these stories have survived for centuries and have proven resilient to colonial activities, attempts of assimilation, and school programming that has provided very little space for Aboriginal perspectives and culture. Although many may question the utility of such stories as evidence of the First Peoples as inhabitants of North America from time immemorial, the stories tell us of the peoples they represent, with their beliefs supporting an assertion of nationhood that may be every bit as "real" as the archaeological evidence that supports the stories of human migration through Beringia.

Although these arguments of anthropological indigeneity continue to be waged in numerous forums, a number of legislative events that pre-date the Royal Commission on Aboriginal Peoples have focused attention on the notion that the First Peoples of Canada had inhabited North America prior to European arrival and those First Peoples represented sovereign peoples with a legitimate claim to the land. A number of British and Canadian government documents have

regarded Aboriginal peoples' claim as original inhabitants of Turtle Island. The Royal Proclamation regarded the First Peoples of North America as sovereign peoples with whom accords could be established to facilitate harmonious coexistence.

The Royal Proclamation raises the issue of the establishment of sovereignty in what the British regarded as the New World. Although a number of treaties were established in the following two centuries that established Crown sovereignty in many regions of what is now known as Canada, it may be important to consider that the treaty-making process was undertaken with the assumption that the First Peoples did have a sovereign claim to the land. The text from Treaty No. 1 of Western Canada indicates this by stating that "the Indians inhabiting the district hereinafter described and defined do hereby cede, release, surrender and yield up to Her Majesty the Queen," where the cession, release, and surrender of lands does indicate previous ownership by the Indians in question.

The Royal Proclamation, and the treaties that were to follow, were preceded by other accords that point to the sovereignty of the First Peoples. The establishment of *Kashwenta* in 1613, also known as the Two-Row Wampum Treaty, is said to reflect an accord between Iroquois peoples and Dutch settlers in a way that respects each other's sovereignty. At the time of the establishment of *Kashwenta*, the Iroquois peoples had their own laws and means of organizing community-based governance, and their sovereignty is reflected in the words of Saunders and Hill: "Ultimately the wampum states that the *Haudenosaunee* and their brothers from across the shore are separate but equal and can live as neighbours in peace and without interference in each other's way of life" (2007, p. 1021).

The assertion that Indigenous peoples are the original inhabitants of these lands may make for interesting debate, but the salient question to be asked regarding colonization and the original inhabitants is *Who was here first?* This then leads to framing more critical questions: *What nations had original stewardship of these lands? Who had/has sovereignty in the lands in question?*

Traditional European and contemporary Western perspectives on settlement have pointed to this question in a way that may give undue privilege to the colonial power's perspective. Just as Christopher Columbus was said to have ceremoniously erected a flag claiming lands in the Caribbean as belonging to Spain, so did French explorers erect crosses and the British raised flags. The idea that these lands were *terra nullius*, lands that were uninhabited and where sovereignty had not been established by anyone, was essential to European settlement and the establishment of colonial rule. Although much of mid-twentieth century history asserts that a number of European explorers "discovered" parts of what is now North America, Peter Kulchyski reminds us that:

[O]bviously, [C]olumbus and [J]acques [C]artier and [S]amuel de [C]hamplain and [S]amuel [H]erne and [A]lexander [M]ackenzie and all the rest we hear so much about never actually 'discovered' anything at all. [A]ll

the land they saw, the rivers and lakes and mountains they gave new names to were already well known, used, occupied, and named by [N]ative peoples. [T]o say they 'discovered' all this land is to act as if [N]ative people didn't exist and hadn't, for thousands of years, themselves explored and discovered what today we call the [A]mericas. (2007, p. 8)

Relevance of *Kashwenta* for Understanding Sovereignty in Education

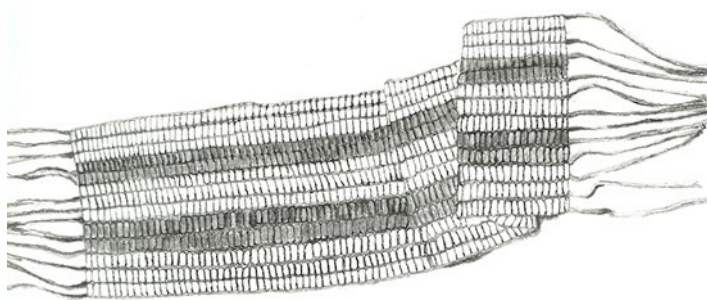


Figure 1: *Kashwenta*: The Two-Row Wampum Treaty. Illustration by Lisa Matias.

There are some rather crucial conceptual distinctions to be made when comparing *Kashwenta* and the treaty relationships of Manitoba. Established in 1613 between the *Haudenosaunee* (Iroquois) peoples and the Dutch settlers of the region (Jennings, 1995), *Kashwenta* codifies sovereignty and nationhood in an assertive manner that avoids the concession of lands or the responsibilities of stewardship (Venables, n.d.). With the use of imagery, narrative, and transgenerational consistency of interpretation, *Kashwenta* provides an illustration of an international accord where the quality of relationships is of principal focus as opposed to transactions involving the ownership/control of territories (Alfred, 2009). It is for this reason that *Kashwenta* is sometimes boldly affirmed as a treaty that best codifies the sovereignty of the Indigenous peoples in question. *Kashwenta* as a coherent whole represents, in principle, an accord of sharing represented by the two rows of dark wampum against a background of white. These two rows represent the separate, and perhaps unique and distinct, paths that the *Onkwehonwe* and non-Indigenous settlers of this region occupy (Rice, 2013). The two paths are separate, do not interfere with one another, and do not have pre-established/planned destinies. The significance of this representation is to codify not just sovereignty, but agency as well. Essential to this accord are the principles of peace, respect, and responsibility for our own actions (Gehl, 2014).

There may be some who question *Kashwenta* as a bona fide international accord due to its perceived simplicity and lack of substantiating text. However, many have defended the constitutional importance of *Kashwenta* as it provides sufficient conceptual reference to the relationships being noted and is fecund

in its applicability to contemporary issues. Others might suggest that *Kashwenta* is important as a precedence-setting accord upon which future treaties were governed such as the Covenant Chain with English settlers in 1677 as well as the Treaty of Canandaigua with America in 1794. In recent times, *Kashwenta* has been asserted by many Indigenous and non-Indigenous peoples as an accurate and/or appropriate representation of how relations between treaty peoples should be viewed.

There may be some rather important potential for exploring the multitude of treaty relationships in Manitoba through the principles of peace, respect, and responsibility that are a constituent part of *Kashwenta*. Although other treaties in Canada and the historical and contemporary narratives that accompany them have important referents to sovereignty that are relevant to their respective regions, the principles of *Kashwenta* may be applied differently—this difference may be best understood by seeing treaties through two different lenses: that of legislative/jurisdictional context and that of empathy.

In schools today, rights and legislative devices that codify those rights are explored—including treaties (White Face & Wobaga, 2013). As a part of studies associated with charter rights and citizenship (Hébert & Wilkinson, 2002), many students explore entitlements and freedoms that focus upon peoples' responsibilities toward one another and toward their country (Deer, 2010). Currently, learning about rights and citizenship in schools has included the points of view associated with Indigenous peoples (Battiste & Semaganis, 2002).

However, many schools in Canada have explored treaty rights through a governing notion of their inherent nature—the alleged inherent nature of First Nations, Métis, and Inuit rights is that they are rights based on the notion that the people in question, Indigenous peoples, exist at all and have the sort of claim to their respective lands/regions (Dick, 2011). The inference of this notion in regard to Indigenous peoples —that there exists a set of entitlements that are (a) held by the individual by virtue of their existence, and (b) are, in the *Cardinal-esque* tradition, unique in so far as they are additional entitlements to those normally associated with Canadian citizenship (Cardinal, 1977), can govern the developing student perspective on Indigenous peoples issues.

These two lines of inquiry, one that focuses upon Canadian citizenship rights and freedoms generally and the other upon those specifically associated with Indigenous peoples, can possibly lead to a rather focused perspective on Indigenous peoples in Canada. The potential here is that the histories and narratives associated with rights may lead some to see Indigenous peoples through a legislative/jurisdictional lens. For instance, the numbered treaties of Western and Northern Canada, with their focuses upon the cession of lands and provisions for their surrender, can focus attention upon the legislative/jurisdictional dimension of these accords. The narrative histories associated with the numbered treaties (e.g., the outside promises of Treaty No. 1) may also support this focus through the natural examination of reciprocity. Evidence of the

existence of this focus may be found in the discussions regarding First Nations issues in Manitoba that frequently cite treaty relationships. The very existence of MERN's focus on treaty education also makes the notion of this legislative/jurisdictional focus palpable.

Kashwenta lacks the reciprocal referents that the numbered treaties bear in abundance. The spirit and intent of *Kashwentha* was/is to codify a relationship where sharing, respect, and harmonious coexistence are governing principles. Although *Kashwenta* is an accord affiliated with a specific group of Indigenous peoples, it is the spirit and intent of this treaty from which we may learn and that we may apply to contemporary relationships between Indigenous and non-Indigenous peoples. Although the legislative/jurisdictional dimension is not lacking in the *Kashwenta* context (after all, the *Indian Act* as well as current Canadian and US American government perspectives and action seem to only respect this dimension), the dimensions of sharing, respect, and harmonious coexistence that are associated with *Kashwenta* may be achieved through recognizing and affirming the empathic potential between Indigenous and non-Indigenous peoples.

There are many education professionals as well as others who have been exploring and who continue to explore the Canadian Indigenous experience from more than just legislative/jurisdictional perspectives. In many schools and communities, school programming is being employed in an effort to provide understandings of the Canadian Indigenous experience that are connected to literacy, mathematics, ancestral languages, and other areas where focus is given to the individual manifestations of Indigenous histories, cultures, and traditions. Treaties, legislation, and constitutional rights are and should be a constituent part of our developing understanding of Indigenous peoples. However, it may be important that treaties, legislation, and rights are not investigated in a manner that leads to an emergent perspective that is principally informed by legislative matters alone. Education professionals must facilitate the emergent field of Indigenous education in a way that is responsive to the notion that Indigenous content may be shared and celebrated, and that may inform the development of a balanced perspective on the Canadian Indigenous experience that is appreciative in nature.

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