



The Commissioners of Canada's Truth and Reconciliation Commission tell us that as they went around the country, they heard many definitions of Reconciliation. **"For us,"** they decided, **"we define reconciliation as an ongoing process of establishing and maintaining mutually respectful relationships."**¹ This understanding permeates their final report, and is expressly articulated in Calls to Action # 45 and # 46.

We all like to be treated with respect. It sounds so basic. Yet we know we cannot take such respect for granted. It can break down between friends, marriage partners, on teams, in financial, educational and social service organizations and even between nations. Nations often ritualize relationships with one another with what we call treaties in order to promote such respect. In the making of the treaties, a ceremony is in place such as a smoking of the pipe where spirit and intent is included. When no spirit and intent is respected and trust is lost at that level, racism, prejudice, discrimination and even wars can result. —

In Canada, treaties that acknowledge respect and trust between the signing partners go back centuries, well before the formation of Canada as a country. Understanding a bit of the history of treaties can go a long way toward understanding why the Truth and Reconciliation Commissioners talk about reconciliation as healing the "broken trust." First, we will look at several such treaties that have deeply influenced the work of the Commissioners and led to their approach to the task of reconciliation.

TREATIES

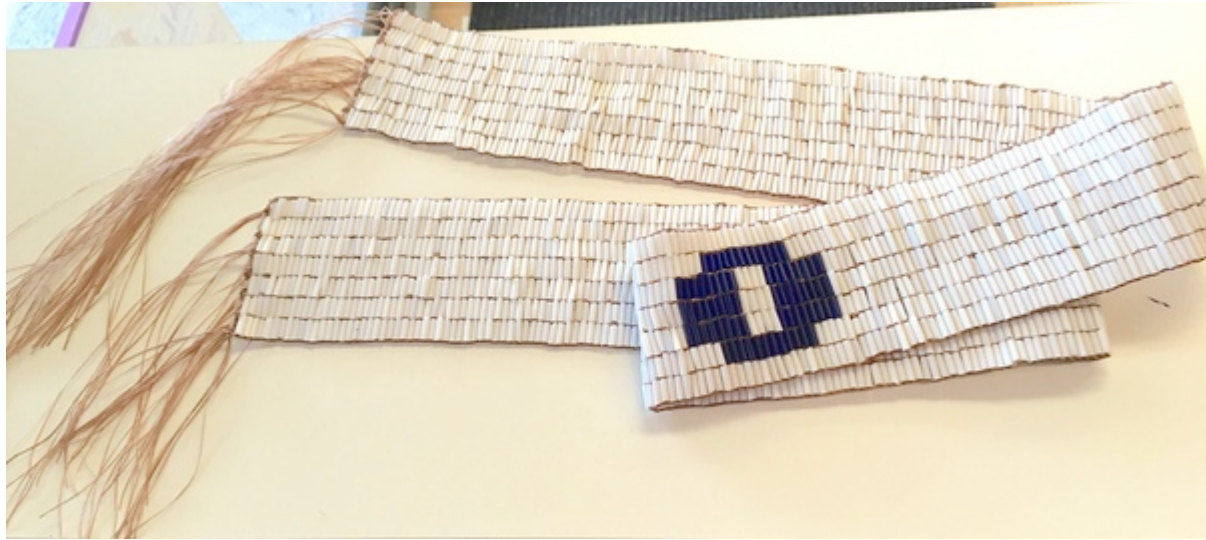
1. The Dish with One Spoon Treaty- Sewatokwat'shera't Belt-Great Law of Peace

In 1142 Indigenous people of the Americas had a law called "the Dish with One Spoon" to describe hunting territory to be shared by two or more nations. This treaty or agreement show us just how old such agreements were. Centuries later, this image was still vivid **in the relationships entered into between Indigenous people**. It had carried on from generation to generation. In fact, in downtown Toronto today, the land acknowledgement declares that we are on the traditional lands of The Dish with One Spoon Treaty. It recalls the treaty or agreement between the Anishinaabe and the Haudenosaunee made in Montreal in 1701 as part of the Great Peace of Montreal, which includes a good part of Southern Ontario. It is such a beautiful, intimate and powerful image of a relationship. The phrase signifies that those sharing the land share a hunting territory. They have the responsibility to take care of the land and the creatures within it. They must be sure that the dish is never empty; that is, they are expected to limit the game they take and leave enough for others. There is to be "no knife near our dish," indicating that the sharing is to be without bloodshed.

This treaty is graphically illustrated by a wampum belt called The Dish with One Spoon wampum belt. This part of the Great Law of Peace was preserved on the wampum belt, as were

¹ "Honouring the Truth, Reconciling for the Future," Summary of the Final Report of the Truth and Reconciliation Commission of Canada, www.trc.ca, 2015, p. 16.

many other crucial elements of the law. The belt is short, narrow and plain. It bears a round purple area---the dish with one spoon---on a field of white.



Haudenosaunee and Anishinabe Treaty
(circa 1142, and again in 1701)

Photo: <https://www.quora.com/What-is-the-Dish-with-One-Spoon-treaty-I-hear-it-frequently-referenced-at-indigenous-peoples-land-affirmations-in-Toronto-but-the-library-says-it-is-an-undocumented-treaty-What-do-we-know-about-it>

A Wampum is created from the shell of a clam. The bead is cut from the white and purple parts of the shell. The shell is thought of as a living record. A wampum belt is a series of these shells tied together like a necklace. Different colours on the belt as well as the shape of the image on the belt symbolize the event being commemorated. It could be offered to a chief, to an outstanding warrior, it could be offered to a couple from two different tribes who were being united, it could be a form of currency, and it could symbolize a treaty between nations. It is part of recording the oral history of a Nation. While Wampum belts were very common in the East, weaving often illustrated the oral history in parts of the West. As recently as 1924, the RCMP, with approval from the federal cabinet, seized the Wampum that was used to sanction council proceedings of the Six Nations band within the Haudenosaunee Confederacy in Ontario and removed the chiefs from office. In the Great Law of Peace, it is stated that:

“It will turn out well for us to do this: we will say, ‘We promise to have only one dish among us; in it will be beaver tail and no knife will be there’... We will have one dish, which means that we will all have equal shares of the game roaming about in the hunting grounds and fields, and then everything will become peaceful among all of the people; and there will be no knife near our dish; which means that if there is a knife were there, someone might presently get cut, causing bloodshed, and this is troublesome, should it happen thus, and for this reason there should be no knife near our dish.”

There are references in early European records of dealings with the Haudenosaunee that the boundaries of the hunting grounds were sometimes marked with trees.

2. ***The Two Row Wampum Belt – Gusweñta-*** The Haudenosaunee and the Dutch agreed to call this the Silver Covenant Chain of Friendship.

Unlike the Dish with One Spoon which was a treaty between Indigenous Nations, the Two Row Wampum belt, created in 1613, represented **the oldest recorded treaty between Indigenous people and new settlers from Europe**, in this case, the Haudenosaunee and the Dutch.



<https://www.worthpoint.com/worthopedia/row-wampum-belt-iroquois-six-nations-80423898>

The Haudenosaunee and the Dutch agreed on three principles to make this treaty last. The first was friendship; the Haudenosaunee and their white brothers will live in friendship. The second principle is peace; there will be peace between their two people. The final principle is forever; that this agreement will last forever.² The belt has two purple rows running alongside each other representing two boats. One boat is the canoe with the Haudenosaunee way of life, laws, and people. The other is the Dutch ship with their laws, religion, and people in it. The boats will travel side by side down the river of life. Each nation will respect the ways of each other and will not interfere with the other. “Together we will travel in Friendship and in Peace Forever; as long as the grass is green, as long as the water runs downhill, as long as the sun rises in the East and sets in the West, and as long as our Mother Earth will last.”

3. ***The Treaty of Paris, 1763***

This was a most important treaty with implications for Canada. It was signed between England, France, Spain and Portugal in February, 1763. It ended the Seven Years’ War between these nations and marked the beginning of an era of British dominance outside Europe. Most important, this Treaty set out the guidelines for European settlement of Indigenous territories what is now North America.

The legal underpinning was the false assumption of the “doctrine of discovery” that is, papal bulls from the 1400(s) from which nations including Spain and Portugal derived authority from the Vatican for their invasion and genocide of Indigenous Peoples in America.

In the papal edict Dum Diversa of 1452 Pope Nicholas V authorized King Alfonso of Portugal and his representative to sail to non-Christian lands “to invade, capture, vanquish, and subdue, all Saracens, pagans, and other enemies of Christ, to reduce their persons to perpetual slavery, and to take away all their possessions and property”. The king was further instructed to “convert” the

² Wikipedia, “Onondaga nation: The Two Row Wampum Belt.”

lands of the non-Christians. In legal terms the word “convert” can mean “to unlawfully or wrongfully take away that which rightfully belongs to another.” Pope Nicholas V then declared the king’s actions against the non-Christians to be “just and lawful.”

This policy not only declared war on the non-Christian world, it also created a framework or paradigm of domination that continues to operate today. The whole premise of Canadian and American sovereignty and law today are still founded upon the doctrine of discovery and notions of domination. To this day court rulings in Canada and the USA that refuse to acknowledge the inherent rights of Indigenous Peoples are still upheld based upon the doctrine of discovery codified in the papal bulls, which to this day have not been rescinded.³

What is particularly significant is that this Royal Proclamation is referenced in section 25 of the Canadian Constitution Act of 1982. This provision dictates that nothing in Canada’s Charter of Rights and Freedoms diminishes Aboriginal peoples’ rights as expressed in the Royal Proclamation. This reference to the proclamation in the Constitution Act assures that its interpretation will remain an important part of any attempt to clarify Indigenous rights in Canadian law. The foundation for establishing and negotiating treaties is often considered to be laid out in this Royal Proclamation. Nevertheless, this Royal Proclamation was not a treaty.

4. The Treaty of Niagara 1774

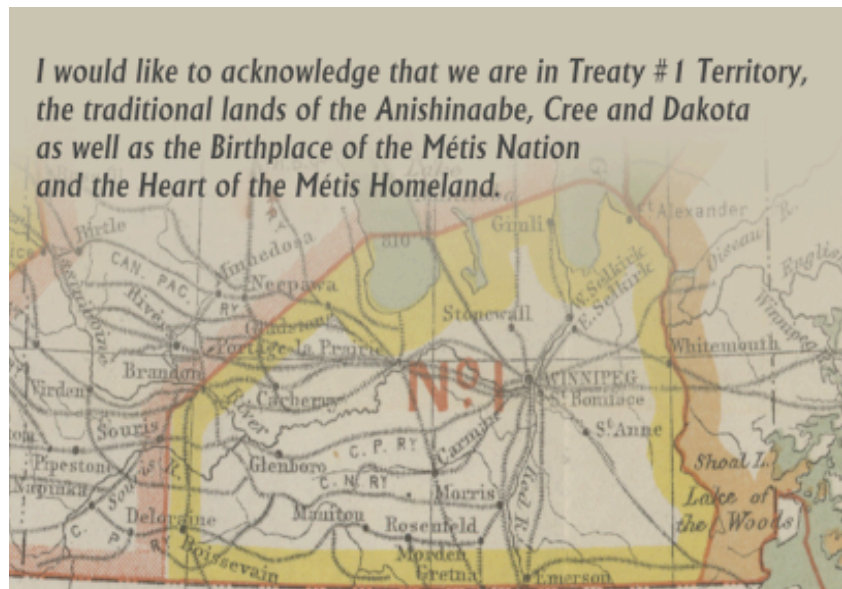
It is for that reason that the following year, 1764, The Treaty of Niagara was convened. The British realized they needed the consent of Indigenous people if they were to have peace. Sir William Johnson was the British delegate in this meeting of 24 First Nations with over 2,000 First Nations represented. Eighty-four Wampum belts were exchanged during the event. Sir William Johnson even commissioned the making of The Covenant Chain Wampum to commemorate the event. This historical recognition of the Wampum belt recognized the manner in which Indigenous people recorded their history, and probably played a role in the recent decision of the Supreme Court of Canada to grant equal legal status to oral history of the Indigenous people with the written documents of the settlers in interpreting history, and particularly the intent of the Indigenous participants who signed the treaties.

The Royal Proclamation and the Treaty of Niagara are both explicitly referred to as a solid basis for a new Royal Proclamation on Reconciliation called for in Action # 45.

5. Treaty #1, 1871, Lower Fort Garry.

Let us jump forward a hundred years to 1871, just four years after confederation and one year after Manitoba was constituted as a Province. It was the year that Treaty #1, the first of eleven signed treaties in Western Canada was signed at Lower Fort Garry. The interpretation of the Treaty has been the subject of a great deal of debate. Aimée Craft’s book “Breathing Life into the Stone Fort Treaty,” is “an Anishinaabe Understanding of Treaty One.” She writes: “It may be

that there was no meeting of minds or common intention at the time of Treaty One, beyond the agreement to share the land in a spirit of peace and coexistence.”⁴



While there is still not complete agreement on the full interpretation of the Treaty, the agreement to “share the land in a spirit of peace and coexistence” is basic. Furthermore “each of the negotiations (of the 11 numbered treaties) built upon the principles established in the *Royal Proclamation of 1763* and the *Treaty of Niagara (1764)*. ”⁵ It is also clear that the Covenant Chain Belt, the Two Row Wampum Belt and the Royal Proclamation of 1763 were each invoked in many instances after the 1760s in the context of treaty negotiations”⁶

⁴ Saskatoon: Purich Publishing Limited, 2013, p. 12.

⁵ Ibid. p. 34. See also, “Honouring the Truth, p. 196,

⁶ Ibid, p. 33. See also Call to Action # 45, TRC.

The 11 numbered treaties; 1871-1921



<https://www.canadashistory.ca/explore/settlement-immigration/the-numbered-treaties>

The Broken Trust

The 11 signed treaties in Western Canada had not even all been signed before the government of Canada initiated a series of actions that undermined the whole intent of the treaties. Three are of particular importance; the Indian Act (1876). Residential schools (1885) and the Pass System (1885).

1. The Indian Act (1876)

“The Indian Act has become known as the primary mechanism by which the federal government instituted a legal power for itself and its Indian agency over the lives, rights and identities of First Nations Peoples.”⁷

Paternalistic control and assimilation of First Nations was the explicit goal of the Act. Here are just a few examples of the reach of the Act, which has been modified many times over the years.

⁷ Patzer, Jeremy. “The Indian Act; Disempowering, Assimilatory and Exclusionary,” Circle for Reconciliation Theme. www.circlesforreconciliation.ca.

- In 1880, an amendment to the Indian Act provided for automatic loss of status of any Indian who earned a university degree or any Indian woman who married a non-Indian or an unregistered Indian. Loss of status was not officially repealed until 1985.
- According to article 32 (1) of the Indian Act *“a transaction of any kind whereby a band or a member thereof purported to sell, barter, exchange, give or otherwise dispose of cattle, grain, or plants or their products from a reserve. to a person other than a member of that band, is void unless the superintendent approves of the transaction in writing.”*
- In 1884, an amendment to the Indian Act instituted prison sentences for anyone participating in potlatch, or other traditional Indigenous ceremonies.
- Indigenous people were denied their right to organize politically.
- Amendments to the Indian Act in 1927 made it illegal for First Nations people or communities to hire lawyers or bring about land claims against the government without the government’s consent.
- Many Aboriginal veterans from the Second World War found that when they returned home after fighting overseas for Canada, they were no longer considered Indians because the Indian Act specified that Indians absent from the reserve for four years were no longer Indians

2. Residential School system (1883-1996)

A second action of the Federal government that has violated the whole spirit of the Treaties was the introduction of Residential schools. Sir John A. Macdonald, told the House of Commons in 1883:

When the school is on the reserve the child lives with its parents, who are savages; he is surrounded by savages, and though he may learn to read and write his habits, and training and mode of thought are Indian. He is simply a savage who can read and write. It has been strongly pressed on myself, as the head of the Department, that Indian children should be withdrawn as much as possible from the parental influence, and the only way to do that would be to put them in central training industrial schools where they will acquire the habits and modes of thought of white men.”⁸

Residential schools were first established in 1883 with the last one closing in 1996. The federal government estimated that at least 150,000 First Nations, Métis and Inuit children passed through the system.

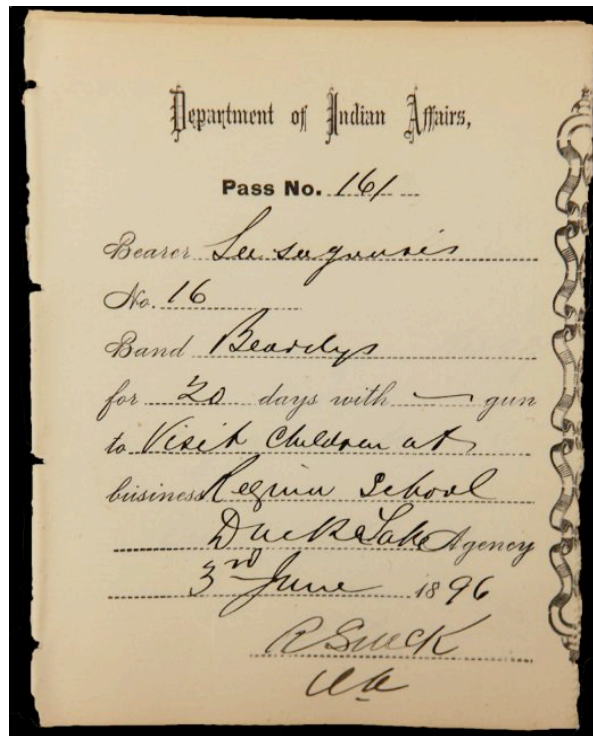
3. The Pass System (1885)

A third violation of the Treaties was the Pass System. This system was first implemented as an emergency measure — designed to be temporary — in response to the North-West Rebellion led by Louis Riel, and the Northwest Rebellion in Saskatchewan (1885) as the Canadian government was concerned resistance could grow out of control if Indigenous people began leaving their reserves to join in.

Where it was in place, a pass was required to leave a reserve in order to go hunting, fishing, sell produce or even get married, or as one Indigenous woman recounted, “to take my children to town to get some ice cream.”. It was not unknown for an Indian agent to ask for sexual favours

⁸ “Honouring the Truth...” p. 3.

before he would allow women to leave the reserve. The Pass system, in place from 1885 for 60 years, was approved by Sir John A. MacDonald who wrote that "...it is in the highest degree desirable to adopt it." He then signed an internal order that became an unofficial policy of Indian Affairs. Henceforth, a pass to get off reserve would only be issued at the pleasure of the local Indian Agent, a man who controlled every aspect of First Nations' lives, holding judicial powers. It lasted nearly 60 years without ever going through Parliament. It was formally repealed in 1940(s) but carried on informally in some regions. It was a policy that created a tremendous sense of shame and dependency among Indigenous people.



This brief overview highlights the importance of treaties and that the stated intent of the signing parties to the Treaties was that they should live in mutual respect and peace, sharing the land.

We have seen how the Federal government, just a few years after the first of 11 numbered treaties were signed beginning in 1871 initiated three significant policies that completed undermined the intent of the treaties; The Indian Act, Residential schools and the pass system.

WAHBANUNG

The response of Indigenous people over the last hundred years has been relentless in their affirmation of their rights under the treaties. A response of particular historical significance in Manitoba was the creation of the document, Wahbanung, in 1971 in Manitoba, one hundred years after the signing of Treaty #1. The word means "our tomorrows." The root word of "Wahbanung" is Wahbanung- the east where the sun rises. It refers to "Going Back to the Beginning" in Anishinaabemowin. The document was written and released by the Manitoba Indian Brotherhood. It became "a framework document for First Peoples of Manitoba describing

our history and challenges, and offering recommendations on how our people could move into the future in relationship to Canada.”⁹

Part of the incentive for creating it at that time, in addition to the 100th anniversary of the signing of Treaty #1 was opposition to Pierre Trudeau’s controversial White Paper written in 1969 that would have rescinded the treaties and the Indian Act. The document was presented to the Honorable Jean Chretien, then Minister of Indian Affairs with much fanfare. Yet the document never received an official response from the federal government.

In 2018, Assembly of Manitoba Chiefs (AMC) Arlen Dumas passed tobacco to Elders and Knowledge Keepers at Turtle Lodge to develop a contemporary position on Wahbung. Knowledge keepers from the Anishinaabe, Dakota and Ininiwak Nations gathered numerous times at the Turtle Lodge in ceremony, and prepared this collective unified message for the people.

In March 2020, after numerous meetings at Turtle Lodge between Elders, Chiefs and Knowledge Keepers a book is forthcoming on the history and relevance of Wahbanung.¹⁰

After 150 years of failed efforts “to kill the Indian in the child,” several Royal Commissions, and almost unending protests by Indigenous groups about the failure of government to live up to the intent and requirements of the signed treaties, we have a context for understanding the Final Report and the 94 Calls to Action of the Truth and Reconciliation Commission.

THE TRUTH AND RECONCILIATION COMMISSION

The Truth and Reconciliation Commission of Canada, established in June of 2008, was completed in December of 2015. Over 6,750 statements were heard from survivors of residential schools, their families and other individuals.

As mentioned at the beginning of this theme, the Commissioners stated that healing the “Broken Trust,” and “establishing and maintaining mutual respectful relationships” constitutes their understanding of reconciliation. It is a necessary first step in the process.

That is the vision that inspired the creation of one project entitled “**Circles for Reconciliation.**” It is one of many projects across the country addressing reconciliation. The aim of “Circles for Reconciliation” is “to establish and maintain trusting, meaningful relationships between

⁹ “Wahbanung: The Resurgence of a People-Clearing the Path For Our Survival.” Google: March, 2020. The book will be a summary of the history of Wahbanung written by knowledge keepers Dr. David Courchene Jr, Chief Dr. Harry Bone, Florence Paynter, Phillip Paynter, Chief Katherine Whitecloud, Chief Robert Maytwayashing and Gordon Walker at the Turtle Lodge Central House of Knowledge 2020 with contributions from the late Orianna Courchene.

See a video of Wahbanung at the link: <https://www.youtube.com/watch?v=nPj-Yu4O4gM>

Indigenous and non-Indigenous peoples as part of the 94 Calls to Action from the Truth and Reconciliation Commission.”

The means to achieve this is the creation of small gatherings of an equal number of Indigenous and non-Indigenous people in sharing and discussion circles. Currently, Circles have been held in five provinces across Canada with more on the horizon.

Each group of ten participants, led by two trained facilitators meets weekly or biweekly for ten gatherings, each 75 minutes in length. These ten meetings allow for the beginnings of respectful relationships, which the TRC stresses is the basis of reconciliation. The participants sit in a circle providing greater opportunities for consensus and being respectful of traditional Indigenous values and customs. A theme focusing on the history of relationships between Indigenous and non-Indigenous people is presented each week. Themes for each Circle continue to be developed and, where necessary, are being adapted to different Indigenous customs and practices across Canada. This is followed by the longest part of each circle meeting which is sharing by the participants with the use of a talking stick.

There is no cost for individuals to participate, only a common interest in working toward truth and reconciliation and equality of opportunity for Indigenous people. The **Guiding Principles** for these circles are for the safety, dignity and respect for all participants.

Individuals as well as First Nation Bands, schools, colleges and universities, parents of students, faith groups, corporations, health and social services agencies, service clubs and others are invited to attend. New Canadians are invited so they can learn and experience what it is to be a Treaty person.

References

Craft, Aimee. (2013). *“Breathing life into the stone Fort Treaty: An Anishnaabe Understanding of Treaty One.* Saskatoon: Purich Publishing Limited.

Patzer, Jeremy. (2019). “The Indian Act; Disempowering, Assimilatory and Exclusionary” Circles for Reconciliation Theme.

Truth and Reconciliation Commission of Canada. (2015). *Final report of the Truth and Reconciliation Commission of Canada: Summary: honouring the truth, reconciling for the future.* Winnipeg: Truth and Reconciliation Commission of Canada.