

Water was never surrendered in Treaty Five

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In partnership with Pimicikamak First Nation

**In memory of Ambrose Ross, 43 years old
Died April 11, 2016**

“He who came in contact with hanging ice. Usually there are two types of ice that cause these hazards, leaning ice is already breaking off ... its just leaning on the side, but hanging ice looks safe, but its really not.’

Darryl Settee, April 29, 2016.”

Research Objectives

- To challenge the position of Manitoba Hydro, who claims that water is a common property resource.
- To show, through oral history that Pimicikamak did not surrender its water, a key aspect of Ininew.

Manitoba Hydro's Interpretation: A Case of Colonialism

- James Waldrum (1988) reported that Manitoba Hydro claimed that Aboriginal people have no unique rights to water or waterways. They argued:
 - “... waterways are a common property resource, and that development should be undertaken in the public interest, for the ‘common good.’” (p. 6)
 - the Crown included that the Aboriginals allowed the Crown, “the free navigation of all the lakes and rivers, and free access to the shore thereof.” (p. 45).
 - If the Aboriginal people argued a case against hydro, using their treaty rights, according to Waldrum the defence was ... “In the treaty, the Indian signators agreed to ‘hereby cede, release, surrender and yield up to the Government and the Dominion of Canada, for Her Majesty the Queen and Her successors for ever, all their rights, titles and privileges whatsoever to the lands included within the following limits.’” (p. 44).
 - The claim is that in the treaty the waterbeds were surrendered, “where lakes form the treaty limits, ten miles from the shore of the lake should be included in the treaty.” (p. 44).
- However ...
- Ininew peoples have argued that there is no clear and plain clause saying water was surrendered in the 1875 Treaty Five signed between the Crown and the Ininew people.

Supported by Oral History About Treaty Five from Norway House

- The Eurocentrism intrinsic in the written treaty legitimized the unjust domination and exploitation of Indigenous people, and their lands. The unilateral, British interpretation of treaty as surrender of Indigenous land Title is a colonial view.
- According to David Blacksmith's grandfather Johnston Blacksmith:
 - Johnston said “he was told by his father that tehaskitena who was at the treaty negotiations said, that the people could not speak, write or understand English, neither did they have a legal representative. In their defense, elders made sure they negotiated in their language, so the witnesses could hear and remember what the treaty meant. The treaty was called mashinikan; which mean written in stone. Ininew means the number four: the people represent the four elements: water, air, fire, and earth. As long as these four elements are in existence, that's how long treaty will last.” To bring reconciliation there needs to be equal weight of the ininew interpretation of the treaty.

Hence, Pimickamak water law and Inineu language

- Pimicikamak people still speak Inineu fluently, the only language understood by the Inineu at Treaty five and used in negotiations.
- Inineu oral history describe water as:
 - Nipi, which means life
 - Nipew, which means death
- *So when you take water nipi (water) out of any life, we have death, nipew.*
- So why would we sell our life (water)?
- Women in our traditional societies made decisions, men spoke on behalf of the women.
- Rita Monias states, “water never made the written text to be surrendered because we would never sell our life, without water we have no life, nothing does.”

To investigate this further

- What do the Elders' have to say about water, and women as water keepers?
- From this question more questions will evolve with the guidance of Elders, which is in keeping with our traditions.

Research Method

Position in relation to research

- First source of credibility
 - I'm from the Pimichikamak and my traditional name is Wawateh, "Northern Lights".
 - My grandmother is Agnes Ross from Pimichikamak, her father was Edward Thomas Ross and her mother was Naomi Ross.
 - My grandmother stated that " her grandfather John Ross would often come to their home, and her father Edward would give him tobacco and he would tell her and her siblings legends."
 - Oral knowledge has been passed down through relatives.
- Second source of credibility
 - I speak and understand Ininew because of growing up in a fluent Cree (Ininew) speaking community, and because words in Ininew carry context, I can understand the definition of root words, and understand the in-depth meaning.
 - This is a basis from which I can revisit my understanding of water through the elders.

Research Methodology

- **Revisiting my Ininew:** Sitting down with relatives and having informal and formal conversations.
- **Its' decolonizing:** I'm collecting stories as an insider who is from the community who will be speaking with my knowledge keepers who speak the language fluently. They were raised by people who were closely related to people who witnessed the events or the stories.
- Follows traditional protocol: By consulting my elders (knowledge keepers) and by giving them tobacco as an offering, only then can I receive the stories.
- **Narrative:** The stories I will collect are accounts of events, or experiences, symbolic of water as Nipi, the spirit that gives life.
- **Qualitative:** This oral history will be triangulated with written information on treaty to support a conclusion that water was never surrendered in treaty.
- **Key informant interviews:** Conducted with elders, fluent in ininew, who are my relations, my teachers.

Revisiting Inineu stories supporting water law

- Keeshkisit (Cutfoot): Journey to the Star World focuses on the role of women as water keepers.
- Through story Keeshkisit travels to the star world and gains all this knowledge that he is instructed to bring back to the earth. Within this knowledge, water is discussed and Keeshkisit learns the process of how a planet came to be, how water came to the earth over time, its role in creation of the world and life on earth. Beings that also protect water and teach us about our relationship to water are also introduced.
- Wesakajack first person on earth and describes water as a mirror as it was so clean.
- We speak for the water as it is alive, it has rights and gives plants, animals and water animals life.
- Legends show that a women transformed into a Sturgeon; its symbolic of water as life giving. A boy turned into a white wolf; water is integral for all, everything is interrelated.
- So if we combine Inineu language, oral history, and worldview, and look at the written version of Treaty, then, it can be concluded that the Inineu have title to water because it was never surrendered in Treaty.

Agnes Ross, her grandchildren, my
grandmother
... She taught us Inineu, our ways

