

6.1.3.3 How did the Treaty of La Grande Paix de Montréal address collective identity and collective rights?

THE TREATY OF LA GRANDE PAIX DE MONTREAL AND COLLECTIVE IDENTITY AND RIGHTS

Prior to European settlement, Canada was inhabited by many aboriginal communities. The Europeans were the first non-aboriginal people to settle permanently in Canada. Jacques Cartier established France's claim to the territory in 1534. French rulers, as well as other European leaders who were also interested in these lands, did not view the Aboriginal Peoples as having any claim to the lands at all.

French rulers were particularly attracted to the wealth that the fur trade in New France could generate. French fur-trading posts were set up throughout the areas now called Ontario and Québec. Furs were traded between the French and their allies the Ouendat and Algonquin at these outposts. The King of France was eager to protect French interests in the fur trade by creating a strong French colony in New France, one that would not easily be taken over by competing European countries such as Britain. The French government, therefore, sought to encourage settlement in New France because they felt the colony would become stronger with greater numbers of people living there.

One major problem facing settlement of the colony in New France was that the Ouendat and Algonquin nations were in an ongoing conflict with their First Nations enemies to the south, the Haudenosaunee. The Haudenosaunee nation was made up of the Seneca, Cauga, Onondaga, Oneida, and Mohawk cultures. The conflict threatened the settlement at Montréal and French control of the fur trade. Ongoing warfare continued even though the French had negotiated a number of treaties between their allies and the Haudenosaunee. These treaties were ultimately broken.

THE TREATY OF LA GRANDE PAIX DE MONTREAL

The Governor of New France at the time, Louis-Hector de Callière, knew that the only way to end the warfare was to have all of the First Nations groups agree to peace. He invited dozens of First Nations groups, both allies and enemies of the French, to meet in a large multicultural gathering to discuss a trading and treaty partnership. Approximately 1 300 representatives from about 40 different First Nations groups travelled to Montréal during the summer of 1701 to meet and take part in negotiations. These negotiations led to the signing of the Treaty of La Grande Paix de Montréal (The Great Peace of Montréal).



During the negotiations, all the First Nation representatives were warmly welcomed by the French. As discussions took place over the two weeks, the representatives treated each other with respect and listened intently while each spoke. Each of the First Nations groups had their own beliefs and point of view (collective identity), and each of the First Nations representatives was treated and respected as a unique culture whose opinions and input were greatly valued. In other words, their collective rights to be heard and respected were recognized. Although each of the First Nations groups was a unique culture, all of the representatives worked together using cooperation and compromise for the common good. Together, they believed in the principles of peace, respect, compromise, and agreement. Ensuring the collective rights of each nation and establishing equality among the nations were priorities during negotiations. A collective identity of diplomacy and peace emerged during the discussions and led to the successful signing of the treaty.

The main terms of the treaty reflected the collective rights and collective identity of the First Nation participants at La Grande Paix. Each of the main terms of the treaty was born from a belief in the common good and equal rights for all who attended. Each First Nations representative signed the treaty with a symbol that represented each culture. This demonstrated the collective identity of each Nation that signed the treaty. It also demonstrated the expectation of each Nation that, by signing the treaty, their collective rights would always be respected. A wampum representing the signed treaty was given to each representative by the French Governor as a gift to take home to their First Nation group.

Main Terms of the Treaty of La Grande Paix de Montréal	Collective Identity and/or Collective Rights Reflected by the Main Terms of the Treaty
All First Nations agreed to peace.	Reflected the collective identity of peaceful diplomacy that was practiced by each First Nations representative at La Grande Paix
All First Nations had the right to use hunting lands to the north and west of Lake Ontario.	Reflected the collective rights of each First Nations group represented at La Grande Paix
All First Nations agreed to take any future matters of disagreement to the French Governor rather than to declare war.	Reflected the collective identity of peaceful diplomacy that was practiced by each First Nations representative at La Grande Paix; also reflected that each Nation had collective rights to be respected and listened to in matters of dispute and to respect the rights of others

Practice Question: 10

6.1.3.4 *How do the Treaty of La Grande Paix de Montréal and the Canadian Charter of Rights and Freedoms compare in the way each addresses individual and collective identity and collective rights?*

THE TREATY OF LA GRANDE PAIX DE MONTREAL AND THE CANADIAN CHARTER OF RIGHTS AND FREEDOMS

The Treaty of La Grande Paix de Montréal (1701) and the Canadian Charter of Rights and Freedoms (1982) occurred nearly 300 years apart, yet there are strong similarities between the two documents in the way each addresses individual and collective identity and collective rights.

Individual Identity—During the weeks of negotiations that led to the Treaty of La Grande Paix de Montréal, the individual identity of each of the represented First Nations groups was highly respected. Each representative was listened to intently as they expressed the point of view of the First Nations group that they represented. Each representative was considered an equal with each other and with the French. The Charter of Rights and Freedoms, in comparison, respects and guarantees the individual rights and freedoms of all Canadian citizens. This is the law of the land.

Collective Identity—The Treaty of La Grande Paix respected the collective identity of all of the First Nations groups attending. It also recognized the French and First Nations as equal and independent nations. The Charter, in comparison, respects the collective identity of the Aboriginal Peoples of Canada. Today, the Charter also respects the collective identity of official language minority groups in Canada.

Collective Rights—The Treaty of La Grande Paix sought to ensure the collective rights of all First Nations groups that attended and those of the French. For the First Nations groups, these collective rights involved the ability to make their own decisions and to hunt on territorial lands. Today, the Charter guarantees to protect the collective rights of the Aboriginal Peoples of Canada and also official language minority groups in the country. Writing the Charter offered the Canadian government a chance to correct past injustices and offer Aboriginal Peoples the opportunity to seek self-government and manage their lands. With the Charter, treaty rights became entrenched in the Constitution.

The Treaty of La Grande Paix can be viewed as an early model of human rights in Canada. The treaty was created through the use of diplomacy by all who attended. It was built on principles of fairness, equality, respect, representation, and fundamental freedoms, all of which are principles that Canadian democracy of today and the Canadian Charter of Rights and Freedoms are built on. Presently, the Charter is the law of the land in Canada because it is entrenched in the Constitution of Canada. Just over 300 years ago, the Treaty of La Grande Paix de Montréal was also respected as the law of the land that the French and First Nations shared.

Practice Question: 11

6.1.3.5 *Why is the Canadian Charter of Rights and Freedoms entrenched in the Canadian Constitution?*

THE CANADIAN CHARTER OF RIGHTS AND FREEDOMS AND THE CANADIAN CONSTITUTION

The intent in creating the Charter was to protect a clearly defined list of democratic and constitutional rights and freedoms for all Canadian citizens. The Charter would guarantee a free and democratic society for all Canadians and future generations. Therefore, the Canadian government created the Canadian Charter of Rights and Freedoms, composed of 34 sections, to guarantee that several groups of individual rights and freedoms would always be protected and ensured for all Canadian citizens. Also, by having the individual rights and freedoms of Canadians stated in the Charter, citizens are protected from any future unjust government action that could occur. Thus, democracy will always be maintained in our country.

To make sure that the individual rights and freedoms of Canadians are protected to the greatest extent possible, the Charter was entrenched in the Constitution of Canada, our country's most supreme document. This occurred on April 17, 1982 (Constitution Act) during the patriation of Canada's Constitution. However, one section of the Charter (Section 15) did not come into effect for three years in order to give the provinces enough time to bring their equality laws into line with the Charter.

Because individual and collective rights and freedoms of Canadians are stated in the Charter and the Charter is entrenched in Canada's Constitution, these rights and freedoms became the law of Canada. They cannot be changed by the government and must always be protected and upheld. To change the rights of Canadians would require changing the Constitution, which would be difficult to do. Entrenching the Charter's rights and freedoms in the Constitution of Canada ensures that Canadians live in a free and democratic society.

Prior to the creation of the Charter, the individual rights of Canadians had been addressed in the Canadian Bill of Rights, passed in 1960. The Canadian Bill of Rights was an earlier human rights charter in Canada that addressed several rights and freedoms, but it was more limited for two reasons. In the first place, it could be changed because it was a bill. In the second place, it could not be used to interpret provincial laws, only federal laws. Unlike the Charter of Rights and Freedoms (1982), the Canadian Bill of Rights did not have provincial approval when it was passed in 1960.