



Collective Rights

Chapter 4

Collective Rights

- ▶ To what extent has Canada affirmed collective rights?
 - What laws recognize the collective rights of First Nations peoples?
 - What collective rights do official language groups have under the Charter?
 - What laws recognize the collective rights of the Métis?



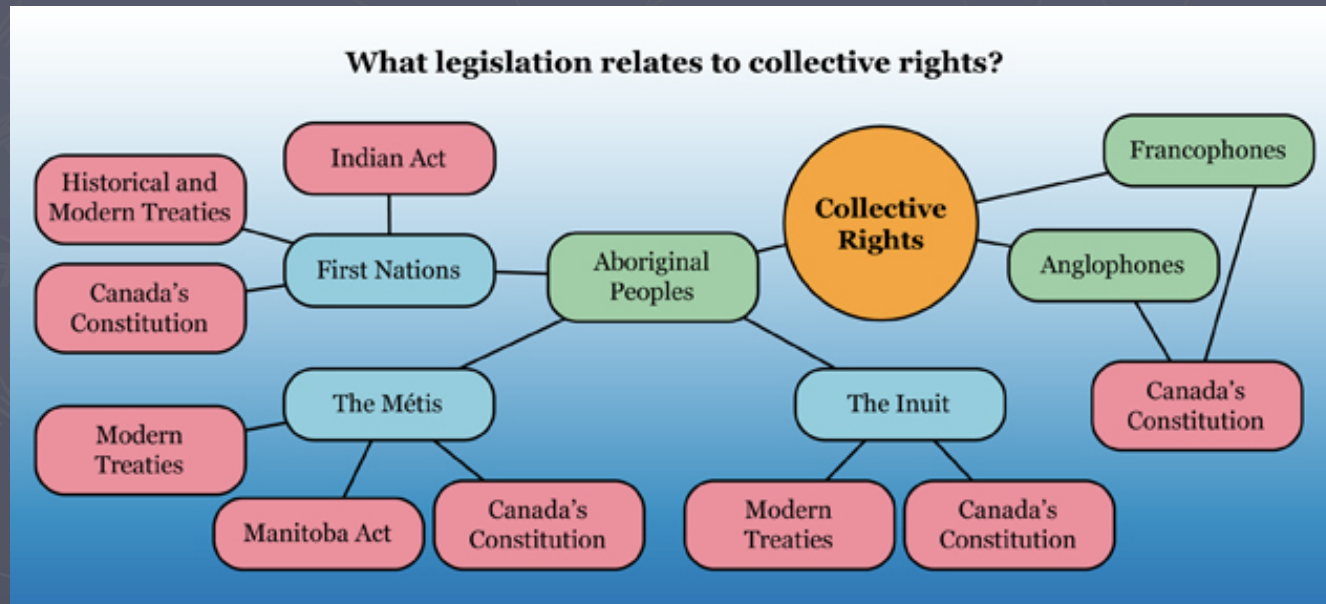
Vocabulary

- ▶ Affirm
- ▶ Collective identity
- ▶ Collective rights
- ▶ First Nations
- ▶ Indian
- ▶ Sovereignty
- ▶ Annuity
- ▶ Reserve
- ▶ Entrenching
- ▶ Patriate
- ▶ Assimilate
- ▶ Ethnocentrism
- ▶ Indian Act
- ▶ Anglophone
- ▶ Francophone
- ▶ Official language community
- ▶ Official language minority
- ▶ Publicly funded
- ▶ Inherent rights
- ▶ Scrip
- ▶ Autonomy



What are Collective Rights?

- ▶ Rights held by groups in Canadian society recognized and protected in the constitution
- ▶ Different from individual rights and freedoms found in the Charters



Who Holds Collective Rights

- ▶ First Nations, Metis, and Inuit
- ▶ Francophones and Anglophones



Why Do Only Some People Have Collective Rights?



- ▶ Recognize the founding people of Canada.
- ▶ Come from the roots of Aboriginal, Francophone, and Anglophones in the land and history of Canada.

What are the Numbered Treaties?

- ▶ Roots in the Royal Proclamation of 1763
 - Recognized First Nation's rights to land and established framework to make treaties



What are the Numbered Treaties?



- ▶ Agreements between the Queen and First Nations
- ▶ First Nations agreed to share land and resources in peace
 - Government agreed to cover education, reserves, and annuities

What are the Numbered Treaties?



- For First Nations, treaties are sacred, nation-to-nation agreements which cannot be changed and guarantee rights for future generations.

Pause and Think

- ▶ To what extent do you believe it's important to follow up on agreements?



Why Did Number Treaties Occur?



- ▶ Canada wanted a railway connecting both coasts
- ▶ Canada wanted to avoid war with First Nations
- ▶ First Nations wanted to secure future
- ▶ Uphold the Royal Proclamation

Perspectives

Canada

- ▶ Believe First Nations gave up their land under treaties
- ▶ Canada recorded treaties in writing

First Nations

- ▶ First Nations do not recognize ownership of land
- ▶ First nations recorded treaties orally in their own language

The logo consists of two square panels. The left panel has a black background with a white gradient arc on the left side. The word "TWO" is written in a stylized, white, outlined font. The right panel has a white background with a black gradient arc on the right side. The word "SIDES" is written in a stylized, black, outlined font.

TWO

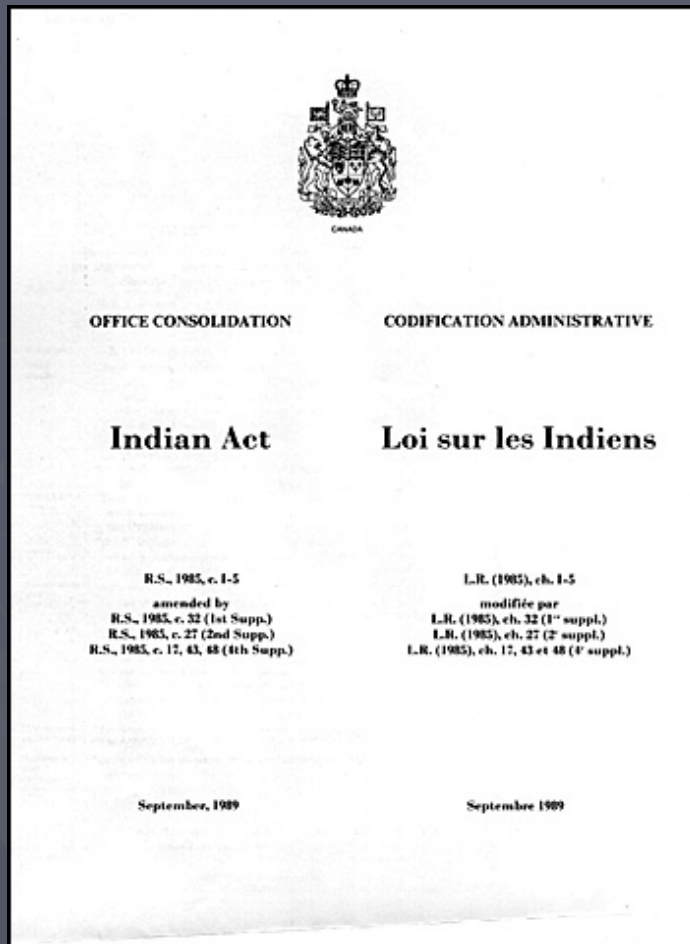
SIDES

Timeline of Two Perspectives

- ▶ Using page 128-135, create a table listing the source and main idea of source.
- ▶ Does each source affirm the Collective Rights of First Nations



Indian Act



- ▶ Allows federal government to develop policies to administer rights to First Nations
- ▶ Created “Indian Agents” who had the power to decide individually how would be fulfilled.

Indian Act

- ▶ Dates to 1876 during a time of ethnocentrism
- ▶ Defines who can be “status Indian”
 - Means federal government controls all rights





- ▶ Aim was to assimilate
 - Conduct affairs
 - Restricted travel, politics, dress, and ceremonies
 - Give up legal identity in order to vote
- ▶ Has been revised over time but still exists today

Collective Rights of Official Language Groups



Official Language Minorities

- ▶ a group that speaks one of Canada's official languages (English or French) and that does not make up the majority population of a province or territory



Francophone School

- ▶ 26 in Alberta today
- ▶ Section 23 of the Charter
- ▶ For Francophone students only
 - Immersion and FSL are for English speakers



The Charter Rights for Languages

- ▶ Sections 16 to 23 establish French and English as official languages
- ▶ Establish New Brunswick as officially bilingual province
- ▶ Population of significant size has publicly funded schools



Francophone Education



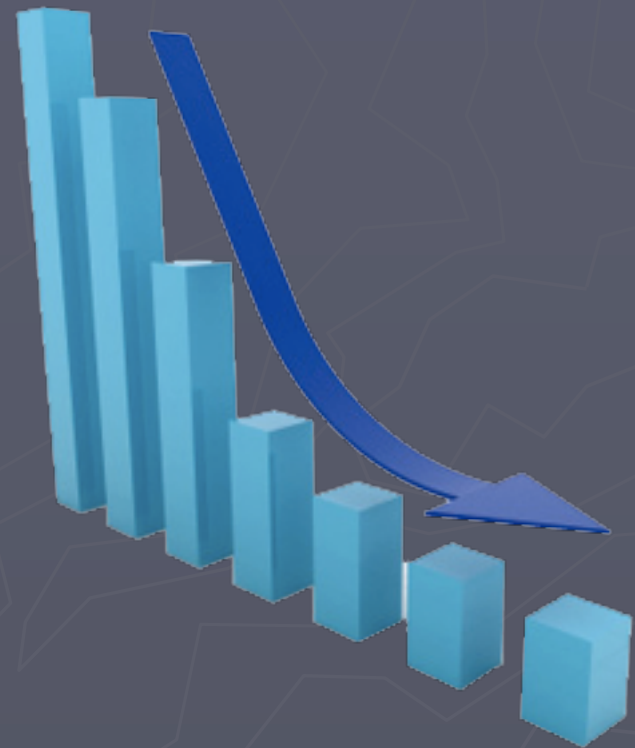
- ▶ Confederation happened because of Francophones and Anglophones
- ▶ BNA Act established Canada as bicultural, bilingual country
- ▶ Guaranteed schools in both languages

Manitoba Schools Act

- ▶ Manitoba entered Confederation in 1870, (bilingual province with publicly funded Catholic (French) schools
- ▶ Manitoba Schools Act:
 - Abolished public funding for Catholic schools.
 - Made Manitoba an officially English-only province

Why Manitoba Schools Act

- ▶ Population in 1870, 50% were French
- ▶ Population in 1890, 15% were French



Haultain Resolution

- ▶ At a time when Alberta was part of the North West Territories
- ▶ Made Alberta and NWT English only
- ▶ Required only English be used in schools



Francophone Rights in Alberta

THE CHARTER AND FRANCOPHONE EDUCATION RIGHTS IN ALBERTA

Cause

1982: The Charter of Rights and Freedoms becomes part of Canada's constitution.

Effect: Francophone Schools

1983: Francophone parents begin to lobby for their minority language education rights under section 23 of the Charter.

1984: Alberta's first two publicly funded Francophone schools open in Edmonton and Calgary.

present: Alberta has 26 publicly funded Francophone schools.

Effect: Francophone School Boards

1983: Francophone parents in Alberta launch a Charter challenge to establish their right to Francophone school boards.

1990: The Supreme Court affirms the right.

present: Across Canada, Francophones outside Québec have established more than 25 school boards, including 5 in Alberta.

Charter in Quebec

1977

Bill 101: *Charte de la langue française*

This Québec law sets down rules for protecting and promoting the use of the French language in Québec. It states these reasons:

- French-speaking people are a distinct people and French is the language that expresses their identity.
- The people of Québec want to make French the language of government and the everyday language of work, education and business.



BEFORE CHARTER

Rule: Commercial signs may use only French.

Rule: Francophones and immigrants in Québec must attend Francophone schools.

1982: Section 23 Rights, Charter of Rights and Freedoms

Freedom of expression

Anglophone businesses seek the right to use English on signs.

Equality rights

Francophone and immigrant parents in Québec seek the right to educate their children in English.

AFTER CHARTER

1988

Supreme Court decision: The law can require signs to use French, but cannot prohibit the use of English in addition. The law can require French to be more prominent than English.

2005

Supreme Court decision: Francophone parents do not have a right to educate their children in Anglophone schools in Québec, since this violates the intent of section 23 to protect Francophone identity as a minority culture in Canada. Immigrant parents have this right, if their children have already received some education in English.

Collective Rights of Metis: A Timeline

- ▶ 1869–1870
- ▶ The Métis-led Red River Resistance resulted in the Manitoba Act
- ▶ Established Manitoba as a bilingual province, with education rights for Catholics and Protestants
- ▶ Métis land rights (500 000 hectares of land)



1875–1879

- ▶ Government issue scrip
 - Document used (if Metis gave up rights) for the exchange of land
- ▶ Did not offer land to benefit Metis culture
- ▶ Many sold their scrip



1885

- ▶ The Northwest Resistance
- ▶ Protect Métis lands in what is today Saskatchewan, as the railway and settlers moved into western Canada
- ▶ For many Métis, it was a way to assert their rights, like the Red River Resistance.
- ▶ For others, it was an attempt to overthrow Canada's authority.

1896–1910



- ▶ Métis settlers established farms at St. Paul, Alberta
- ▶ Land provided by the Catholic Church.
- ▶ Métis did not have title to this land, however, and had to leave when the settlement was closed.

1938

- ▶ Lobbied Alberta's government to set aside land for the Métis.
- ▶ Alberta's government agreed
- ▶ Established twelve temporary Métis settlements.

Métis Settlements in Alberta, 1938–1960



1940–1960



- ▶ Settlements did not give the Métis control of the land.
- ▶ Four of the settlements proved unsuitable for farming, hunting or fishing, the settlements were closed and the land returned to Alberta.

1982

- ▶ The Métis lobbied for recognition in Canada's constitution.
- ▶ Included section 35, which recognizes the Métis as one of Canada's Aboriginal peoples with rights.



1990

Métis Settlements in Alberta, 2007



- ▶ Alberta's government legislation
- ▶ Constitution of Alberta Amendment Act.
- ▶ Métis Settlements Accord Implementation Act.
- ▶ Métis Settlements Act.
- ▶ Métis Settlements Land Protection
- ▶ Right to participate in the development of oil and gas

2003

- ▶ The Supreme Court ruled Métis have the right to hunt and fish, as one of Canada's Aboriginal peoples under the constitution.



2006

- ▶ Métis in Manitoba launched a court case seeking compensation for land promised, but not delivered, in the Manitoba Act



Cheat Sheet

- ▶ What are collective rights?
- ▶ Meaning of First Nations
- ▶ Number Treaties. What were they, who have them?
- ▶ Indian Act
- ▶ Bilingual provinces
- ▶ Language rights. What are they, who have them?
- ▶ Pre-Alberta history
- ▶ Metis rights
- ▶ Map listing Number Treaties
- ▶ Perspectives of Number Treaties
- ▶ Vocabulary
- ▶ Difference between collective and individual rights

