

The federal government remains intent on assembling a unified land base at Kanesatake. Once this is accomplished, the question arises of what form of legislative land regime should be applied to it. The Department of Indian Affairs appears to envisage the application of the Indian Act on an interim basis but is open to discussion of an alternative legal regime within the parameters of the current federal self-government policy. That is, the current self-government policy could be used to negotiate a local self-government regime over the reserve to displace the Indian Act, as the Cree of James Bay, Quebec and the Sechelt people in British Columbia have done. However, this raises the complex issues of self-government and indigenous sovereignty and in turn, the issues of forms of government in the Mohawk community. There are a number of firmly held and conflicting positions within Kanesatake, regarding forms of local government including bitter debates about what values, structures and processes embody, or are consistent with, customary Mohawk values. There are different visions not only of traditional Mohawk law but also of what an elective system of government should be.

Progress on the issue of Mohawk leadership is essential to progress on the critical issues of land rights, native sovereignty and self-determination affecting the people of Kanesatake. The Committee was told by many witnesses that a solution cannot be imposed by outsiders, least of all by the Government of Canada. If this is the case, then every attempt to find a solution within the community and consistent with Mohawk and Six Nations "Iroquois" Confederacy traditions should be encouraged.

The question is, whether any organization or mechanism exists within the Mohawk community to continue the important mediating role performed last summer by the Six Nations Iroquois Confederacy. Without such a process, there is little hope for resolving any fundamental issues. When the issue of representation is resolved in some significant way, the Government will be better placed to respond to the wishes of the community on self-government and land matters.

In the meantime, the Kanesatake community remains in a state of legal and political uncertainty with an Indian Act Band Council that seems unable to garner anything more than a plurality of support, and lives on federal Crown land reserved for their use but with no legal regime to provide community control.

The dispute over the golf course expansion involved land sold by the Sulpicians sometime ago. At the time of the July crisis, the land was privately held. The Municipality of Oka held an option to purchase that land and planned to exercise that option for the purpose of leasing the land to the Oka Golf Club. These lands are significant to the Mohawk community because they formed part of "common lands" dating back to the 18th century settlement and since used for recreational and other community purposes. These lands also provided access to a Mohawk cemetery in the Pine forest. The pine forest itself is