

serious conflict. Other witnesses, while acknowledging these factors felt that some residents of Kanesatake had become influenced by members of the Mohawk Warrior Society and accused "outsiders" of using Kanesatake for their own personal and political gain. Representatives of the federal government have repeatedly expressed this view.

It seems that some, though a minority, of residents at Kanesatake supported the strategy of armed resistance from the beginning. It is not clear to what extent the community as a whole was involved in the decision to arm the barricade in The Pines. Following the experience of the police raid on July 11th, the community was suddenly galvanized into a state of unity by the traumatizing effect of an outside threat. For the duration of the armed standoff, the community appeared to be united on central issues of land rights, sovereignty and relations with non-native society. The continued negative experience with the provincial police and the armed forces seemed only to reinforce this reaction. Allegations of human rights violations against the police and the army have been widespread and persistent.

From the governments' viewpoint, the use of the police and the army was essential to the maintenance of law and order in the communities affected by the crisis. From the viewpoint of the Mohawk people and First Nations across the country, the actions of the provincial police on July 11, 1990 and the use of the armed forces at Oka, Quebec is very much connected to the issue of Mohawk land rights. Native people are aware of the dangerous situation that prevailed in Oka, Châteauguay, Kahnawake and Kanesatake last summer. There were expressions of racial prejudice and hatred against indigenous people across the country during the summer. The presence of the army was initially welcomed by native people as a possible means of de-escalating a precipitous and dangerous course of events. However, as the summer wore on, there were complaints from native people about the army's actions as well. There is a general concern that police assaults and the use of the army as an aid to civil power may be used again in what has generally been, prior to 1990, a more peaceful battle of wills and principles.

The use of the National Defence Act as an aid to civil power is likely to be controversial in any circumstance but all the more so in circumstances arising from a native land rights dispute. Additional concerns about accountability and cost have been raised. The following issues were raised by witnesses and provide background to Recommendation no. 2 of this Report:

- a) the mandatory nature of the statutory obligation of the Government of Canada to dispatch forces once requested by the Attorney-General of a Province
- b) the discretion given the Chief of Defence Staff to decide the size and nature of the force to be provided
- c) the need for procedural protection and review mechanisms before, during and after the use of armed forces in aid of a civil power
- d) a review of the requirements necessary to trigger use of the armed forces in aid of civil law enforcement agencies