

The evidence before the Committee does not reveal exactly what form of consultation process took place in Kanesatake on the proposed framework agreement. The Department of Indian Affairs seems to suggest that the consultation process, if started, was not completed. On the other hand, most if not all of the Mohawk witnesses were quite firm in their view that the result of consultations was rejection of the proposed framework for negotiations.

In January 1990, a controversial change in the leadership of the Six Nations Traditional Hereditary Chiefs occurred. Clan mothers removed Clarence Simon as Grand Chief and appointed George Martin in his place. Mr. Simon alleged that the clan mothers did not properly follow the band custom in this matter. At this time the Band Council was also struggling to deal with a budget deficit. Dan Gaspé was appointed in January as an administrator and fired by the Band Council in March. The new Band Council did not return to the negotiating table to actively discuss the questions of land unification at Kanesatake and coordination of jurisdictional issues with the town of Oka.

In its brief to the Committee, the Municipality stated that on March 5, 1990, the municipal council passed a resolution ending the moratorium as of March 9 and authorized the implementation of the golf club expansion project. The Municipality stated that this resolution followed a suspension of negotiations by Chief Martin and that:

On March 7, Chief George Martin sent the Municipality of Oka a letter requesting the moratorium be extended until March 23. We did not have much time to reply because on March 11 the barricades went up and the Warriors were centre stage. (Issue No. 55:50)

In their evidence before the Committee, both the people of the Longhouse at Kanesatake headed by Samson Gabriel and representatives of the Indian Act Band Council (Six Nations Traditional Hereditary Chiefs) maintained that the land unification project as conceived by the 1989 proposed framework agreement was rejected by the community as inadequate because it was not viewed as likely to produce a sufficient quantity of land (eighty hectares over 25 years was proposed) nor was it considered likely to address the long standing problems or unique character of Kanesatake.

Longhouse members at Kanesatake testified that the 1989 framework agreement was unanimously rejected by those involved in community consultations in the fall of 1989. Following this development and the change in Band Council, the Longhouse felt that a negotiator mandated by the community was being excluded from negotiations between the new Band Council and the Municipality:

We had no input into the talks and we had no idea of what these people would be taking away from us. We could not oversee it and we could not be certain that our best interests were being considered. With the uncertainty about the mandate of the local band council, not much confidence was placed in them by the local population, by the local Mohawks in Kanesatake. That is how I see the precipitating factors which led to the barricade going up on the small dirt road in Kanesatake, known as Chemin du Mille.