

5. land rights flowing from the obligations imposed on the Sulpician Order in the 18th century land grants to the Order by the King of France.

From the viewpoints of the federal, provincial and municipal governments, most, if not all of these issues were essentially decided against the Mohawks as a result of the 1912 decision of the Judicial Committee of the Privy Council in *Corinthe v. Seminary of St. Sulpice*. However the issue of Mohawk sovereignty was not directly before that court.

Mohawk land rights issues at Kanesatake are distinct from many other indigenous land rights issues because they are one of a handful of aboriginal title cases to have reached a final court of appeal (this is not to suggest that there are not other legal issues relating to land that could be litigated); and the Mohawks are one of a few groups to have worked their way through both the specific and comprehensive claims process. Both claims have been rejected by the federal government. Despite these setbacks, Mohawks continue to argue they have land rights based on all the grounds set out above.

The Mohawk people today argue that independent of the arrival of Mohawk religious converts in 1721 at the Sulpician Mission at Lac des Deux-Montagnes, the Mohawk Nation used and occupied that territory and exercised sovereignty over it long before the land grants by the King of France. The Mohawk people make reference to a number of treaties with European powers (Holland, France and England) which they say acknowledge the sovereign status of the Mohawk people throughout their territory in Canada and the U.S. They also question the legality, under international law, of the land grants. For example, if these lands were unoccupied by non-native people before 1717 but were occupied and used by indigenous people (whether Mohawk, Nipissing or Algonquin), by what international legal principle could a European power assert sovereignty over the territory in the absence of conquest or cession?

Contrary to this position, the Municipality of Oka, the federal and provincial governments and persons claiming a clear title through the Seminary, argue that aboriginal people have no proprietary rights outside of the federally purchased lands and that this issue has been conclusively settled by legislation and litigation.

As of 1985, Kanesatake lands totalled 828.1 hectares (2046.31 acres). In 1986, following the rejection of the specific land claim, the federal government committed itself to a project of land unification by purchasing additional lands in order to create a contiguous land base for Kanesatake Mohawks. Apparently, this project was subject to the conditions and criteria of the Federal Reserve Enlargement Policy (Letter dated 28 April 1989 from the Regional Director, Lands Revenues and Trusts to the Acting Grand Chief of the Six Nations Traditional Hereditary Chiefs).

Thus, independent of the existing federal land claims policy, the federal government began a process before the Oka conflict, aimed at purchasing additional land for a unified land base for the Kanesatake people. It does not appear that any purchases were made between 1985 and the summer's conflict in 1990. Purchases were made during the conflict, including the controversial Pines.