

PROTOCOL AGREEMENT

BETWEEN

QUÉBEC

AND

AKWESASNE

WHEREAS the Mohawks of Akwesasne are part of the Kahníakehaka (Mohawk Nation) recognized by the National Assembly of Québec;

WHEREAS the respective principles and concepts found in the Kaswentha (Two Row Wampum) for Akwesasne and the document entitled "Partnership, Development, Achievement" for Québec are intended to provide a guide for relations between Akwesasne and Québec;

WHEREAS the Mohawks of Akwesasne govern themselves, exercise powers and deal with Canada and/or Ontario and/or Québec through the Mohawk Council of Akwesasne;

WHEREAS the Québec and the Mohawks of Akwesasne want to establish a long term and constructive relationship based on respect and mutual trust;

WHEREAS this Protocol Agreement and specific agreements in various sectors of their relations are means by which this relationship can begin to be built;

NOW THEREFORE IT IS AGREED THAT :

Subject matter of the Protocol Agreement

1. The purpose of this Protocol Agreement is to establish a general process that will lead to the conclusion of specific agreements on various sectors of common interest, in order to avoid conflicts and, if necessary, to resolve the latter by discussion and peaceful means in a spirit of understanding and mutual respect.

Orientations and principles

2. The parties accept and recognize the respective distinctiveness and unique quality of their cultures, their languages, their laws, customs, traditions, as well as their national identities.

Exercise of powers

3. Both parties recognize the need to reconcile the exercise of their respective powers and toward this end will negotiate specific agreements on various subject matters where there exists a shared interest.

Responsibility for negotiations

4. The Grand Chief of the Mohawk Council of Akwesasne and the Québec Minister responsible for Aboriginal Affairs are responsible for implementation of this Protocol Agreement and the monitoring of the ensuing negotiations.

The Québec Minister responsible for Aboriginal Affairs is responsible for assuring the presence of the various ministries and their duly mandated representatives of their respective departments during the negotiation and implementation of the specific agreements.

Negotiation of specific agreements

5. In the first phase, specific agreements will be negotiated in the following sectors:

- Administration of justice;
- Economic development;
- Health;
- Public security;
- Transport (direct road link with Québec).

- 5.1 Every effort will be made to conclude the first phase within one year from the date of the signing of this protocol agreement.

- 5.2 In the second phase, specific agreements will be negotiated in the following sectors:

- Cultural development;
- Tourism development;
- Education / training;
- Registration of births, marriages and deaths;
- Fiscal matters;
- Youth Initiative.

The final list of the other sectors to be covered by specific agreements shall be determined by the Grand Chief of the Mohawk Council of Akwesasne and the Minister responsible for Aboriginal Affairs on the joint recommendation of the negotiators. The timeframe for this second phase will be negotiated between both parties.

6. Each specific agreement shall specify :
 - the nature and scope of the agreement;
 - the duration of the agreement;
 - the implementation plan.
7. Each specific agreement shall specify the procedure to be followed to avoid and, if necessary, resolve conflicts between the parties.
8. Specific agreements should be implemented immediately, unless delays are expressly provided for. The parties are bound to take with diligence whatever actions are necessary to give effect to an agreement.
9. A reciprocal mechanism will be set up for the timely review and comment of draft or pending legislation or regulation which may impact the other party.
10. Upon mutual agreement, the parties may invite other parties to the sectoral tables, including the Governments of Canada and/or Ontario, or invite them into a tripartite or quadripartite negotiation table. Nothing in this protocol agreement prevents Akwesasne from continuing to exercise its prerogatives to enter into negotiations or to conclude agreements with any other government, person or organization.

Amendment of the Protocol Agreement

11. The parties agree that, notwithstanding section 12 (Duration of the Protocol Agreement), this Protocol Agreement may be modified in whole or in part by deletion, addition or otherwise upon mutual acceptance in writing, signed by the parties.

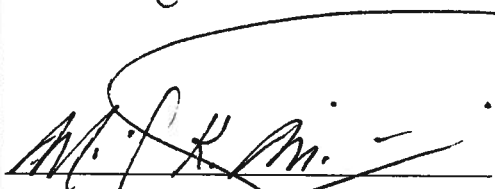
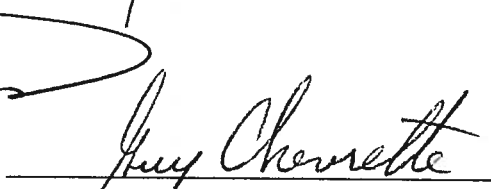
Duration of the Protocol Agreement

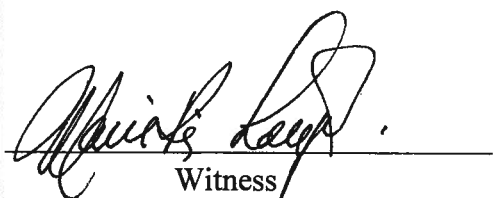
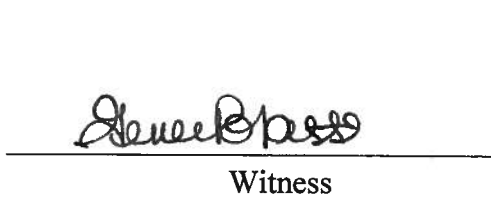
12. This Protocol Agreement will be for an indefinite time period. Any dispute concerning the interpretation or implementation of this Protocol Agreement shall be resolved through negotiations between the parties. Failing those negotiations, each party will be able to terminate this Agreement by giving the other party a written notice, which shall take effect thirty days thereafter.

Significance of the Protocol Agreement

13. This Protocol Agreement is not intended to be an agreement or treaty as contemplated in section 35 of the Constitution Act 1982, nor is it to be interpreted in anyway as abrogating, derogating or negating or recognizing any aboriginal, treaty or other rights.
14. The Statement of Understanding and Mutual Respect shall guide negotiations of specific agreements. In the absence of explicit provisions, the provisions of the Statement of Understanding and Mutual Respect shall be deemed to be included in all specific agreements.

Signed at Akwesasne this 20^e day of juin 2000.

 _____ Michael Kanentakeron Mitchell Grand Chief of the Mohawk Council of Akwesasne	 _____ Guy Chevrette Ministre délégué aux Affaires autochtones
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 _____ Witness	 _____ Witness
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