

FRAMEWORK AGREEMENT

BETWEEN

QUÉBEC

AND

THE MOHAWKS OF KAHNAWAKE

WHEREAS the Mohawks of Kahnawake are part of the Mohawk Nation recognized by the National Assembly of Québec;

WHEREAS the Mohawks of Kahnawake govern themselves through the Mohawk Council of Kahnawake and exercise their rights through this Council;

WHEREAS Québec and the Mohawks of Kahnawake want to maintain a long term and constructive relationship based on respect and mutual trust by means of a new framework agreement and sectoral agreements in various areas of their relations;

NOW THEREFORE IT IS AGREED THAT:

Subject matter of the Agreement

1. The purpose of this Agreement is to establish a general framework that will lead to the continuation and revision of existing sectoral agreements and to the conclusion of new sectoral agreements, in various areas 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 sectoral agreements on various subject matters where there exists a shared interest.

Responsibility for negotiations

4. The Mohawk Council of Kahnawake, through the Portfolio Chief responsible for Intergovernmental Relations, and the Executive Council of the Government of Québec, through the Minister responsible for Aboriginal Affairs, are responsible for the implementation of this Agreement and the monitoring of the ensuing negotiations.

Existing and new agreements

- 5.1 The ten sectoral agreements signed on the 30th of March, 1999, between the Parties, as they might have been amended, will continue their existence and can be amended in accordance with their respective terms.
- 5.2 However, the Parties agree to negotiate a revision of the following sectoral agreements:
- Agreement on fiscal matters related to tobacco, petroleum and alcohol products;
 - Agreement on fiscal matters related to consumer goods and services;
 - Agreement on economic development;
 - Agreement on transport and user fees;
 - Agreement on the registration of births, marriages and deaths.
- 5.3 The Parties will negotiate new sectoral agreements on the following subject-matters:
- Rebuilding of Route 207 in Kahnawake;
 - Labour matters, including labour standards and the relations between the Commission de la santé et de la sécurité du travail (CSST) and the Mohawk Self-Insurance Program (MSI);
 - Suburban Rail Station.
- 5.4 The Parties will also give immediate attention to the determination of the adjacent lands along autoroute 30.
- 5.5 Every effort will be made to conclude the agreements mentioned in sections 5.2 and 5.3 within a year.
- 5.6 The list of other areas to be covered by sectoral agreements shall be determined by Kahnawake and Québec on the joint recommendation of the negotiators of this Agreement or of the Liaison Committee set up pursuant to section 14 of this Agreement.
6. Each sectoral agreement shall specify:
- the nature and scope of the sectoral agreement;
 - the duration of the sectoral agreement;
 - the implementation plan;
 - the establishment of a liaison committee charged with the supervision of its application.

Conflict resolution

7. Each sectoral agreement shall specify the procedure to be followed to avoid and, if necessary, resolve conflicts between the Parties in a spirit of conciliation, cooperation and harmony.
8. The liaison committee established in each sectoral agreement shall make every effort to resolve any conflict or difference of opinion which arises in a sectoral agreement.
9. A conflict which proves impossible to settle by a sectoral liaison committee shall be brought for resolution before the Liaison Committee set up pursuant to section 14 of this Framework Agreement.
10. Any important and persisting conflict which cannot be otherwise resolved as provided above shall be referred to a joint meeting of the Portfolio Chief responsible for Intergovernmental Relations and the Minister responsible for Aboriginal Affairs.

Implementation

11. Sectoral 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.
12. A reciprocal mechanism will be set up for the timely review and comment of draft of pending legislation or regulation which may impact the other party.
13. Upon mutual agreement, the Parties may invite other parties to the sectoral tables, including the Government of Canada, or invite the latter into a tripartite negotiation table.

Liaison Committee

14. A Liaison Committee composed of two representatives from each Party shall be established to supervise the overall application of this Agreement and the preservation of the spirit of mutual understanding and mutual respect that is at the basis of the Québec-Kahnawake relationship. This Committee shall meet on a regular basis.

Amendment to Agreement

15. The Parties agree that, notwithstanding section 16 (Duration of the Agreement), this 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 Agreement

16. This Agreement will be for an indefinite time period. Any conflict concerning the interpretation or implementation of this Agreement shall be brought for resolution before the Liaison Committee set up pursuant to section 14 and dealt with according to sections 9 and 10 of this Agreement. Failing these discussions, each party will be able to terminate this Agreement by giving the other party a written notice, which shall take effect one month thereafter.
17. This 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.

Signed on the _____ day of _____ 2009

Johnny Montour
Portfolio Chief responsible for
Intergovernmental Relations
Mohawk Council of Kahnawake

Pierre Corbeil
Minister responsible for
Aboriginal Affairs

Claude Béchard
Minister responsible for Canadian
Intergovernmental Affairs and for
the Reform of Democratic
Institutions