

AKWESASNE EMERGENCY CURFEW LAW

Mohawk Council Resolution 2020/2021 - #003

Date Enacted/Coming into Force: Onerahtohko:wa/April 13, 2020

Preamble

WHEREAS:

The Mohawks of Akwesasne have the existing and inherent right of self-determination within their territory.

The Mohawks of Akwesasne have aboriginal and treaty rights, and other rights and freedoms that are recognized and affirmed in the Constitution of Canada.

The Mohawks of Akwesasne have the right to preserve and promote the health and welfare of members during emergencies and to maintain law and order in the Territory.

As the community government within the Territory, the Mohawk Council of Akwesasne exercises the inherent jurisdiction to make laws, regulations, and policies to meet the needs and concerns of the Mohawks of Akwesasne.

The World Health Organization declared COVID-19 to be a global pandemic on March 11, 2020.

The Governments of Quebec and Ontario declared states of emergency on March 13th and 17th respectively and are issuing emergency directives to manage the emergency response to COVID-19.

The Government of Canada has issued an emergency order under the *Quarantine Act*, SC 2005 c 20 on March 25th requiring every person arriving at a port of entry to Canada to self-isolate for 14 days.

There is an immediate and urgent need for the Mohawk Council of Akwesasne to provide clear directives to members concerning the emergency measures that apply in Akwesasne.

1 Title

This law shall be known as the *Akwesasne Emergency Curfew Law*.

This law shall have the same force and effect as an Akwesasne Law adopted in conformity with the *Akwesasne Legislative Enactment Regulation*.

2 Definitions

The following definitions apply in this law:

“Emergency” means a situation that constitutes a danger of major proportions that could result in serious harm to persons or substantial damage to property that is caused by the forces of nature, a disease or other health risk, an accident or an act, and has been declared by the Mohawk Council of Akwesasne to be an Emergency.

“Essential Activities” means

- a. tasks essential to a person’s health and safety, or to the health and safety of other family or household members including obtaining emergency services, medical supplies and medication, or visiting a health care professional;
- b. obtaining necessary services or supplies for one’s self, other family or household members, delivering those services or supplies to others, including groceries and food, take-out food, gasoline, household consumer products, supplies to work from home, and products necessary to maintain the safety, sanitation, and essential operation of a residence; and
- c. outdoor activities such as walking, hiking, running, or biking while maintaining a distance of two meters or six feet from every other person; and
- d. caring for family members or pets in another household and transporting family members to obtain necessary services or supplies.

“Essential Services” includes

- a. first responders, emergency management personnel, police and justice personnel, child protection and child welfare personnel;
- b. services dispensed at hospitals, clinics, pharmacies, and other health care organizations, facilities, and suppliers;
- c. social and health services dispensed by agencies to determine eligibility for basic needs including food, financial assistance, medical coverage, rehabilitation services;
- d. businesses that provide food, shelter, and social services, or other necessities of life, for economically disadvantaged individuals;
- e. food production, distribution, and sale;
- f. commercial outlets for groceries, medicines, fuel, vehicle maintenance, and hardware;
- g. waste disposal and recycling; and

h. services dispensed by the Mohawk Council of Akwesasne during the Emergency.

“Member” means a person whose name appears or who is entitled to have their name appear on the Akwesasne Membership Roll.

“Territory” means the lands and waters under the jurisdiction of the Mohawk Council of Akwesasne but does not include lands north of the St. Lawrence River or any lands in the State of New York.

3 Application

This law applies throughout the Territory to all persons in the Territory, whether they are Members or not, from its enactment until such time as the Mohawk Council of Akwesasne declares by resolution that the Emergency has ceased.

4 Emergency Measures

All persons residing in the Territory shall remain at their place of residence between the hours of 10:00 p.m. and 6:00 a.m. and shall at all other times restrict their movements within the Territory to the performance of Essential Activities. All persons are exempt from the application of this paragraph while they are engaged in Essential Services.

All persons travelling to the Territory from any location that is beyond a radius of 80 km or 50 miles who has a symptom of COVID-19 shall seek immediate medical attention and shall self-isolate at their residence for not less than 14 days according to the instructions of a medical professional.

Persons travelling to the Territory from any location that is beyond a radius of 80 km or 50 miles but who have no symptoms of COVID-19 shall self-quarantine for not less than 14 days. During the period of self-quarantine, all persons shall monitor for symptoms and shall remain at home. Persons required to self-quarantine who need assistance to do so shall contact the MCA.

All individuals required to self-isolate or self-quarantine shall inform the Mohawk Council of Akwesasne Department of Health about their circumstances, for monitoring and tracking purposes.

All individuals engaged in Essential Activities in public places shall make their best effort to maintain a distance of two meters or 6 feet from any other individual and avoid social gatherings. Nothing herein prohibits the gathering of members of a single household or residence.

5 Offences

Every person who contravenes this law is guilty of an offence and liable to a fine not exceeding \$1000.00.

6 Enforcement

The Akwesasne Mohawk Police Service shall be responsible for the enforcement of this law. Proceedings under this law may be initiated in the Akwesasne Court.