

ENTEWATATHÁ:WI

"We Will Govern"

Kanenna'kè:ne | Fall 2022

Path to Self-Government

The Mohawks of Akwesasne have an inherent right of self-government which originates from our people, culture and land that is recognized and affirmed by Section 35 of the *Constitution Act, 1982* and the *United Nations Declaration on the Rights of Indigenous Peoples*.

Over the years, the Mohawk Council of Akwesasne has made changes on how the community is governed. One area that was not working was the election of Head Chief and Councillors. Previously, the elections were managed under the *Indian Act* and experienced legal challenges at almost every election. As a result, in 1986 a referendum was held in 1986 that has since allowed all decisions regarding Akwesasne's elections to be determined exclusively by the community. This was the first step toward managing our own affairs (self-government). The Akwesasne Election Regulations was enacted on April 23, 1988.

In 1986, the Mohawk Council of Akwesasne created a Judicial Code of Conduct, which led to developing the general guidelines for the selection of Mohawk Judges. As years passed, the Court was set up to follow procedures contained in any Akwesasne law and included the ability to use the Rules and Criminal Procedure of Canada and Ontario Rules of Civil Procedures.

The following year, in 1987, the Mohawk Council of Akwesasne exercised Akwesasne's jurisdiction by taking over membership, that resulted in giving the community the authority to decide who shall be a member of Akwesasne. The *Akwesasne Membership Code* was enacted on June 26, 1987.

In the same year, the Mohawks of Akwesasne took over education setting up its own Ahkwesasne Mohawk Board of Education and to establish local education criteria for the hiring of teachers and incorporating culture and language into our schools.

The Political Protocol was signed on June 7, 1999. The Protocol establishes the process necessary to address Akwesasne's unique circumstances and to support the negotiations and the implementation of the new arrangement between Akwesasne and Canada. The Protocol is intended to reflect a relationship based on the principles of a good mind, mutual respect, trust, and openness. The Protocol had two objectives: expand jurisdiction and social and economic development.

In 1999 exploratory discussions began to form an Akwesasne-Canada negotiation table that would address jurisdictional matters that affected the community. These jurisdictional matters were investigated over the next five-years, along with how to resolve them.

On June 23, 2005, Akwesasne-Canada signed the Process and Schedule Agreement that established the agenda and timetable for negotiating the Governance and Relationship Agreement and Land Estates Sectoral Agreement-in-Principle.

On November 4, 2013, the Akwesasne-Canada Governance and Relationship Agreement-in-Principle, and the Akwesasne-Canada Lands and Estates Sectoral Agreement-in-Principle were signed.

In 2000, two (2) Justices were appointed and given jurisdiction to determine the validity, interpretation, and application of Akwesasne laws. Mohawk Council of Akwesasne passed a Mohawk Council Resolution to give powers to the two Justices equivalent to the section 107 Justice of the Peace. The Akwesasne Court operated under this authority until the *Akwesasne Court Law* was enacted. The *Akwesasne Court Law* was enacted on February 12, 2016, and came into force August 12, 2016.

Entewatatha:wi

The Mohawk word Entewatathá:wi loosely translates to “we will govern”. Entewatathá:wi is a project through the Mohawk Council of Akwesasne to negotiate the Entewatathá:wi Self Government Agreement (ESGA) with the Government of Canada.

Akwesasne and Canada are entering into the last stages of negotiating the ESGA. This Agreement establishes the fundamental principles of a government to government relationship between Akwesasne and Canada. The ESGA establishes new recognized jurisdiction and authority for the Mohawks of Akwesasne.

Through the Entewatathá:wi process Akwesasne is negotiating for greater recognition of its jurisdiction and authority to take over managing our own affairs.

In the future a referendum will be held to allow the Mohawks of Akwesasne to vote on the ESGA.

Frequently Asked Questions

Question: Will we still get funding for our programs and services?

Answer: Yes, funding will continue for our programs and services. The fiduciary relationship between Akwesasne and Canada will continue and will not be eliminated.

Currently, the Mohawk Council of Akwesasne has unfunded programs. Should the ESGA be ratified by the members of the Mohawks of Akwesasne, any program, including currently unfunded programs identified in ESGA will also be funded.

Mission

To negotiate a self-government agreement with Canada that recognizes expanded jurisdiction and authority; and protect the Aboriginal rights and title for the Mohawks of Akwesasne.

Vision

To implement the inherent right of self-government of the Mohawks of Akwesasne through the Entewatatha:wi Self Government Agreement.

Stepping Stones to Entewatathá:wi

Ratification requires a comprehensive understanding of the ESGA by the members of Akwesasne. Ultimately, the membership of Akwesasne will vote for or against the ESGA via referendum.

**To Be Determined
Ratification**

Educating the community on the Entewatathá:wi project and involving community members to ensure that questions and concerns are understood and considered prior to the ratification of the ESGA. In September 2022, a Communications Working Group has been established to develop a communication plan to educate and engage the community.

**ONGOING
Community
Engagement & Education**

Akwesasne and Canada to negotiate the Fiscal Chapter and Fiscal Relationship Agreement that is sustainable and meets the financial obligations based on Akwesasne's expanded jurisdiction. This Agreement will establish how funds will flow to MCA programs and services.

**2023
Fiscal Relationship
Negotiations**

The Governance and Relationship Agreement and the Land and Estate Sectoral Agreement expanded into a Sectoral Agreement is now known as the Akwesasne-Canada Entewatathá:wi Self Government Agreement (ESGA).

**2019
Amalgamated into one
Agreement**

In March 2015 the Land and Estate Sectoral Agreement (LESA) was expanded. This expansion led to two additional jurisdictions in the agreement, they are Administration of Justice and Education.

**2015
Expansion of LESA into a
Sectoral Agreement**

Scheduled meetings between Akwesasne and Canada to negotiate language and terms of the Final Agreements. Negotiations began once the Agreement-In-Principle was signed.

**ONGOING
Final Agreement Negotiations**

This is the initial framework of the Final Agreements. The Governance and Relationship Agreement in Principle was signed on May 30, 2012 and the Lands and Estate Sectoral Agreement-in-Principle was signed on November 4, 2013.

**2012-2013
Akwesasne / Canada
Agreement-In-Principles**

This established the agenda, time frame and scope of negotiations between Akwesasne and Canada towards an Agreement-In-Principle, a Sectoral Agreement and the Final Agreement.

**2005
Process and Schedule Agreement**

Established the process necessary to address Akwesasne's unique circumstances and to support the negotiations and the implementation of the new arrangement between Akwesasne and Canada. The Protocol has two objectives: expand jurisdiction and social and economic development.

**1999
Political Protocol**

Akwesasne Entewatathá:wi Negotiating Team

Lead Negotiator - Grand Chief Abram Benedict
Entewatathá:wi Council Portfolio - Chief Vince Thompson
Chief JoAnn Swamp
Chief Edward Roundpoint
Chief Cindy Francis-Mitchell
Executive Director Ann Seymour
Assoc. Exec. Director Donna Roundpoint
Legal Counsel Micha Menczer
Project Manager Rachel Lazare

Community Advisor Lucy Papineau
Community Advisor Laura Francis
OVS Manager Tina Mitchell
Akwesasne Justice Director Joyce King
Gov. Support Manager Chelsea Francis
Justice Coordinator Connie Lazore
ARRO Manager Cactus Cook Sunday
Senior Researcher Adam Jacobs
Administrative Assistant Cheavee Willie
Researcher / Writer Joanna Jesmer
Public Relations Officer Jacey Rourke

Understanding Commonly Used Words in Self-Government

Authority - means any power other than Jurisdiction.

ESGA - means the Akwesasne-Canada Entewatathá:wi Self-Government Agreement.

Implementation - means the process of putting a decision or plan into effect. This is the final stage of the Self-Government Process. Jurisdiction and authority are applied in this phase. Implementation requires a great deal of planning, action and resources to achieve the goals of the Entewatathá:wi Self Government Agreement.

Jurisdiction - means the power to enact an Akwesasne Law within Akwesasne Lands or an Akwesasne Law in relation to Members.

Ratification - means the action of signing or giving formal consent to an agreement. The membership of Akwesasne will decide whether or not to approve the final self-government agreement via referendum.

Self-government - means the formal structure through which Indigenous communities may control the administration of their people, land, resources and related programs and policies, through agreements with federal and provincial governments.

Contact Entewatathá:wi

Rachel Lazare, Project Manager
Cheavee Willie, Administrative Assistant
Joanna Jesmer, Researcher / Writer
Jacey Rourke, Public Relations Officer
(613) 575-2250



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