Chapter 19

Kahnawake

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The purpose of this chapter is to provide an overview of the business and regulatory structures that have been implemented within Kahnawake concerning interactive[520] gaming and to discuss the related jurisdictional issues, from both a legal and political perspective.

BACKGROUND

Kahnawake is a community of approximately 8,000 Mohawk Indians[521] located on the south shore of the St. Lawrence River, 20 minutes from Montréal, Canada. The Mohawk territory of Kahnawake[522] presently occupies approximately 20 square miles.[523]

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520 "Interactive gaming" is the term used in this chapter to refer to gaming that takes place over the Internet.

521 "Indian" is a term used by the Canadian *Indian Act*, presently cited as R.S.C. 1985, c. I-5 to define Canada's Indigenous Peoples. It is not used by the Mohawks of Kahnawake to define themselves. I use the term in this paper where it seems appropriate because it is familiar to North American readers. However, the preferred term is Indigenous Peoples.

522 An "Indian Reserve" as defined by the *Indian Act*.

523 For several years, the Mohawks of Kahnawake have been involved in discussions with the government of Canada concerning a significant tract of lands contiguous to the present Mohawk Territory called the Seigneury Sault St. Louis that was granted to the Mohawks in the 1700's and that was subsequently removed from their possession improperly and without compensation.

The territory is crossed by three major highways, four hydro transmission lines, two railway lines, fiber optic and cable lines and a major international inland waterway—the St. Lawrence Seaway.

The Mohawk Council of Kahnawake (the "Council") is the governing body in and for the Mohawk territory of Kahnawake. The Council is composed of 11 chiefs and one grand chief, all of whom are elected by the community. Elections are held every two years.

The Mohawks of Kahnawake have consistently and historically asserted sovereignty and jurisdiction over their territory. They have never been defeated in battle and have never entered into a treaty with any government that waives or diminishes their sovereignty.

The Council, on behalf of the community, enacts laws and creates institutions that are necessary for maintaining peace, order and good government within their territory. Kahnawake has its own police force (the Kahnawake Peacekeepers), Court, schools, hospital, fire station and social services, all of which operate under the control and regulation of the Council and laws enacted by the Council.

Kahnawake has, by legislative act, created and empowered such regulatory agencies as: the Kahnawake Peacekeepers Ethics Committee; Kahnawake Alcoholic Beverages Control Commission, the Kahnawake Athletic Events Commission and, of particular interest for present purposes, the Kahnawake Gaming Commission.

The Kahnawake Gaming Commission was established and empowered by the *Kahnawake Gaming Law*, enacted by Council in 1996.[524] The Commission's overall mandate is to regulate and control gaming and gaming related activities that take place within or from the Mohawk Territory of Kahnawake.

Mohawk Internet Technologies

As Kahnawake's governing body, one of Council's primary functions is to create the environment and mechanisms necessary to facilitate economic development within the Mohawk territory. In 1998, the Council became aware of the opportunities for economic growth and employment offered by e-commerce and particularly the interactive gaming industry. After several months of research and consideration, the Council made a decision to establish an entity—Mohawk Internet Technologies ("MIT")—that would offer services to industries involved in e-commerce, including the interactive gaming industry. On January 5, 1999, MIT was formally created and mandated by a Council Resolution which provided in part:

524 Mohawk Council of Kahnawake Resolution No. 26/1996-97

> *"MOHAWK INTERNET TECHNOLOGIES is empowered to conduct such activities as are required to develop, manage, operate and administer Internet commerce and related technologies within the Mohawk Territory of Kahnawake that are in the best interests of the community of Kahnawake, provided that such activities are in accordance with the laws of Kahnawake."*[525]

Since its creation, MIT has been wholly owned and controlled by the Mohawk Council of Kahnawake. It is a non-incorporated band-empowered entity'[526] that functions under the direction of a four-member board of directors.

In 1999, MIT refurbished an existing office building within Kahnawake into a state-of-the-art co-location facility that offers a variety of services to e-commerce clients—many of whom operate Internet gaming sites that are licensed and regulated by the Kahnawake Gaming Commission. MIT itself does not operate an interactive gaming site.

Since its creation, MIT has created more than 250 jobs for the community of Kahnawake and surrounding areas. It is by far the largest private employer within Kahnawake.

KAHNAWAKE'S REGULATIONS CONCERNING INTERACTIVE GAMING

Contemporaneous with its development of the "business side" of the equation, the Council also recognized the need to create a regulatory environment designed specifically for the interactive gaming industry and the commission was mandated to research and prepare a set of regulations for that purpose.

The commission approached this task with the intent of creating a regulatory model that would be suitable for Kahnawake, but that would also facilitate cooperation between Kahnawake and other regulating jurisdictions. In 1998, the interactive gaming industry was still in its infancy and few jurisdictions had created their own legislation in this area. After careful consideration the commission chose the *Interactive Gambling (Player Protection) Act, 1998*[527] enacted in Queensland, Australia, to serve as a model for its regulation. Over the course of the next several months, under the guidance of Frank

525 Mohawk Council of Kahnawake Resolution No. 62/1998-99

526 The term "band-empowered entity" is not defined by the *Indian Act* but is used in Government of Canada policies to describe an entity that is owned and controlled by an "Indian band." The entity may be incorporated or non-incorporated.

527 Act No. 14 of 1998, assented to 26 March 1998

Catania, former director of the New Jersey division of gaming enforcement, the commission prepared its regulatory framework and, on July 8, 1999, enacted the Kahnawake regulations concerning interactive gaming (the “regulations”). The full text of the regulations can be viewed at the commission’s Web site: www.kahnawake.com/gamingcommission.

Given the global nature of the medium–i.e. the Internet–the commission recognized the desirability of coordinating its regulations with those in other jurisdictions. Their commitment to this objective is reflected in section 3 of the Regulations:

> *"3. These Regulations may serve as a basis for the harmonization of regulatory schemes concerning interactive gaming in other jurisdictions and for co-operation and mutual assistance between the Kahnawake Gaming Commission and other regulatory bodies. However, these Regulations are not dependent on the ratification or approval of any other jurisdiction or regulatory body."*

The regulations are designed to ensure that all interactive gaming and gaming related activities conducted within or from the Mohawk Territory of Kahnawake satisfies three basic principles:

1. that only suitable persons and entities are permitted to operate within Kahnawake;
2. that the games offered are fair to the player; and
3. that winners are paid.

Determining the “suitability” of persons and entities is a process that requires an applicant to provide extensive information to the Commission concerning the business entity that will operate the gaming venture as well as each of the principals associated with the entity. The ‘know your client’ rule is strictly enforced. The information provided is investigated for accuracy and completeness by an independent agency contracted by the commission and, based on the agency’s reports, the commission makes a decision as to the applicant’s suitability.

A number of measures are taken to ensure that the games offered by a permit holder are fair to the player. The commission contracts with an internationally known accounting firm to ensure the games offered are being conducted fairly and paying out at a verifiable rate. To ensure that any player who has concerns about gaming irregularities has easy access to the commission, permit holders are required to

prominently display on their sites the commission's logo, hyperlinked to the commission's Web site.

To ensure that operators are able to meet their obligations to players, the financial viability of an applicant is assessed at the time of an application and may be re-assessed at any time the commission directs. The regulations also provide for the posting of various forms of security, where the commission deems it to be necessary.

LEGAL AND POLITICAL CONSIDERATIONS

Since 1982,[528] the Constitution of Canada has recognized and affirmed the "treaty and aboriginal rights" of the indigenous peoples whose territories are located within Canada. The nature and scope of those rights is the subject of continuing discussions at the political level and has been the subject of numerous legal actions.

Kahnawake's jurisdiction to conduct, facilitate and regulate gaming and gaming-related activities is a facet of the right it has as a community of indigenous peoples to regulate and control economic development activities that take place within or from its territory and, more fundamentally, to govern its own affairs. As will be discussed at greater length in this paper, if it were necessary to do so, Kahnawake's exercise of jurisdiction in this area would be defended as the exercise of an "aboriginal right" protected by the Constitution of Canada.

Recognizing the need to coordinate its regulations with any relevant legislation that exists at the federal or provincial levels, Kahnawake has, for the past three years, been forthright in its discussions with Canada and Québec concerning interactive gaming and has engaged in a series of discussions with both levels of government with the object of harmonizing the legislative provisions of each of the affected jurisdictions.

In any event, for the past three years, Québec and Canada have been fully informed about Kahnawake's exercise of jurisdiction over interactive gaming and there have been no formal challenges - legal or otherwise - from either level of government.

There is every reason to believe that the following view expressed in a recent paper published by the Library of Parliament, Parliamentary Research Branch, is correct:

528 Section 35(1), *Constitution Act, 1982*, R.S.C. 1985 Appendix II, No. 44 En. Canada Act 1982 (U.K.), c. 11 Am. Constitution Amendment Proclamation, 1983, SI/84-102.

"…Department of Justice officials are apparently aware that the [interactive gaming] activity [in Kahnawake] is going on, but it is expected that a 'political' solution will be sought through negotiation."[529]

Canadian Law concerning Internet Gaming

Before examining the "aboriginal" issues, it is worth noting that the state of Canadian law as it relates to interactive gaming is far from clear. Part VII of the Criminal Code of Canada[530] generally prohibits gaming in Canada but provides a number of exceptions among which are gaming activities that are carried out in accordance with a permit issued by a province of Canada and a number of lottery schemes for which provincial governments are given the responsibility to regulate.

However, the Criminal Code, in its present form, does not specifically address the issue of Internet gaming.

While it may be argued that the existing provisions of the Criminal Code are broad enough to include Internet gaming, it would not explain the efforts of a liberal member of Parliament[531] to enact private members' *Bill C-353*, "An Act to amend the Criminal Code (Internet lotteries)." The bill was given first reading in the Canadian Parliament in November 1996 and a second reading in February 1997; it went to committee later that year. The bill provided, in part:

"(2.3) The Government of Canada may license an Internet service provider or other person to operate and manage a lottery scheme on the Internet…"

A federal election was held in the summer of 1997 and Bill C-353 died 'on the order paper' in April 1997 when Parliament was dissolved. No comparable bill has since been introduced.

The Canadian federal government's lack of enthusiasm for regulating activity on the Internet is also reflected in a public notice issued by the Canadian Radio-Television and Telecommunications Commission ("CRTC") dated May 17, 1999, which after considering its role with respect to the Internet, concluded:

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529 Sports Wagering on the Internet, Geoffrey P. Kelley, Law and Government Division, 1 February, 2001, page 4.

530 R.S.C. 1985, c. C-46.

531 Dennis J. Mills, (Lib. Broadview-Greenwood)

"Accordingly, the Commission will not regulate new media activities on the Internet under the Broadcasting Act."

Where the governments of Canada and Québec have chosen not to "occupy the field" regarding the conduct, facilitation and regulation of interactive gaming, Kahnawake has taken a more progressive approach and has specifically exercised its jurisdiction in this area through the creation of MIT and the enactment of the Kahnawake Regulations concerning Interactive Gaming.

A brief review of the legal and political environment in Canada, as it relates to "aboriginal rights" and to the issue of interactive gaming is instructive.

Canadian Law Concerning Aboriginal and Treaty Rights

Canadian law is presently in a state of flux concerning the status of "Indian" lands and the nature and scope of aboriginal and treaty rights enjoyed by indigenous peoples on their lands.

The issue is first addressed in section 91(24) of Canada's *Constitution Act, 1867*, which assigns to the federal government (as distinct from the provincial governments) the power to legislate with respect to "Indians, and lands reserved for the Indians." Pursuant to this head of power, the federal government of Canada enacted the Indian Act that purported to establish a regulatory scheme for all matters related to indigenous peoples in Canada.

The Indian Act still exists, but is generally considered to be an archaic piece of legislation.[532] With the cooperation of the government of Canada, the Indian Act is in the process of being abolished, albeit in a slow and piecemeal fashion, and replaced with "government-to-government" agreements between Canada and indigenous "First Nations." The impetus for this process was the amendment to the Canadian Constitution Act in 1982, which added the following section:

"35(1) The existing aboriginal and treaty rights of the aboriginal peoples of Canada are hereby recognized and affirmed."[533]

532 Between April 30, and December 31, 2001, the Government of Canada implemented a national plan entitled "Communities First: First Nations Governance" ("FNG") and launched a series of discussions with First Nations leaders and individuals across Canada for the purpose of designing legislation that will replace the *Indian Act.* Reports are presently being prepared summarizing the result of those discussions with the expectation that a draft Bill will be introduced in the Canadian Parliament as early as the spring of 2002.

533 Cited at Note 10.

Since its enactment in 1982, section 35(1) has generated a significant volume of case law concerning the nature and scope of the "existing aboriginal and treaty rights" to which it refers. Generally, the Supreme Court of Canada—the highest level of court in Canada—has consistently held that Indigenous Peoples enjoy certain rights on their lands that arise by virtue of their status as Canada's "First Nations." The specific nature and scope of those rights are determined on a case-by-case basis, which requires an examination of the particular culture and history of the First Nation claiming the right.

Canadian Case Law Concerning the 'Aboriginal Right' and Gaming

The test in respect to any indigenous claim to a section 35(1), "aboriginal right" is set out in the 1996 Supreme Court of Canada decisions in *R. -v.- Van der Peet,*[534] *R. -v.- N.T.C. Smokehouse Ltd*.[535] and *R. -v.- Gladstone.*[536]

The major elements of the test as set out by the Supreme Court of Canada in *Van der Peet* are as follows:

1. Any ambiguity as to the scope and definition of Section 35(1) must be resolved in favor of Indigenous Peoples.
2. To constitute an aboriginal right protected by Section 35(1) an activity must be an element of a practice, custom or tradition integral to the distinctive culture of the Indigenous group claiming the right. This is known as the "integral to a distinctive culture test."
3. To be integral, a practice, custom or tradition must be of central significance to the indigenous society in question, i.e. one of the things which made the culture of the society distinctive.
4. The practices, customs and traditions that constitute aboriginal rights are those customs and traditions (which have continuity with the practices) that existed prior to contact with European society. Conclusive evidence from pre-contact times about the practice, customs and traditions of the community in question need not be produced before the court.

The only case in which the Supreme Court of Canada has applied the Van der Peet test to the specific issue of indigenous gaming and the regulation of gaming, is in the 1996 case of *R. -v.- Pamajewon.*[537]

534 [1996] 2 S.C.R. 507
535 [1996] 2 S.C.R. 672
536 [1996] 2 S.C.R. 723
537 [1996] 2.S.C.R. 821

In the court's view, the claim for an aboriginal right in *Pamajewon* failed because:

> *"The evidence presented… does not demonstrate that gambling, or that the regulation of gambling, was an integral part of the distinctive cultures of the Shawanaga or Eagle Lake First Nations."*[538]

However, it is important to note that counsel for *Pamajewon* did not have the benefit at trial of the Supreme Court of Canada decision in *Van der Peet*. In fact, the Supreme Court of Canada rendered its decision in *Pamajewon* exactly one day after it established the legal test for an "aboriginal right" in the *Van der Peet* trilogy.[539]

The results of *Pamajewon* may very well have been different had the proof adduced at trial in support of the existence of the aboriginal right been presented within a *Van der Peet*-type framework. Not knowing the nature of the legal test for an "aboriginal right" would certainly have affected the litigants' ability to advance the appropriate evidence and arguments in the lower courts.

It is likely that if the *Van der Peet* test were applied to the Mohawks of Kahnawake claim of an aboriginal right to conduct, facilitate and regulate gaming within or from its territory, the result would be very different. Historical research has demonstrated very clearly that gaming and wagering by Mohawk peoples is a tradition which pre-dated European contact.

The historical authorities attest not only to the popularity of lacrosse and other games among the Iroquois,[540] but also because high-stakes wagering upon the outcome of such games and contests were central to the entire experience. In his seminal work, League of the Iroquois, Lewis H. Morgan states:

> *"Betting upon the result was common among the Iroquois. As this practice was never reprobated by their religious teachers, but on the contrary, rather encouraged, it frequently led to the most reckless indulgence. It often happened that the Indian gambled almost every valuable article which he possessed; his tomahawk, his medal, his ornaments, and even his blanket. … These bets were made in a systematic manner, and the articles then deposited with the managers of the game. A bet offered by a person upon one side, in the nature of some valuable article, was matched by a similar article, or one of equal value, by some one upon the other. Personal ornaments made the*

538 *Ibid*, at page 834.

539 The decision in *Van der Peet* was issued August 21, 1996. *Pamajewon* was issued August 22, 1996.

540 The Iroquois Confederacy included the Mohawk Nation.

> *usual gaming currency. Other bets were offered and taken in the same manner, until hundreds of articles were sometimes collected. These were laid aside by the managers, until the game was decided, when each article lost by the event was handed over to the winning individual, together with his own, which he had risked against it."*[541]

This type of wagering extended to both athletic games as well as games of chance. The games specifically referred to by Morgan (supra) included lacrosse, javelin, deer buttons, snow-snake, snow boat and the "bowl and peach stones game"[542].

Other authorities confirm not only the predominance of such games of chance among the Iroquois, but also the extent to which some games were regulated by an unwritten code.

In his article "Primitive Indian Lacrosse: Skill or Slaughter?" (Anthropology Journal of Canada 1975), Morris Jette says the following in regards to the Iroquois practice of lacrosse:

> *"With these Indians, gambling on the outcome of the games was a favourite pastime. During the course of a contest, a Mohawk player struck a Senaca a hard blow with his stick. Although, as the authors indicate, players were frequently hurt, they usually took these incidents "in good part." On this occasion, however, the Senacas instantly dropped their sticks, took up the stakes they had laid down in betting and returned home. The Senacas, with the foul play of their opponent, demanded satisfaction for the insult, although one of the offended wanted nothing less than war. However, the Mohawks consented to a Senacas request that they give presents to the young man who had been injured in atonement for his injuries and the pipe of peace was finally smoked in friendship. The antidote would indicate that an unwritten code of fair play was in effect during their games." (page 17)*

Betting on the outcome of lacrosse games was not only common; the gambling itself was "high stakes" with spectators often betting all of their worldly possessions.[543]

The predominance of wagering upon games of chance and skill in and of itself may not be sufficient to demonstrate the existence of a Section 35(1) right. However, the

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541 At page 281 and following.

542 At pages 280-304.

543 The People of America, Dean R. Snow, 1994, at page 186; American Indian Lacrosse, Thomas Vennum Jr., 1994, at page 109.

authorities go further and state that the games and wagering were an integral part of Iroquois culture. Ritual games such as “Lacrosse, foot races, sham fights, snow snake, tug of war, hoop-and-pole, and the bone game” were an important and integral part of the Iroquois ceremonies.[544] Moreover, “ceremonies were the most intimately important occupation of the life of the Indian”, i.e. Iroquois.[545]

In fact, the playing of games and the wagering thereon were important aspects of overall Iroquois traditional and mythology and were therefore subject to elaborate rituals.[546]

The foregoing is a sample of the evidence that builds a strong case for the existence of a Mohawk aboriginal right to conduct, facilitate and regulate gaming based solely upon the existence of post contact historical authorities. The body of available evidence leads to the conclusion that the essential requirements of the *Van der Peet* test can be satisfied, given that:

1. There is a pre-contact history of gaming, games of chance and wagering among the Iroquois people;
2. The existence of such games and wagering were not incidental to Iroquois culture, but in fact were integral to the culture and formed part of its rituals and mythology; and
3. The games of chance and wagering were regulated by unwritten codes of conduct and by elaborate rituals that in effect constituted the “rules of the game.” Failure to abide by the unwritten rules would give rise to a right of remedy on the part of the aggrieved party and corresponding punishment against the offending party.

Clearly, such a tradition of regulated gaming and wagering can be translated into a contemporary context and would therefore allow the Mohawks of Kahnawake to assert a Section 35(1) aboriginal right to facilitate and regulate gaming within or from their territory.

544 The Role of Game, Sport and Dance in Iroquois Life, Masters theses of Karen Lynn Smith, 1972.
545 The Native Americans, Robert Spencer and Jessie Jennings, New York, 1965, page 390.
546 The Iroquois Ceremonial of Mid Winter, Elisabeth Tooker, 1970, at page 55 and following.

THE POLITICAL ENVIRONMENT

The political environment in Canada, particularly in the past several years, fosters a more conciliatory approach in resolving jurisdictional issues that may arise between Canada and indigenous communities.

A brief review of some of the more recent developments in this area is instructive.

In addition to the recognition provided in Canada's *Constitution Act, 1982* and by Canadian courts, the governments of Canada and of Québec have also indicated the political will to recognize the indigenous rights of First Nations and to enter into agreements acknowledging the right of indigenous communities to regulate and control their own affairs.

For example, in 1995, the government of Canada issued a major policy statement titled "Aboriginal Self-Government – The Government of Canada's Approach to Implementation of the Inherent Right and the Negotiation of Aboriginal Self-Government." The introduction of the document states:

> *"The concept of Aboriginal self-government is not new. Aboriginal peoples in Canada have long expressed their aspiration to be self-governing, to chart the future of their communities, and to make their own decisions about matters related to the preservation and development of their distinctive cultures. Aboriginal peoples also maintain that they have an inherent right of Aboriginal self-government, a right which they believe should be recognized by all Canadians.*
>
> *The Government of Canada recognizes the inherent right of self-government as an existing right within section 35 of the Constitution Act, 1982. It has developed an approach to implementation that focuses on reaching practical and workable agreements on how self-government will be exercised, rather than trying to define it in abstract terms. The Government believes that this approach is flexible and will allow all interested parties to make meaningful progress in the realization of Aboriginal self-government."*

At approximately the same time the "Aboriginal Self-Government" policy was released, the government of Canada established a Royal Commission on Aboriginal Peoples, which, as the name implies, undertook a lengthy and comprehensive study of the relationship between Canada and its Indigenous Peoples. The Royal Commission's six-volume report, released in October 1996, set out several hundred recommendations

to improve this relationship. In 1998, Canada reacted to the Royal Commission's Report by releasing a further policy statement titled "Gathering Strength – Canada's Aboriginal Action Plan." I quote from the foreword of the paper:

> *"Gathering Strength is an action plan designed to renew the relationship with the Aboriginal people of Canada. This plan builds on the principles of mutual respect, mutual recognition, mutual responsibility and sharing which were identified in the report of the Royal Commission on Aboriginal Peoples. That report served as a catalyst and an inspiration for the federal government's decision to set a new course in its policies for Aboriginal people.*
>
> *Gathering Strength looks both to the past and the future. It begins with a Statement of Reconciliation that acknowledges the mistakes and injustices of the past; moves to a Statement of Renewal that expresses a vision of a shared future for Aboriginal and non-Aboriginal people; and outlines four key objectives for action to begin now:*
>
> *Renewing the Partnership…*
> *Strengthening Aboriginal Governance…*
> *Developing a New Fiscal Relationship…*
> *Supporting Strong Communities, People and Economics…"*

Early in 1998, the government of Québec (the province in which the Mohawk Territory of Kahnawake is located) issued its own policy statement concerning "aboriginal affairs." The policy, entitled "Partnership, Development, Achievement" commences with the following introduction:

> *"This paper contains the Québec government's guidelines on aboriginal affairs. The government henceforth will base its action on the approach described.*
>
> *Over the past 10 years, there have been many changes with aboriginal communities, which are showing a growing determination to take charge of their future and their ability to do so. Currently, the major issues for the Québec government and the aboriginal nations are, in particular, land and resources, economic development, self-government and self-sufficiency. These issues should be covered by the negotiated settlements."*

These recent policy statements from the governments of Canada and Québec have facilitated progressive discussions with Indigenous communities, including Kahnawake,

with the goal of reaching both sectoral and comprehensive agreements on various areas of jurisdiction, including gaming.

WHERE FROM HERE?

MIT and the services it offers the interactive gaming community have proved to be a significant economic boon to the community of Kahnawake and have opened the door to a wide range of opportunities in technological and e-commerce industries. Historically, Kahnawake has been a community that thrived on trade with other communities and nations. Appropriately, MIT has provided Kahnawake to take a lead role in becoming an "electronic trading post."

The Mohawk Council of Kahnawake is firmly committed to asserting the community's jurisdiction over interactive gaming[547] and remains open to discussions between Kahnawake and other jurisdictions, including Canada and Québec, for the purpose of harmonizing their respective legislative provisions concerning gaming. As has been the case in a variety of other matters,[548] there is every reason to believe that agreements—to the extent they are required—will be negotiated and concluded between Kahnawake and other governments in the area of interactive gaming.

547 Mohawk Council of Kahnawake Resolution No. 38/2001-2002, dated November 12, 2001 "reaffirms that Kahnawake has exercised its jurisdiction in the area of gaming and gaming related activities conducted within or from the Mohawk Territory of Kahnawake" and further reaffirms the mandate of the Kahnawake Gaming Commission to regulate and control gaming within the Territory in accordance with the *Kahnawake Gaming Law.*

548 Kahnawake has entered into numerous agreements with Québec and/or Canada in a variety of areas including with respect to Kahnawake's hospital, policing services, transportation routes, and fiscal relations matters, to name a few.