

**ADDENDUM TO  
MI'KMAQ - NOVA SCOTIA - CANADA  
TRIPARTITE FORUM  
MEMORANDUM OF UNDERSTANDING**

BETWEEN: THE THIRTEEN MI'KMAQ SAQMAQ  
(Hereinafter referred to as "the Mi'kmaq of Nova Scotia")  
and HER MAJESTY THE QUEEN IN RIGHT OF NOVA SCOTIA represented  
herein by the member of the Executive Council responsible for Aboriginal Affairs  
(Hereinafter referred to as "Nova Scotia")  
and HER MAJESTY THE QUEEN IN RIGHT OF CANADA represented herein  
by the Minister of Indian Affairs and Northern Development  
(Hereinafter referred to as "Canada")

WHEREAS a Mi'kmaq - Nova Scotia - Canada Tripartite Forum Memorandum of  
Understanding was entered into by the Mi'kmaq of Nova Scotia, Nova Scotia and Canada  
(the "Parties") on the 2nd day of July, 1997 (the "Tripartite MOU");

WHEREAS the Parties wish to amend the Tripartite MOU by providing mutual  
undertakings with respect to the use of the Tripartite MOU outside of the Tripartite  
Forum process and the "without prejudice" nature of the discussions which form an  
essential part of that process;

THE PARTIES HERETO MAKE THE FOLLOWING COMMITMENTS:

1.0 The Tripartite MOU is hereby amended by adding thereto as a new article 9, the  
following:

9.0 The Parties agree that:

- (1) The Tripartite MOU is a statement of political intent and is not a legally  
binding or enforceable document.
- (2) The Parties undertake not to tender or seek admission of the Tripartite MOU  
into evidence in a court of law or in any administrative or regulatory tribunal  
or board.
- (3) All meetings, discussions, negotiations, minutes, audiotapes and videotapes  
created, documents generated, and positions taken during the operation of the  
Tripartite Forum and any of the committees formed pursuant to the Tripartite  
Forum:
  - (1) shall be on a "without prejudice" basis;
  - (2) shall be deemed not to create, define, alter or affect the legal rights or  
positions of any of the Parties;
  - (3) unless the Parties agree otherwise in writing, shall not be and shall not  
be construed to be consultation for the purpose of justification by Her  
Majesty for the infringement of any Aboriginal and treaty rights of the  
Mi'kmaq of Nova Scotia or any member of a Mi'kmaq Band under  
s.35 of the Constitution Act, 1982 or otherwise.
- (4) The Parties undertake not to tender or seek admission in a court of law or in  
any administrative or regulatory tribunal or board any evidence of meetings,

discussions, negotiations, minutes, audiotapes or videotapes created, documents generated, and positions taken during the operation of the Tripartite Forum and any committees formed pursuant to the Tripartite Forum.

(5) The benefit of article 9.0 shall accrue to, and the undertakings of the Parties shall apply in respect of all Mi'kmaq persons, all Mi'kmaq Indian Bands (First Nations) and their governing Chiefs and Councils, the Grand Council of the Mi'kmaq, the Union of Nova Scotia Indians, the Confederacy of Mainland Micmacs, the Nova Scotia Native Women's Association, Nova Scotia and Canada.

9.1 The Parties agree that any agreements reached during the operation of the Tripartite Forum, in writing and signed by the Parties, shall be binding, legally enforceable and admissible in a court of law or in an administrative or regulatory tribunal or board, as between the Parties to the agreement, according to the terms of the agreement.

SIGNED on behalf of the Mi'kmaq Bands of Nova Scotia, the Province of Nova Scotia and the

Government of Canada this \_\_19th\_\_ day of \_\_\_\_\_June\_\_\_\_, 1998.

ON BEHALF OF THE  
MI'KMAQ OF NOVA SCOTIA:

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Saqmaw Deborah Robinson  
Acadia Band

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Saqmaw Kerry Prosper  
Afton Band

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Saqmaw John Toney  
Annapolis Valley

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Saqmaw Frank Meuse  
Band Bear River Band

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Saqmaw Lindsay Marshall  
Chapel Island Band

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Saqmaw Allison Bernard  
Eskasoni Band

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Saqmaw Shirley Clarke  
Horton Band

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Saqmaw Terrance Paul  
Membertou Band

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Saqmaw Lawrence Paul  
Millbrook Band

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Saqmaw Albert Denny  
Pictou Landing Band

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Saqmaw Reg Maloney  
Shubenacadie Band

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Saqmaw Mary Louise Bernard  
Wagmatcook Band

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Saqmaw Morley Googoo  
Waycobah Band

IN WITNESS HERETO:

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Alexander Denny  
Kji Keptin

ON BEHALF OF HER MAJESTY  
THE QUEEN IN RIGHT OF CANADA:

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The Honourable Jane Stewart

ON BEHALF OF HER MAJESTY  
THE QUEEN IN RIGHT OF  
THE PROVINCE OF NOVA SCOTIA:

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The Honourable Don Downe  
Minister Responsible for Aboriginal  
Affairs - Province of Nova Scotia

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John R. Brown  
Associate Regional Director General  
Indian Affairs and Northern Development

IN WITNESS HERETO:

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Allan Clark  
Aboriginal Affairs  
Province of Nova Scotia