

MEMBERSHIP

January 17, 2001

**DRAFT SUB-AGREEMENT
WITH RESPECT TO MEMBERSHIP**

BETWEEN

The Mohawks of Kahnawake, acting through the Mohawk Government of Kahnawake, as represented by the Grand Chief of the Mohawks of Kahnawake (hereinafter referred to as "Kahnawake")

AND

Her Majesty the Queen in Right of Canada as represented by the Minister of Indian Affairs and Northern Development (hereinafter referred to as "Canada")

NOTE: This document will form the basis for consultation by each party.

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1. This is the draft sub-agreement with respect to Membership as contemplated by clause 9(k) of the Umbrella Agreement and it includes the provisions of the Umbrella Agreement.

NOW THEREFORE THE PARTIES agree that:

DEFINITIONS

“Agreement ” means this draft Sub-Agreement with respect to Membership;

“Final Agreement” means the sub-agreement with respect to Membership to be concluded substantially in the form of this Agreement.

PURPOSE

2. This Agreement describes the jurisdiction or authority to be exercised by Kahnawake with respect to Membership.

PART I: KAHNAWAKE CLAUSES

3. Kahnawake, through the Mohawk Government of Kahnawake, will maintain its membership regime and institutions for the purpose of controlling and regulating all matters of Kahnawake membership on behalf of the Mohawks of Kahnawake.
4. Kahnawake will provide its membership services pursuant to the Kahnawake Law on Membership.

PART II: CANADA CLAUSE

5. Any person registered or entitled to be registered as an Indian under the *Indian Act* will continue to be registered or entitled to be registered as an Indian under the *Indian Act*.

PART III: DESCRIPTION OF JURISDICTION

6. Kahnawake has jurisdiction with respect to membership.

PART IV: SPECIFIC RULES FOR RESOLVING CONFLICTS BETWEEN LAWS

7. Kahnawake laws enacted pursuant to this sub-agreement will apply to their fullest extent in Kahnawake Territory.
8. In the event of a conflict between a provision of a Kahnawake law, which provision is in relation to membership, and a provision of a federal law, which provision is in relation to First Nation membership, the provision of the Kahnawake law will prevail.

PART V: STATEMENT REGARDING OTHER GOVERNMENTS

9. Kahnawake may advise Quebec of the exercise of jurisdiction with respect to membership.
10. Kahnawake may enter into agreements with other governments or departments with regard to membership matters.

PART VI: STATUS OF THIS AGREEMENT

11. The parties agree to use this Agreement as the basis for negotiating a Final Agreement.
12. This Agreement does not create legal obligations binding on the parties.

PART VII: INDIAN ACT PROVISIONS WHICH NO LONGER APPLY

13. The sub-agreement with respect to Membership will identify the provisions of the *Indian Act* that will cease to apply on the coming into force of the Kahnawake law with respect to membership.

PART VIII: IMPLEMENTATION PROVISIONS

14. The Implementation Plan may address any issues flowing from clause 62 of the Umbrella Agreement.

PART IX: RATIFICATION OF FINAL AGREEMENT

15. Kahnawake will ratify the Final Agreement as set out in the Umbrella Agreement.
16. Canada will ratify the Final Agreement as set out in the Umbrella Agreement.

DRAFT