

AKWESASNE MEMBERSHIP CODE



J. THOMAS
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MEMBERSHIP CODE OF THE TERRITORY OF AKWESASNE

Enacted this 26th day of June 19 87

INHERENT RIGHT

1. This Code is enacted pursuant to the inherent right of the Mohawk Community in Akwesasne to determine its own membership.

PURPOSE

2. The purpose of the this Code is to:
 - (a) Preserve the cultural and political integrity of the Mohawk Territory in Akwesasne;
 - (b) Preserve the sovereignty of the Mohawk Territory of Akwesasne through the exercise of the Community's inherent rights;
 - (c) Provide the basis for the exercise of the rights and obligations of the members of Akwesasne over which the Mohawk Council of Akwesasne has jurisdiction

DEFINITIONS

3. IN THIS CODE:

"ADOPTED CHILD" means a child of native ancestry adopted by the traditional laws and customs of the Mohawk Territory in Akwesasne or by the laws of the province or other governments.

"DEPENDANT CHILD" means a person of native ancestry under the age of 18 years, or is over the age of 18 who as a result of mental or physical disability is unable to care for himself.

"COUNCIL OF ELDERS" means the Board who has the authority to hear appeals from decisions made by the Membership Board.

COMPOSITION OF THE AKWESASNE COUNCIL OF ELDERS

The Akwesasne Council of Elders shall be composed of three Elders of the community of Akwesasne. Selection shall be based on the past and present degree of involvement in the community.

COMPOSITION OF THE AKWESASNE MEMBERSHIP BOARD

The Akwesasne Membership Board shall be composed of seven (7) community-elected people, namely six members and one chairperson. Two members from each district of Snye, St. Regis, and Cornwall Island will be elected by that respective district; the Chairperson shall be elected by all three districts. The Chairperson and one member of each district shall serve a term of four years; the remaining three members shall serve a term of two years.

“SPOUSE” includes;

- (a) a person considered to be a spouse according to the traditional laws of the Mohawk Community of Akwesasne.
- (b) a person married under the laws of the province or other government;
- (c) a person in a common-law relationship with a member.

PART ONE : MEMBERSHIP

QUALIFICATION FOR MEMBERSHIP

4. A person is a member of the Mohawk Community of Akwesasne if that person:
- (a) Was on the Membership Rolls on the date of enactment of this Code, or is entitled to be on the rolls;
 - (b) Is a child born of two members of the Mohawk Nation in Akwesasne, or is the “Adopted Child” of two members of the Mohawk Nation of Akwesasne;
 - (c) Has been granted Membership according to the provisions of Part Two of this Code.

RIGHTS OF MEMBERS OF AKWESASNE

5. Rights and benefits to which members are entitled include:

- (a) Residency
- (b) Land ownership
- (c) Housing
- (d) Political rights: voting, holding office
- (e) Territorial education
- (f) Territorial social assistance
- (g) Treaty and aboriginal rights particular to the Mohawks of Akwesasne
- (h) Burial rights
- (i) Right to share in annuities, royalties or other revenue and capital payments paid to members.

LOSS OF MEMBERSHIP RIGHTS

6. A person ceases to be a member of the Mohawk Community in Akwesasne when that person:

- 1. a) Renounces his/her membership
- b) Becomes a member of another First Nation
- c) Became a member through marriage prior to April 17, 1985, and the marriage has been terminated

LOSS OF MEMBERSHIP RIGHTS (CONTINUED)

- d) Is found by the Membership Board to have seriously breached community standards of conduct, or being a consistent disruptive force in the community.
 - e) Is found by the Membership Board to have been included on the Akwesasne Membership Rolls under fraudulent or erroneous conditions.
2. a) Notwithstanding subsection 6.1.b), of this Code, a member of the community in Akwesasne may also be enrolled on the St. Regis Mohawk Tribal Rolls.
- b) A member of Akwesasne who applies for membership to another First Nation may retain his/her membership in Akwesasne until the application to another First Nation is accepted.

7. In exercising its power under subsection 6(d) of this Code the Akwesasne Membership Board must grant the member a full hearing and consider submissions presented by other members of the Community of Akwesasne.

8. (a) The Akwesasne Membership Board may revoke membership rights permanently or for a fixed period of time and may establish reasonable conditions for reinstatement of membership.
- (b) A person whose Membership Rights have been revoked pursuant to Section 6 of this Code may appeal the decision within thirty (30) days to the Council of Elders.
- (c) The Council of Elders must grant the appellant a full hearing and render its decision within sixty (60) days of the date an appeal is made.
- (d) The decision of the Council of Elders is final.

PART TWO : APPLICATION FOR MEMBERSHIP

PROCEDURE FOR APPLICATION

9. A person of native ancestry may seek probationary membership in Akwesasne by applying in writing to the Akwesasne Membership Board;
10. If so requested, the Akwesasne Membership Board must grant to the applicant a full hearing and consider submission from other members of the community;
11. In deciding whether to grant Probationary Membership, the Akwesasne Membership Board shall consider the following criteria:
 - (a) Whether the applicant was born in the community
 - (b) Commitment to Mohawk culture, traditions, lifestyle, and knowledge of language and customs
 - (c) Individual or family ties to Members of the community
 - (d) Member of a Clan
 - (e) Degree of involvement in the affairs of the community
 - (f) Reasons for wanting to be a member
12. The Akwesasne Membership Board shall render its decision on applications within a reasonable length of time and promptly notify the applicant in writing, setting out reasons for its decision;

PROBATIONARY PERIOD

13. (a) A person whose application for membership has been accepted by the Membership Board must fulfill a probationary period of five (5) years before acquiring full membership.

(b) Notwithstanding Section 9 and subsection 13(a), a minor child whose application for membership has been accepted by the Membership Board is exempt from the 5 year probationary term.
14. All persons seeking to reside on the Territory of Akwesasne during the probationary term period must apply to the Akwesasne Membership Board for a residency permit.
15. A person whose application for Probationary Membership has been refused may appeal the decision to the Council of Elders within thirty (30) days from the time the notice of decision is sent.
16. Any member of the Mohawk Community of Akwesasne may protest a decision of the Akwesasne Membership Board. The notice of protest shall be directed to the Council of Elders within thirty (30) days from the time the applicant's name is added to the Probationary Membership Rolls.
17. After ascertaining that the appeal/protest is not frivolous, the Council of Elders will render a decision within sixty (60) days of the date an appeal or protest is made.
18. The decision rendered by the Council of Elders is final.
19. Probationary Membership may be terminated by the Akwesasne Membership Board if it determines that the person has breached community standards of conduct or has been a disruptive force in the community.
20. In exercising its powers under Section 19 of this Code, the Akwesasne Membership Board must grant the Probationary Member a full hearing and consider submissions from other members of the community. The decision of the Board may be appealed according to the procedures set out in sections 15, 17, 18 of this Code.

PROBATIONARY PERIOD (CONTINUED)

21. A person who has successfully completed the five (5) year probationary period acquires full membership in Akwesasne and may exercise the rights outlined in Section 5 of this Code.

PART THREE : RESIDENCY

22. Every member of the Mohawk Community in Akwesasne shall have the right to reside on the Territory of Akwesasne;
23. Residents who are not on the Akwesasne Membership Rolls may not acquire or inherit any interest in land situated in the Territory of Akwesasne;
24. A person who is not a member enrolled on the Akwesasne Membership Rolls may reside in the Territory of Akwesasne if that person is:
- (a) A spouse of a member residing in the Territory of Akwesasne and is in possession of a Residency Permit;
 - (b) A dependant child in the custody of a member residing in the Territory of Akwesasne;
 - (c) In possession of a Residency Permit issued by the Akwesasne Membership Board.
25. The Residency Permit may be revoked by the Akwesasne Membership Board if the possessor breaches community rules or is a disruptive force in the community.
26. Non-members residing in the Territory of Akwesasne who possess a valid Residency Permit may have access to Territorial Education and Territorial Social Assistance providing funds are available.

PART FOUR : AMENDMENTS

27.

This Code may be amended after:

- (a) Appropriate notice is given to the members of the Mohawk Community of Akwesasne that the amendment is proposed:
- (b) Members are consulted on the desirability of the amendment:
- (c) The majority of the members who are eligible to vote consent to the amendment.