SECTION 7

Local Government over Category IA-N Lands

7.1 Subject to all other provisions of the present Agreement, Canada agrees to recommend to Parliament suitable legislation or, where authorized by legislation, adopt suitable orders-in-council or regulations concerning local government for the Naskapis of Québec on Category IA-N lands.

Such legislative measures shall include provisions:

7.1.1 for the incorporation of the Naskapi band and the extension of the corporate membership to include all Naskapis of Québec eligible to benefit under the present Agreement;

7.1.2 for the establishment of a band council and, subject to the provisions of subsection 20.28, provisions for its election and term of office as well as the filling of vacancies and contestation of elections; there shall also be provisions that the powers of the incorporated band shall be exercised through the band council and that the band shall have the option of electing or appointing its chief and councilors according to band custom, which shall apply to the extent that it is compatible with the corporate structure of the band. Such band customs shall be set out in the by-laws of the band and such by-laws shall be subject to the approval of the Minister of Indian Affairs and Northern Development;

7.1.3 for powers of the band council, which shall include these powers under the existing sections 28 (2), 81 and 83 of the Indian Act and all or most of the powers exercised by the Governor-in-Council under section 73 of the Indian Act as well as certain non-governmental powers;

7.1.4 for powers of taxation for community purposes, in such manner and to such extent as may be agreed upon;

7.1.5 establishing the right of use of the individual Naskapi in a given plot of land, limiting the rights of the individual to the use of one lot for residential purposes;

governing the allotment of additional land for non-residential purposes;

governing the right to take land for community purposes and the right to compensation for improvements where land is taken for community purposes;

7.1.6 for the regulation and licensing of business activities, trades, occupations, merchants and work on Category IA-N lands;

7.1.7 for tax exemptions which shall be the same as those provided by the Indian Act or other acts of Canada applying from time to time to Indians registered under the Indian Act, which shall apply to Indians registered under the Indian Act who reside on Category IA-N lands;

7.1.8 for exempting from seizure Category IA-N lands and Naskapi property thereon, similar to those extended to other Indians as provided for in the Indian Act, unless otherwise agreed upon with respect to said Naskapi property;

7.1.9 governing residence on Category IA-N lands;

7.1.10 governing access to Category IA-N lands;

7.1.11 governing the granting by the band of leases, of servitudes, of usufructs and other rights of use and occupation on Category IA-N lands to any persons whatsoever;

7.1.12 relating to public works by the band;

7.1.13 for defined powers relating to land use and environmental and social protection;

7.1.14 for powers of the band council relating to the protection and use of natural resources consistent with and subject to applicable laws and regulations and in conformity with the terms of the present Agreement;

7.1.15 for the general powers of the Minister of Indian Affairs and Northern Development to supervise the administration of Category IA-N lands;

7.1.16 for such other powers as may be incidental or ancillary, or both, to the exercise of local government or to the implementation of the present Agreement.

7.2 Discussions shall take place forthwith upon the execution of the present Agreement between Canada and the council of the Naskapi band to determine, in accordance with paragraphs 7.1.1 to 7.1.16 inclusive, the terms of the legislative measures contemplated by this section to be so taken. Until such measures are implemented, the Indian Act shall apply to such lands, subject to all other provisions of the present Agreement.

7.3 This section can be amended only with the consent of Canada and the Naskapi Native party.