

Creating regulation and reality

By Kelly Mac Naughton

The Harper Government is attempting to pass legislation to control the tobacco trade on all Onkwewehonh:we Territories. That legislation is Bill C-10. The main reason, supposedly, for this internecine interference is the "supposed" misappropriation of tax dollars spent on the Native territories for Native smokes which are then not being funneled into government coffers.

One community, the Kahnawa:ke Mohawk Reserve, is attempting to put together a proposal of how to regulate and maintain control of the tobacco trade on their reservation. An important component of this reasoning concerns the issue of taxation. Subjects of the Crown pay taxes to the Government. We Mohawks are allies to the Crown and have never been its subjects.

The implications of adopting and creating regulations to appease the Canadian government for its loss of tax revenue are at best misdirection from the actual underlying purpose of

the new amendments to the Canadian Criminal Code through the proposed Bill C-10, and will at worst lead to the loss and destruction of Native individuality, unique cultural identity, industry, all treaty relationships and reservations.

A special commission has been established in Kahnawa:ke to respond to the potential enforcement of Bill C-10 should it ever become legislation. The commission represents at least 10 manufacturers in the tobacco trade in Kahnawa:ke. The goal of this commission is to address the 'problems' arising from the diverse focuses of those involved in the tobacco trade on Kahnawa:ke territory and "the right to be free from the imposition of laws, taxes, charges, duties or obligations of any kind by any government; internal or foreign."

The Kahnawa:ke Tobacco Law and its regulations are to apply to all businesses involved in the tobacco trade within the territory of Kahnawa:ke. While the purpose of the Kahnawa:ke To-

bacco Law (KTL) may be seen as an assertion of self-governance and ability to self regulate, the proposal also has its limitations. The intention of having tobacco sold at a reasonable and equitable price is admirable and beneficial to all. But the idea that one body, elected, can govern the rest of the peoples, involved in the trade or not, is unreasonable and a direct emulation of colonial control. The actual practices of the Canadian and American authorities concerning governance are also failing miserably. Why then would we want to copy a system of authority that is in desperate need of remodeling?

Manufacturers on Six Nations have reached out to the commission in Kahnawa:ke in an effort to find guidance concerning some sort of "regulation". People are understandably frightened and concerned. Should the Canadian government be allowed to thrust its laws upon the shoulders of our people, all the efforts of our ancestors will have been in vain and our people will

once again be relegated to a state of penury.

Those involved in the tobacco trade have a responsibility to seek out the will of the people and act accordingly. The idea that one community can stand alone and act as a 'guinea pig' for an experiment concerning absolute control on self regulation is absurd. Despite the obvious misguided nature of this venture, the ideation behind it is laudable. KTL uses articles 1 thru 6 from the United Nations Declaration on the Rights of Indigenous Peoples. The sentiments behind these declarations are noble and in the best interest of the people. On the other hand, the notion that the Kanienkeha:ka need to answer to proposed legislation, otherwise known as a threat of forced taxation and economic embargo from a so called "ally" is wrong.

Bill C-10 can effectively rip the heart out of the economic growth now occurring on the Onkwewehonh:we territories. Thousands of people and families will be without food and shelter in a heartbeat if we do

not make a rejoinder to the reality of the Canadian state's declaration of war. The KTL is an attempt to stave off an invasive force through mimicking an already corrupt and broken system. The absolute irony of emulating that broken system is the hypocrisy which puts lie to the mission statement of the KTL. If we cannot find strength within our people to unite and defy the impositions of an outside invader then we might as well forget about fighting and let the rape continue.

Elected band councils which have less than 5% of the general population cannot, nor will they ever, represent the will of the people. How then can a board put together by election and appointment within a community represent the best interests of the people? My intention is not to inflict useless criticism among people who are making an effort to address what they see as being harmful to the Mohawk communities. Quite the opposite is true, my intentions are to open the eyes of those seeking a solution and to

support them in moving forward.

The answer that is being sought can be found within the Peoples of the Kanienkeha:ka. We need not respond to outside authority/control. Only by truly understanding our responsibilities to one another can we find our path and act suitably. The Two Row Wampum speaks to our non-interference on the paths of that which surrounds us. Our respect is then shown by helping those that need our aid to reach the utmost potential possible without altering their path. Has Canada stayed true to these tenets? Canada espouses much rhetoric concerning the respect they have for the Onkwewehonh:we on Turtle Island but laughably ignores all the impoverished realities of our day to day living.

The time of our Confederacy is at hand. We are the Confederacy and we need to start living and understanding what the footsteps our ancestors have laid bare for us. Creating regulation is a law that lives on the other side of our reality.