

# Six Nations closer to regulating its tobacco industry

By Lynda Powless  
Editor

Regulations overseeing the tobacco industry at Six Nations are one step closer to reality after the Haudenosaunee Confederacy Chiefs Council (HCCC) accepted a draft report, as information, from the Haudenosaunee Trade Delegation (HTD) Saturday.

The HCCC agreed it would study the report, the Haudenosaunee at Oswego Tobacco Rules of Conduct," including an operational draft and come prepared to ask questions and address the issue at its September meeting.

The Haudenosaunee Tobacco Delegation (HTD) has been trying to get the draft report on the HCCC floor for the past two months.

Spokesperson Kris Green said she was excited to see it finally discussed.

"It was a really good accomplishment, that we were thanked for our work, and acknowledged for all the hard work that had been done."

The HTD has been working the document for more than a year.

"I am very happy with what happened. The Chiefs are going to come back (next month) and provide us with where we need to strengthen it, with what needs to be fixed. This is still a draft so we have work to do yet."

And she said, "it was awesome that they gave us the mandate to continue our work until they tell us not to. It was a big acknowledgement of what we are doing."

The document made it through council with little objection. Cayuga Chief Sam General questioned why people were not speaking the language.

Steve Hill, representing Onondaga Chief Arnie General, told the room

Haudenosaunee were an oral people and the document needed to be "compatible with our law and who we are as Haudenosaunee people." He said it needed to reflect the clans.

HCCC legal adviser Aaron Detlor called the document a "defensive document" meant to protect Haudenosaunee citizens. "All the principles and values of our council we tried to put in this defensive document to protect the people. At its core is how do we defend our people. So the chiefs told us to develop something that would defend our people, a shield for our people."

HCCC secretary Leroy Hill said council would be looking over the document over the next month and come back with any concerns.

He said while the document may be in English, he reminded the room, "it is not our fault not all our people can speak our languages," he said.

Haudenosaunee children were forced to attend the Mohawk Institute in Brantford where they were strapped and abused for speaking their language.

He said Chiefs will come back with changes or questions or suggestions.

Green, spokesperson for the HTD said the only change to the document since its last community meeting was the name.

The name has changed from the HCCC Tobacco Law to the Tobacco Rules of Conduct, after the delegation heard complaints about the use of the word "law."

"Everyone was struggling with that word law. So we looked at it as how we conduct ourselves with business. We thought it was an acceptable way to go. It was the biggest change from the last draft making this the third draft

that went to council."

She told council "I saw a newspaper clipping from the 1950s that showed the chiefs, at that, time discussing the tobacco industry. So tobacco has been at the council since the 1950's."

She told council the rules of conduct stemmed from the federal government's introduction of Bill S16 which later became Bill C10.

She said the tobacco industry began holding meetings and have continued holding those meetings for the past two years.

In May of 2014 the issue was brought to the HCCC and a terms of reference adopted. Notices were published and in September the HTD delegates, with HCCC approval, presented to the Senate committee on Bill C-10.

In November a working group was established and community meetings on the draft tobacco code of conduct (then tobacco law) began being held and continued to June.

She said 90 meetings were held including 20 working group meetings 50 local industry meetings, four local community meetings with about 220 in attendance and meetings with groups and other communities.

She said community input has been reflected in the draft.

"Concerns were raised over it being called a law. So we have changed that to tobacco rules of conduct."

She said "As an industry we knew, Bill C-10, had at its heart to criminalize our people and shut down our businesses."

She said local people began meeting. "We knew we had three options, to stop, or to continue on but we knew they would try to enforce their laws in



Kris Greene

our territory or to protect ourselves. We knew the best way was to come here to this council and work with the HCCC because it's not just going to be tobacco. We knew we had to challenge our rights to conduct business and trade because what is going to happen when they hit our crafts or arts. They are already attacking other businesses here, gas, lumber, restaurants. The Canadian government is coming into our territory now and we knew the law they created is going to make us criminals."

She said "we know the economic benefits our industry brings to the community with over 300 jobs and \$2 million in annual donations. Our industry feeds families. Our industry has spun off into other businesses as well."

The operational draft establishes a Tobacco Governing Board to administer the Rules of Conduct answerable to the HCCC.

It establishes business licenses for growers, retailers, wholesalers, manufacturers, importers, exporters, transporters or stamping agents. There are exemptions to the licenses for anyone using tobacco for healing, spiritual or other traditional ceremonial activity.

It also says the rules will have limited applicability for manufacturers licensed

by foreign governments. The section would apply to anyone holding a Canadian federal license to produce tobacco products including Grand River Enterprises.

Those eligible for a business license would apply to the Tobacco Governing Board within 120 days of the rules of conduct being enacted by the HCCC.

Those applying for the licenses will have to, along with describing the business, showing documents establishing it, include a statement verifying that the applicant's business is 100% Haudenosaunee owned and no non-Haudenosaunee has any interest or claim excluding security interests in proceeds in connection with financing, to any of the proceeds from the business. The rules of the code of conduct describe a Haudenosaunee as an individual of Haudenosaunee ancestry, proof of which shall be through a citizenship card issued by the HCCC or other identification with verification by the HCCC or its delegates that the individual can trace their ancestry to one of the Nations of the Haudenosaunee Confederacy.

The Rules of Conduct stipulate anyone that falsely reports 100% Haudenosaunee ownership could be subject to the loss of license, a fine, or confiscation of business assets, closure or other appropriate enforcement activity

The applicant must also provide an affirmed statement consenting to the "HCCC's jurisdiction and Service of Process in matters arising from the conduct of the Business." License fees will be charged, along with grower, manufacturing, importing or exporting fees.

The Rules of Conduct stipulate prohibited acts include the selling or dis-

tributing of tobacco products on the territory free from foreign taxes without a license. It also prohibits anyone from moving tobacco products in bulk off the territory without a transporter certificate issued under the HCCC Rules of Conduct, says no one shall stamp, sell or distribute counterfeit tobacco products on the territory, or sell to a minor.

It also prohibits engaging in the production, importing or exporting of controlled substances and drug paraphernalia.

A Haudenosaunee Contribution Fund will be established.

The Rules of Conduct also call for any non-Haudenosaunee (accept those approved by the HCCC to be present here or who lease real property here,) fails to comply with any order or fails to appeal or appear for a hearing with the Tobacco Governing Board could be banished.

The Rules of Conduct will be at the next HCCC meeting for discussion. Mohawk Chief Howard Thompsom told the HTD to "continue what you are doing until you are told by this council to stop."

The HTD has been trying for two months to get its report to the floor for the HCCC but has been stalled by Cayuga Chief Sam General who told the July council he could not agree with the agenda.