

COMMUNITY DECISION-MAKING PROCESS
KAHNAWÀ:KE TOBACCO LAW
COMMUNITY CONSULTATION
Knights of Columbus
10, Enniska/February 2015
6:00 PM – 8:30 PM

RECORD OF DISCUSSION

FACILITATORS:

Joe Delaronde & Ron Skye

RESOURCE PEOPLE:

KTA Representatives & MCK: Chief Gina Deer, Chief Bobby Patton & Chief Martin Leborgne

RECORDER:

Trina Diabo-Jacobs

6:00 P.M. OPENING – Kahsennenhawe Sky-Deer

6:05 P.M. INTRODUCTION/MEETING GUIDELINES – Leslie Beauvais-Skye

6:10 P.M. PANEL PRESENTATION & HISTORICAL BACKGROUND ON LAW –
MCK/KTA WORKING GROUP

QUESTIONS:

- 1) **Does the community give the mandate to move the law through the CDMP?**
- 2) **Does the community acknowledge that the Kahnawà:ke Tobacco Law is an urgent matter and needs to be expedited?**

7:20 P.M. NEXT STEPS – Ron Skye & Joe Delaronde

7:40 P.M. CLOSING – Kahsennenhawe Sky-Deer

PANEL PRESENTATIONS:

KTA Panelist gives a historical background on the tobacco trade and how it started:

In early 2000, the Kahnawà:ke Tobacco Association was formed where they set up funding to support community members in need of financial assistance to assist with bill payments, renovations to their home, etc.

In 1998, the KTA asked for a manufacturing license, but the MCK did not issue these licenses.

In 1999, a request was asked of the Quebec Government for permits.

In 2013, a tobacco group was formed and a draft law was brought to the KLCC.

In July 2013, the KTA and MCK fully committed and signed a Memorandum of Understanding (MOU). The KTA and MCK agreed to work together.

On August 29, the review period was over and the feedback report was posted on the KLCC website.

KLCC Facilitator reminded those present that a tobacco meeting was held on November 9, 2013 with a full house (200+) and all were supportive to move the law through the CDMP process. Approximately 85% were in support, which was the same as an earlier survey on the same question.

DISCUSSION/QUESTIONS FROM COMMUNITY:

Community Member stated he attends every meeting and asks the same question, he wants to see a list of every manufacturer and their owners, as he says there are non-natives behind the scenes.

KTA Panelist said that he is aware of only Kahnawakehró:non that are able to open a factory, and that owners need only to be from town. They are working on a list of factories and owners, so before we start this law, we want to know who we are protecting. If we pass this portion to move forward tonight then we will get the list going and each factory will have to provide their information of ownership.

Community Member stated he used to be on the KTA, until he took employment with the MCK, and he supports the regulations and the tobacco industry. But he has doubt with the KLCC and the laws being enacted thorough the CDMP. The Federal Government did not recognize the Matrimonial Real Property law, so this tells him that any law would be void. He is afraid that the tobacco law would not be accepted. The community needs to come to consensus, and be accepted by the governments. If this process continues and gets the support of the community, then gets enacted by MCK, will we be in the same predicament with all the other laws?

Chief Gina Deer said that this law is for Kahnawà:ke only and not for the outside government.

KTA Panelist expressed that they are hoping to have regulations in place and to be able to tell the government that we have a law in place.

Community Member said he is supportive and that we have to start internally and that this law will have no bearing on the Federal Government laws.

Chief Gina Deer said that this is an internal law and will only be applicable within the community.

KTA Panelist said all the work was done and that it was agreed to move forward with the CDMP. We sat together setting up regulations and putting together a law for manufacturer wholesalers. The people will decide if the law goes forward. This law we are trying to pass is to protect our own people first before anything is brought to the outside. We are trying to get the law in place for Kahnawà:ke. We would then have something to fall back on and there would be a foundation to go outside the community in the future.

Community Member said he is hoping that the people not here tonight don't get the wrong perception that they are immune to any laws out there. Most people in this community hear that a law is going through and they think that we are immune to any other laws.

Chief Gina Deer said that message has been conveyed that it is an internal law and this was said repeatedly.

Chief Kahsennenhawe Sky-Deer commented in defense to the CDMP, the Process was created to give the community a say in how decisions or laws were made instead of having the 12 Chiefs decide or make laws. People in the community are skeptical of the process, but we are revising it. While others truly have a vested interest in the laws here within the community. She thanks the people in attendance for coming out to participate.

KLCC Facilitator states that the people here tonight have a direct impact on whether we move on. We are here now and he asks if we could move forward with the law. Any concerns and/or questions should be brought forward now. It is up to the people to decide.

KTA Panelist said this is urgent because of Bill C-10, the government was supposed to consult the native territories and they did not do that. The work is done and we need to move forward. It's up to the people to say yes or no, and then we will get everyone to follow all the regulations. The industry employs a lot of people, mostly natives working in the stores and factories, and it's very important to keep the industry going.

The Process has a safeguard that prevents anyone from rushing a law. Even if it's passed, it has to go through the regular CDMP in a year's time. Do we have the mandate to move the law through the Process?

Community Member asks if a person gets convicted, would this law help him in the outside courts.

KTA Panelist said yes, it would if within the community only and if not caught on the outside. If there was something in place he thinks it would help. It is our inherent right, and the government recognizes this, we could have a foundation to fight from.

Community Member said that when the day comes that the law is passed, the outside courts would not matter anyway. Internal regulations are within the community and it is perfect, but is not good in outside courts.

Chief Gina Deer referred to the Gaming Law and said it was challenged on the outside. The judge said that Kahnawà:ke has its own Gaming Laws, so there is recognition of the Gaming Law.

KLCC Facilitator asks again if we could get the mandate to move the law forward through the CDMP, or are there any other questions/comments.

Community Member asked if everyone would follow the pricing of tobacco regulations.

Chief Gina Deer said this is something that will be worked on and if the mandate is to move forward it will be addressed throughout the Process. The law is public and is in “draft” form. It needs to be worked on further.

Community Member questions whether Kahnawà:ke is under a self-governing mandate.

KLCC Facilitator responds by stating that no, Kahnawà:ke is not under that system. Any laws created would require exercising jurisdiction and negotiation of recognition and implementation of laws is needed.

Community Member asks about “one source” tobacco supply.

KTA Panelist responds by stating that was not being considered or represented in draft law.

KLCC Facilitator states that this would not be decided tonight but later in the Hearing Phase.

Community Member has a concern on enforcement. Is there any way that we can put a process in place within the community to have an enforcement process?

KLCC Facilitator said a law could identify a board or commission or entity that could make regulations and identify an enforcement capacity. A formed body may be empowered to enforce the law if the community agrees.

The same community member asked if the Court of Kahnawà:ke could hear instances in relation to the tobacco law?

KLCC Facilitator said if the law is in effect, yes they can, but there still may have to be a negotiated agreement to effectively enforce any sanctions.

The same community member then asked if the law gets passed and goes into effect, in relation to pricing, example: minimum price is roughly \$15, and someone sells theirs at \$7, what would be done? Could a fine be issued? Would the court hear the case and order payment or overturn the rule?

KLCC Facilitator responded by stating you are asking me a hypothetical question so I'm going to give you a hypothetical answer. If that were the case, in an ideal world, then it would be made by the community and contained within the regulations. It's up to the community to decide how it's going to work with the law once we get past this question this evening. Are we willing to create a law for tobacco?

Community Member believes that we need a law in order to move forward. How can we get tobacco in the community and transport Nation to Nation? We take it outside the community and what happens? She agrees that changes can be made to the law if need be. All communities are working together on a free trade agreement. We have to start somewhere, and we are in the preliminary stages to allow transport of tobacco from Reserve to Reserve, this is all in the works. We have to start somewhere and go one step at a time.

QUESTION:

1) **Does the community give the mandate to move the law through the CDMP?**

YES, all in agreement except two (2) people.

- Two (2) people were against getting the mandate to move the law through the CDMP. They believe it is our Inherent right and we should not have to negotiate it and make any laws to protect it.
- We are trying to move the law forward to regulate the industry. If all is regulated at the same price then everyone would make the same amount of money, with nobody making more than anyone else.

OUTCOME:

All in attendance, except two (2) people are OK with the consensus to move the law forward through the CDMP.

CONSENSUS REACHED

QUESTION:

2) **Does the community acknowledge that the Kahnawà:ke Tobacco Law is an urgent matter and needs to be expedited?**

All in attendance acknowledged that the Kahnawà:ke Tobacco Law is an urgent matter and needs to be expedited.

OUTCOME:

All in attendance agreed, with the exception of two (2) people, that the Kahnawà:ke Tobacco Law is an urgent matter and yes it needs to be expedited.

CONSENSUS REACHED

NEXT STEPS:

The Final Record of Discussion will be posted on the website (www.kahnawakemakingdecisions.com).

The Draft Kahnawà:ke Tobacco Law, feedback from the community and stakeholder sessions will be reviewed by the MCK/KTA (Tobacco) Working Group. A redraft will be made identifying the changes or maintaining the sections of the law with explanatory notes which will be reviewed at the First Hearing.

FINAL MINUTES

**Community Consultation
Kahnawà:ke Tobacco Law**

Approved by:

Chief Gina Deer, Portfolio Chief

Date

Peggy Mayo-Standup, Technician

Date