

KAHNAWÀ:KE TOBACCO LAW

Executive Summary

The Kahnawà:ke Tobacco Law (the “Law”) is a communal law for the Mohawk Territory of Kahnawà:ke. It is not an Indian Act by-law. It is not derived from any federal or provincial law. It is based entirely on the jurisdiction of the Kanien'kehá:ka of Kahnawà:ke.

The Law is based on the integral and inalienable right of the Kanien'kehá:ka of Kahnawà:ke to achieve peace, security, prosperity and self-sufficiency through sustainable economic activity.

The Law is urgently needed to counter an imminent threat by external governments to attack the collective rights of the Kanien'kehá:ka of Kahnawà:ke by criminalizing the Kahnawà:ke tobacco industry.

The following is a summary of some of the most important aspects of the Law.

INTENT

To have a law that will provide a legislative base for regulating the Kahnawà:ke tobacco industry.

SCOPE

To develop a law and a regulatory structure that meets the industry’s needs; addresses the concerns of the Community stakeholders; and is developed in a manner that is acceptable to the Kanien'kehá:ka of Kahnawà:ke.

PURPOSE

To provide a regulatory base to ensure the economic growth and sustainability of the Kahnawà:ke tobacco industry.

JURISDICTION

Based entirely on the jurisdiction of the Kanien'kehá:ka of Kahnawà:ke. The Law supersedes the laws and regulations of any other government where they conflict with this Law – including Canada’s Bill C-10.

APPLICATION

The Law applies to anyone that is brokering, growing, processing, supplying, manufacturing, wholesaling, retailing and transporting tobacco or tobacco products within, to or from the Mohawk Territory of Kahnawà:ke.

KAHNAWÀ:KE TOBACCO REGULATORY COMMISSION

The Law establishes and empowers a Commission to regulate Kahnawà:ke’s tobacco industry. The Commission is made up of nine (9) persons: six (6) persons from the Kahnawà:ke tobacco

industry and three (3) persons selected from the Community. The Commission will administer the Law in the best interests of the Kanien'kehá:ka of Kahnawà:ke and will function independently from any person, group, organization or governmental body.

CERTIFICATES

Any person who wants to broker, grow, process, supply, manufacture, wholesale, retail or transport tobacco or tobacco products within, to or from the Mohawk Territory of Kahnawà:ke must first obtain the appropriate Certificate from the Commission.

PRICE CONTROLS

The Commission will establish price controls on tobacco products to ensure the long-term viability of the Kahnawà:ke tobacco trade.

COMMUNITY CONTRIBUTION FUND

The Commission will establish and administer a trust fund for the benefit of the Kanien'kehá:ka of Kahnawà:ke. The Commission will collect monies for deposit into the Fund through Certificate fees, Contribution fees through the sale of Contribution stamps that must be affixed to tobacco products and, where necessary, the imposition of fines. The Commission will decide when, to whom and in what amounts monies from the Fund will be disbursed. The funds will also be used to cover the Administrative costs and to create a Legal Defense Fund.

HEALTH, SAFETY, SECURITY AND THE ENVIRONMENT

The Commission will establish/follow agreed upon standards for health, safety, security and environmental protection in relation to the Kahnawà:ke tobacco industry and persons employed in the Kahnawà:ke tobacco industry.

ENFORCEMENT

The Commission will hire inspectors to assist in the administration and enforcement of the Law. The Kahnawà:ke Peacekeepers have authority to investigate and initiate the appropriate proceedings for any breach of the Law. The Court of Kahnawà:ke has sole and exclusive jurisdiction to hear and decide any charges laid by the Kahnawà:ke Peacekeepers for a breach of the Law.

COMING INTO FORCE

The Law comes into force on the date that it is adopted by the Kanien'kehá:ka of Kahnawà:ke.

FURTHER INFORMATION

For further information concerning the Law, or to obtain a copy of the full text of the Law, please contact KLCC/KTA 450-635-9253

