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Chair

Mr. Garry Breitkreuz

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• (1600)

[English]

The Chair (Mr. Garry Breitkreuz (Yorkton—Melville, CPC)): I realize not everyone is here, but I'd like to bring this meeting to order anyway. We are the Standing Committee on Public Safety and National Security, meeting number 34, and we're continuing our study of contraband tobacco.

Because of the events in the House of Commons and the votes that have taken place, this will be an abbreviated session. I'll be hoping that opening remarks, which generally take about 10 minutes—and you can still take 10 minutes if you wish, as witnesses, to do that, but it may allow for more opportunities for questions and comments if you can condense your remarks somewhat.

What we're going to do is allow the Mohawk Council of Kahnawake to go first, then the Assembly of First Nations, the Assembly of First Nations of Quebec and Labrador, the Centre for Nation Building, and the Mohawk Council of Akwesasne. That's the order you have come up with yourselves.

I would appreciate it if you would introduce yourself before you begin your remarks and just explain what your position is within your organization.

The Mohawk Council of Kahnawake can go ahead and start. Thank you.

Go ahead, sir.

Grand Chief Michael Delisle (Grand Chief, Mohawk Council of Kahnawake): Good afternoon, ladies and gentlemen of the standing committee.

I acknowledge our elders, as well as my colleagues, who are here today to address you. For legal questions, I'd like to introduce Christine Zachary-Deom, my head legal representative.

On behalf of the Mohawk territory of Kahnawake, located near Montreal on the south shore of the St. Lawrence River, I, Grand Chief Michael Delisle Jr., will submit the following presentation that provides the position of my council and my community regarding the so-called contraband tobacco manufacturing industry on our territory.

It is interesting that the RCMP-issued document, “2008 Contraband Tobacco Enforcement Strategy”, was released with little notification to the profiled communities and without any consultation with Kahnawake at all. When I say “profiled communities”, I am relating to the criminalization of my community in the process even before your standing committee hearings took place. Profiling

communities has a negative connotation to it, and it is not complimentary to us. We resent the effects of our continued criminalization in the mainstream media.

At this time, it is Kahnawake's opportunity to respond to the statements contained within the document, while prefacing the preview with historical commentary linking our spiritual connection to tobacco, integral trade practices with European delegates, and the continuance of nation-to-nation trade of tobacco products currently manufactured within Kahnawake and other territories. It is my intent to provide the substantial and accurate context that will culminate in an overview of the contraband tobacco enforcement strategy. I will start with a brief historical overview.

Both before and since European contact with my ancestors on Turtle Island, there has been a rich and distinct trade history that resulted in the unrivalled control of the eastern seaboard by the Iroquois Confederacy, of which the Mohawks are the eastern nation. Primarily the Dutch, British, and French settlers participated in trade relations with the Mohawks for a variety of goods, with tobacco being of primary importance in the colonial era.

A treaty relationship between colonial governments and the Mohawks was a device to further settlement and geographic expansion for the colonists. The necessity for trade with the Mohawks was crucial for European survival. Later on, as allies of the crown, the Mohawks generally, and Mohawks of Kahnawake specifically, entered wars on behalf of the French and British crowns. Our men have given their lives in service to the crown, and we were respected for our abilities. In modern times, our community has provided service men and women in the forces of both Canada and the United States.

My community has had a varied economic history, from a successful fur trade monopoly in the 1600s, to subsistence and commercial agriculture in the 1900s, including the cultivation of tobacco. These were important sources of economic vitality. We've lived through the seigneurial land tenure system under the French regime and the subsequent reservation system under the British and Canadian regimes. These experiences forever changed our historical land base, reduced our economic opportunities, and hindered our prosperity within our land. They did not stop our strong will to survive.

Once government policy had eroded our land base, the Kahnawake were forced to seek employment within the carpentry and ironworking industries. Many a city skyline can identify buildings erected by Mohawk ingenuity, in the drive to build a better life for our families, better opportunities for our children, and security in our future. For over 100 years, Kahnawake men have had to travel long distances to support their families, away from them for weeks at a time. Sometimes they took the families with them—away from home, away from what they knew. The ironworking industry remained the primary source of income for Kahnawake families throughout the 20th century.

By the 1980s, economic recession in the United States had limited the number of jobs available in the industries identified with my community. The travellers had become weary, wanting an opportunity to prosper while remaining in our community. It was by that time that the cigarette industry was born. An ill-advised and poorly executed raid on Kahnawake cigarette stores occurred in June of 1988. The intent was to end the retail tobacco trade and force my community to participate in an economy more acceptable to Canada.

It was commonly asserted by government and media sources that the “contraband cigarette industry” was taking tax profits away from hard-working Canadians and contributing to the demise of Canadian cigarette manufacturers and retailers outside Mohawk territory.

Many years later it became known that Canadian and American cigarette conglomerates helped, and in some instances orchestrated, the contraband cigarette industry by using the geographical location of Mohawk communities to perpetuate the industry. Ironically, Kahnawake’s location had again resulted in economic prosperity for the community and participation in the control of a profitable industry, along with sister Mohawk communities.

When the potential for expansion and the necessary diversification of the industry became inevitable, tobacco manufacturing became the primary focus. This focus is not intended to disregard the multitude of debilitating social effects that continue to affect my community directly, resulting from colonization and policy implementation that prioritized the elimination of any trace of Mohawk traditions, language, and identity.

As I stand before you, Kahnawake’s economic prosperity, rich social and family values, and maintenance of our traditional heritage and legacies demonstrate the strength and perseverance handed down from our ancestors.

The policies did not succeed, the reservation system did not succeed, the residential schools did not succeed, and any attempt at economic strangulation will not succeed either.

At this point, I will focus this presentation on the “2008 Contraband Tobacco Enforcement Strategy”. Due to time restrictions, I’ll only identify key concerns with the document and provide insight into Kahnawake’s position.

In the preface to the document, William J.S. Elliott, Commissioner of the Royal Canadian Mounted Police, states:

While it is always difficult to draw the line at the number of individuals and groups to speak with, the RCMP feels that it has developed its first Contraband Tobacco Enforcement Strategy from a sampling of diverse views across the country.

In my opening comments I referred to a lack of consultation with the Mohawk Council of Kahnawake and my community in general. This isn’t the first time the Mohawks of Kahnawake have appeared before a standing committee, and it’s not the first time we will talk about lack of consultation by the federal government and my community.

In addition, as the leaders of the community, the MCK was not officially informed of the hearings with regard to the document in question. As Kahnawake is prominently featured in the report, it is irresponsible of the hearing organizers to omit an invitation to Kahnawake.

As identified in the executive summary, the definition of contraband tobacco is

any tobacco product that does not comply with the provisions of all applicable federal and provincial statutes. This includes importation, stamping, marking, manufacturing, distributing and payment of duties and taxes.

Again, the term “contraband tobacco” refers to your government’s perception of the products manufactured and the industry itself. There is no mention of the direct and tangible benefits the industry generates for my community, the employment opportunities and subsequent economic boost in both the retail and service industries for local business expansion, and to businesses in the surrounding communities.

For many employed within the industry, it’s an opportunity to participate in an economy and provide support for their families, which may not have been readily available before. The pride and integrity associated with economic independence cannot be measured, only demonstrated through the contribution to the economic and social stability of my community. The Mohawk Council of Kahnawake will continue to support an economic activity that provides social stability for our families.

Throughout the document, it generalizes that the Mohawks of Kahnawake are, as a group, linked to gangsterism and organized crime. It is my responsibility to speak on behalf of the law-abiding, income-earning, and family-oriented community members who are the majority of *Kahnawà:kero:non*.

The Mohawk Council of Kahnawake has and will continue to be committed to providing a safe community by supporting our Kahnawake peacekeepers to do their jobs, conduct investigations, and cooperate, when necessary, with outside forces to combat organized crime in Kahnawake. The negative effects of the industry are only one side of the story.

It is also maintained in the document that Canadian law enforcement agencies are responsible for “decreasing the upward trend of the illicit market”. It states further:

It will be important to monitor efforts undertaken in this strategy as the current environment evolves, successes are achieved, and new challenges emerge.

It is easy to speculate what this statement may mean, but it does not address the Mohawk Council of Kahnawake’s responsibility for continued efforts to monitor and regulate the manufacturing industry on our territory.

We will continue to discuss the issues affecting the industry with key stakeholders both directly and indirectly associated with our local tobacco industry. Initiatives such as the parliamentary hearings serve to undermine the progress that has been made to ensure the industry is subject to internal laws and regulation.

•(1605)

Finally, it is stated in the document that efforts are being made to engage in ongoing consultations with leaders, i.e. councils, and the local police in key communities where the RCMP feel there is the highest level of interest in discussing the issue of tobacco, and with the Assembly of First Nations to better understand and develop a constructive way forward. This has not been the case in Kahnawake.

Reference is made within a document to a now defunct entity that attempted to enforce regulation and authority on Kahnawake's tobacco industry without success. The Mohawk Council of Kahnawake has remained consistent in its position that if the industry is to remain and continue to grow and flourish, legislation and regulation are necessary to ensure the best interests of all community members.

In my conclusion, I will reiterate the position that Canada and Kahnawake must jointly identify and address all issues surrounding the tobacco industry in Kahnawake. Kahnawake has always placed the maintenance of a strong relationship on diplomatic interaction between us. It is in everyone's best interest to maintain good relationships through consistent discussion and respect. We remind you that the Mohawk community of Kahnawake has a strong belief in the creation and maintenance of intergovernmental relationships.

Unilateral statements made by Canada through its enforcement agencies that vilify my people are not the best examples of relationship growth. In spite of this, Kahnawake continues to extend an invitation to Canada to fulfill the obligations created in our historical and enduring treaty relationship.

To repeat, these are the points I have made.

One, there has been no consultation with Kahnawake, which is of paramount importance to any discussions with us, and yet you profile my community relentlessly in the media.

Two, the criminalization of my people has to stop. This leads me to state that historically there was a recognition of Kahnawake's ability and authority to deal with our people, our land, and our laws. It's time for Canada and Kahnawake to renew our historic relationship so that solutions to these troubling issues can be harmonized between us. In this environment we can expect positive outcomes. The alternative is something we don't wish to consider.

These are my words.

Torewanigan [*Witness speaks in native language*]

•(1610)

The Chair: Thank you very much. We appreciate that presentation.

We will now go to the Assembly of First Nations, please.

Mr. Richard Jock (Chief Executive Officer, Assembly of First Nations): Thank you. I am Richard Jock, the chief executive officer of the Assembly of First Nations. I would like to thank you for the

opportunity to present to you today. I would also like to acknowledge my colleagues on the panel.

My presentation will really be focused on two solutions or ideas in terms of dealing with the tobacco issue: first, the creation of viable economic alternatives; and second, supporting a continuum of approaches in order to cut demand for tobacco in first nations communities.

My discussion of economic opportunities will be both general and focused on the issue at hand. In general, I would state that the capacity and ability of first nations to explore economic opportunities is in large part dependent on the ability to develop relationships and partnerships with various aspects of both the Canadian state and the private sector.

In just looking at one sector, Canada's resource sector, it has really a tremendous future in store for it, in that we know the current projections of the federal government are that approximately \$300 billion in new developments will occur in largely first nations territories, or adjacent to first nations territories, in the next 10 years.

Therefore, looking at the general concept of resource revenue sharing, developing effective partnerships with first nations in terms of the sectors I mentioned earlier will result in effective and sustainable first nations economies. These approaches are really forward looking, but don't deal with some of the sectors that are already well developed. These really represent options economically to tobacco trade and reliance on the tobacco trade.

I think if we look at the successful example of the Victor Diamond Mine and developments with the Attawapiskat First Nation in Ontario, this is where it will be effective, in that the mine will create hundreds of jobs, will result in more than a decade of employment, and will make a significant contribution to the economies of Canada, Ontario, and obviously the first nations of that territory. So first nations are very interested in developing such effective and sustainable partnerships and arrangements.

This is embodied in the Assembly of First Nations economic blueprint, one that has broad engagement from first nations across the country. Other options include developing economic alternatives such as supporting entrepreneurship and ensuring quality education and opportunities for training—that these are available.

More focused on the issue at hand is the concept that there should be direct programs of economic replacement. One consideration would be to look at the program of the 1980s, where Agriculture Canada paid Canadian tobacco farmers to switch to alternative crops. In addition, there are a number of agricultural subsidies, ranging from 65% to 85%, depending on how you calculate that, in terms of supporting diversification of opportunity for the agricultural sector. We submit that there should be a similar program developed that could result in a similar focus in terms of engaging in other business areas of activity and encouraging those in communities where it is desirable to reduce reliance on the tobacco trade.

Perhaps one concept would be to have a well-known economist, somebody like David Dodge, the former Governor of the Bank of Canada, study what would be some relevant and appropriate economic measures in support of communities that wish to pursue these options.

• (1615)

Developing viable economic alternatives to the tobacco trade is one way of reducing tobacco sales.

The other solution is really to reduce the demand for tobacco. I think it's pretty clear that across the country we're all aware of the health risks associated with smoking. However, it still remains that first nations smoking rates are three times the Canadian average, with rates as high as 61% among young women aged 15 to 17. Yet the first nations and Inuit tobacco control program that began in April 2001, which was successful in decreasing the uptake of smoking among youth, was terminated by the federal government in September 2006. To us, this is really not understandable, especially since the first nations and Inuit tobacco control program was the only part of the larger federal tobacco control strategy that was cut.

In spite of this, I would like to refer to a recent survey of 223 first nations health directors that shows that communities are doing their part to cut tobacco misuse. In fact, 76% have reported that their community has restrictions against smoking in public places, and 54% said they have activities aimed at encouraging members to become smoke-free.

Despite these efforts, first nations people are less knowledgeable about the risks associated with smoking than are other Canadians and know little about how to assist smokers to quit. It's obvious from this survey that there's insufficient information and material about tobacco cessation in their communities.

In closing, I'd like to say that the approaches that should be considered by this committee should be broad-spectrum in approach, that there be consideration of economic development and economic replacement as part of the strategy, and, further, that the demand side of the equation in terms of reducing the demand for tobacco will not only resolve health issues in the long term but will also reduce interest in buying the tobacco itself.

Last, I want to conclude by saying that the issues involving first nations really must be dealt with by working with first nations. I think we've heard an important call for that from the Grand Chief of Kahnawake, that imposed solutions have been repeatedly shown not to work.

As a final comment, I was a bit surprised to see that the AFN was alluded to in this consultation document in terms of a strategy, since I'm not aware of any formal consultation with AFN or their involvement in developing this strategy.

With that, I'd like to thank you.

• (1620)

The Chair: Thank you very much.

We'll now go to our third presenter, the Assembly of First Nations of Quebec and Labrador.

Sir, go ahead.

Mr. Lloyd Phillips (Public Security Adviser, Assembly of First Nations of Quebec and Labrador): Good afternoon. My name is Lloyd Phillips. I am the public security advisor for the Assembly of First Nations of Quebec and Labrador. I'd like to thank you for the opportunity to present this brief statement before the committee.

The AFNQL is a regional political organization that acts as a secretariat for the chiefs. We receive our direction and develop our political positions exclusively from the direction of the chiefs of Quebec and Labrador. As such, we do not have any authority over communities. Rather, various files have been established by resolution and have been identified as global issues, and work is done for the collective.

The AFNQL is here today in a supportive role to the communities that are involved in the tobacco trade. We also have concerns over the potential negative impact of the criminalization of first nations. Most first nations citizens are law-abiding, have no involvement in the tobacco trade, and certainly have no connection to drug trafficking or other crimes.

In a discussion of the first nations tobacco industry, it must be realized that there are vast differences of opinion. It is apparent by actions, both historical and recent, by the federal and provincial authorities that they currently view this industry as illegal. First nations will strongly disagree. There are historical and jurisdictional as well as aboriginal and treaty rights involved.

The word "contraband" is a blanket word referring to products that do not conform to federal or provincial laws and regulations. Therefore, it creates a principled disagreement from the start. It clearly ignores any first nations jurisdictional positions or aboriginal or treaty rights. This mindset of the federal authorities could be applied to any product manufactured on first nations territories. However ridiculous it may sound, we could be here discussing contraband moccasins or contraband jewellery. We are not so naive as to think it is this simple. However, the principle remains valid.

At a recent press conference, the Minister of Public Safety and the RCMP, through the release of the RCMP strategy on contraband tobacco, stated that organized crime groups have affiliated themselves within the tobacco industry and are using money raised to fund drug trafficking and other criminal activities. They further stated that more than 100 organized crime groups are active in the tobacco industry, not all within first nations and not all linked to drugs or other criminal activities. This concludes that any group of individuals who are working in the tobacco or cigarette industry are being viewed as "organized crime".

This is a dangerous precedent. Including cigarettes and tobacco, which is primarily a taxation issue and highly political, in the same category as drug traffickers and other crimes is not only wrong, but it sets the stage for conflict. Removing the politics associated with the tobacco trade and treating it strictly as a public safety and national security issue sets the stage for disaster.

Throughout recent Canadian history, it has been proven that treating a political problem with law enforcement simply doesn't work. As previously mentioned, the RCMP has released a strategy to combat tobacco. It states that crimes such as drug trafficking, illegal firearms, human smuggling, and even links to terrorist groups are involved in the tobacco industry. It must be stated that first nations community members do not want criminal activity in their communities. They do not condone in any way this type of activity. Most people in the industry are strictly involved in tobacco and are simply trying to earn a living.

Most first nations police forces are active in eliminating this type of activity. First nations police forces and governments are in the best position to identify the scope and strategy to deal with these types of criminal activities on their territories. Proper capacity for first nations police is essential to carry this out. Proper protocols with the RCMP and other law enforcement agencies are also essential.

The RCMP has committed itself to working with first nations. However, the scope of any discussions will be limited to the mandate of the RCMP. The federal government must also commit itself to meaningful discussions on long-term and lasting solutions. Long-term and lasting solutions will only occur if there is a recognition of first nations jurisdictions and first nations legislation that will legitimize the industry with proper regulations on all aspects. Through the support and cooperation of the federal government, proper capacity could be developed that could enable such development. The onus will be on the federal government.

• (1625)

The determination of the exact priority issues will be done by communities; however, it is recommended to include solidifying first nations policing agreements, ensuring that proper capacity is established, and ensuring that proper protocols among law enforcement agencies are established and respected. A process of distinguishing between political issues and those of a criminal nature needs to be put in place immediately, as well as to determine if there are any short-term or interim arrangements that could facilitate longer-term goals.

Through a combined effort of meaningful political discussions and respectful law enforcement, a strategy that ensures the long-term viability of the industry and a plan to deal with public safety concerns could be developed.

All first nations strive for greater control over a community's affairs and greater control over their destiny. This can only be done through meaningful dialogue, resulting in recognition of first nations jurisdictions and a plan to ensure quality capacity is built.

Today we are here discussing tobacco, but it could easily be an issue on logging, mining, or a fishing dispute. Jurisdictional and rights-based issues will not go away. We should not wait until it becomes a crisis before dialogue starts.

Thank you.

The Chair: Thank you very much.

We will now go to our fourth witness, the Centre for Nation Building.

Please go ahead, sir.

Mr. Michael Mitchell (Executive Director, Center for Nation Building): [*Witness speaks in Mohawk*]

My name is Michael Kanentakeron Mitchell. I come from Akwesasne. From 1982 to 2006, for the majority of those years, I served as grand chief and district chief for the Mohawk Council of Akwesasne. So I have a little bit of experience with those borders and the problems for Canada, the United States, and the Mohawk Nation.

I will try to give you a better understanding of Akwesasne and its geographic location. You have Cornwall Island, Barnhart Island, St. Regis Island in the St. Lawrence River. Barnhart Island is in New York State. Cornwall Island is in Ontario. St. Regis Island is in Quebec. The international boundary line zigzags around islands in the St. Lawrence River. You have state and provincial boundaries running all through our territory.

Today, the law enforcement officials refer to the St. Lawrence River as a "no-go zone". One minute you're in Canada and the next minute, when you're floating on the river, you're back in Canada, or New York State, or Quebec, or Ontario. They say if there's anything that has to do with law, they'll wait on the mainland. This is an area we ourselves have to live with, every day crossing a border back and forth.

Sometime after the Royal Proclamation of 1763, which guaranteed to us protection of our lands, a border was run through to separate the colony of New York and the colony of Vermont from the province of Canada. The line ran on a 45-degree north latitude, half the distance between the north pole and the equator. It ran west along the line until it hit the St. Lawrence River. That point is precisely at the St. Regis village. In 1780, George Barnhart, a German settler, moved up from the Mohawk Valley to Cornwall, Ontario. In 1795 he leased Barnhart Island from us. The lease was for \$30 a year. In 1805, we insisted upon a larger rental and \$60 a year was agreed to.

Subject to our title, Britain had sovereignty there. Its white inhabitants were treated as British subjects. In the Treaty of Ghent, in 1814, which settled the War of 1812, the British traded off Barnhart Island to the Americans for half of Grand Island, at the outlet of Lake Ontario. The Barnharts received \$6,597 in awards, over a hundred times the amount of annual rental we were receiving, and later received still a bigger award. The Barnharts remained on the island. The Mohawks received nothing.

Then, in 1842, this border was confirmed by the Webster-Ashburton Treaty, which was entered into between the United States and Great Britain.

So you are left with all the jurisdictional confusion at a place we call Akwesasne. The big gap is in law enforcement. The gap can be filled just one way, by recognizing and respecting the inherent jurisdiction of the Mohawk Nation. Our jurisdiction covers New York, Ontario, and Quebec.

• (1630)

I became grand chief in 1984. Between 1984 and 1986, we submitted 22 bylaws to the Department of Indian Affairs from council that were requested and needed by the community. They covered water safety, boat safety, taking care of the river, the animals in the river, the animals on the mainland, dog catching—22 bylaws that were rejected by the Department of Indian Affairs. Of course, it got advice from the Department of Justice.

We live on the St. Lawrence river, and our people pushed us to say we need something to take care of the water and the people—boat safety—so we created the conservation environmental law. Of course, it was rejected by Canada. Then we wanted a program. We started our justice program. They said, “No, you can't have that either”. We asked for a conservation program. Ottawa said no, Quebec said no, and Ontario said no—no place to train them.

Now, if you're a leader and your people need something, you figure you have to do something, so we sent them to New York State, Albany, and had them trained over there. They came back six months later, finished at the top of their class, fully certified, so we enacted the Akwesasne conservation environmental law. We registered that law with the Mohawk Nation hereditary chiefs, and on our inherent right we put it to work. We fought with the federal and provincial governments. Ten years later, our conservation officers were patrolling with officers from Quebec, with officers from Ontario, with officers from New York State. We were doing joint projects.

What I'm trying to illustrate to you is that we had to fight every inch of the way to establish a law for law and order in Akwesasne. It's a jurisdictional nightmare. You can easily be frustrated when governments tell you, “No, you can't do that”. We've made a lot of progress.

Today, the population of Akwesasne overall is about 18,000, of which over 10,000 are other members of the Mohawk Council of Akwesasne that we're responsible for. We did build up our institutions. We do have a justice department, we do have a Mohawk court, we have law-making ability. The instruments are all there, with strong support from the community. And with that law-making ability, we started providing security for the community.

We do have a tobacco law in Akwesasne for the cigarettes that come from Ontario, and we make sure they go into and are regulated through the stores that exist—the legitimate stores. So everybody gets a quota. But we also understand, because we're in a jurisdictional situation, that the other half of Akwesasne is where the manufacturing plants are located. We have no quarrel with what they're doing.

I want to sit here and tell you that when you talk about smuggling in Akwesasne to our community residents, they'll say, “guns, drugs, aliens, terrorism”. They understand what smuggling is about. And the leaders and the police get help from the community citizens when they see something strange coming down the road or across the river. You say “cigarettes” and they'll give you a look that says, “Well, it's helping the economy”. It needs to be regulated, but it provides employment. Regardless of how you try to sell it, the people are going to look at that and say, “We have to try to find a solution, because it does have an effect, an impact, on us in a positive way, as economic development”.

My desire to be here is to relate to you my experiences. There is a way forward for Canada and the Mohawk Nation to agree to a process in which the tobacco trade can be regulated, can be held accountable.

• (1635)

You need to trust the Mohawk governments that exist in our Iroquois communities. You need to establish a partnership with them so that something is going to be enacted that will, in a safe way, guarantee the safety of your people and ours.

When you live in a jurisdictional situation as we do, you need the support and backing of the United States and Canada, the support of Quebec and Ontario. I can tell you, as part of our geographic situation, we've been good neighbours, and I've already told you hundreds of times over that the majority—98% of the population—is law-abiding. Kids are going to school. People want to work.

We didn't put that border there.

The last thing I want to say is that the ideal solution for Canada and the United States is to move that border. Move the international border one way or the other, or move it aside, and create that Mohawk territory. We're capable of providing for justice, for law and order that would be acceptable to the United States and Canada. It sure would relieve the pressure for us in having to look at each other and ask, “Are you a Quebecker? Are you in Ontario? Are you in New York state? What exactly are you today?”

If somebody moves, or if our children get married to somebody from the other side of the river...one day you're a Canadian, the next day you're an American. The idea that is embedded in all of us is that we are citizens of the Mohawk Nation, and neither Canada nor the United States can ever change that. But we can build on it.

For this issue related to your hearing on cigarette smuggling, there is a peaceful solution. I retired in 2006, and there are a lot of things, as I look back, that have been accomplished by the Mohawks of all the communities, who are now meeting and looking for these solutions. I would urge you to think about those things and find a peaceful way with us to go forward.

Mr. Chair, ladies and gentlemen of the committee, I did submit a written report to you. I would like to request that it be added, above and beyond the statements I have made.

Niawen.

The Chair: Thank you. It will be.

Finally, from the Mohawk Council of Akwesasne, Chief Jacobs. Go ahead, please.

Chief Cheryl Jacobs (District Chief, Mohawk Council of Akwesasne): Good afternoon, ladies and gentlemen. I'd like to thank the standing committee. My name is Cheryl Jacobs. I'm a district chief representing Kawehnoke, the island that is situated in Ontario, which he pointed out on the map.

I'd like to acknowledge that our grand chief of the Mohawk Council of Akwesasne is also here. You can see he has a bandage. He's a little incapacitated back there right now.

I sat here on May 5 when it was cancelled at 3:25. I was here on the 7th, the 12th, and the 14th, and I cannot help but say that I found a lot of coincidences and irony in the comments that were made by presenters who were here. I was very frustrated when I wrote this six-page document, which I submitted about a week and a half to two weeks ago. You all have a copy of it because it was translated into French.

When I did this submission, I went back and I did a lot of research, attempting to identify solutions. I hope you've had the opportunity to read my document that was submitted. My submission was made with some frustration and anger attached and, lastly, with the realization of how government entities can distort the truth without adequate and sufficient consultation—you've heard that word over and over by my colleagues here—with our communities, especially when we are being directly impacted by an issue.

I'd like to draw your attention to the RCMP document. Again, ironically, it was dropped on your laps on that Wednesday when the minister made his announcement. I actually felt for a moment how you may have felt that afternoon right before Mike Cabana spoke to his report. We are working on internal strategies. Keep in mind, this is the RCMP strategy. The comments that were made were very offensive towards our communities. We are working on our strategies.

For one moment I'd like to think about the statement that was made on May 29 inside Parliament, in the debates of the Senate. The Kelowna Accord was mentioned by the Hon. Robert W. Peterson. He stated:

Will the government continue to listen to First Nations people and ensure other important issues such as health, education, housing and economic development are addressed through the reintroduction of the Kelowna Accord?

The Hon. Marjory LeBreton, leader of the government, basically in her statement says something to the effect that peaceful demonstrations are going on with the National Day of Action. They believe in economic development—it's critically important—and the Conservative government has made real progress and the government has focused on practical, measurable, and tangible action in working with aboriginal people. She said the government and the ministers are working hard on resolving a lot of these longstanding issues.

Why does the government have to turn our issues into longstanding ones? This has been a longstanding issue, this contraband tobacco. This is why frustrations and angers build. So

instead of contributing to the problem, work with us on speedy solutions, because we can come to you with practical, measurable, and tangible actions needed to solve the problems.

I have come to you today. I will not provide the documents, but I just want to point out that Mike mentioned earlier that there is a law right now that deals with the provincial quota system. We have a draft Akwesasne tobacco products law that would govern the manufacturing, distribution, and sale of tobacco products on the territory of Akwesasne. It has been dated December 2006, so we are working on the regulatory components of this issue.

We have a draft marine funding proposal on behalf of our Mohawk Police Service. If you remember, the shiprider program was mentioned. I'd like to point out several of my documents, but I'd need probably 100 minutes to discuss in-depth what the little tabs are all about. The shiprider program was dumped in our laps, the Akwesasne community's lap, two weeks prior to its implementation on the waters.

The RCMP document—the other one I got that day—is all tabbed out too, because it highlights areas that we need to sit down and have further discussions on. The RCMP document, I was told, would be completed, the final evaluation, on May 30—"We'll get you a copy". I've sent e-mails. We don't have the final report yet. This has a direct impact on our community. There are plans being made that directly impact our community about contraband tobacco.

● (1640)

They're not consulting with us to prove and show to you that we can be part of the solution. The problem has been identified. It's been clearly identified. Again, we are part of the solution. Along with everybody sitting here at this table, we are part of that solution.

From reading half of these documents, I believe you give credit where credit is deserved and due. Three-quarters of the RCMP documents don't give credit back to our police department. Our police are stuck between a rock and hard place in having to enforce your laws and having to live in that community every day.

Concerning a solution, the number one answer from our perspective is to have the federal government listen to our solutions. We request that the federal government give us financial resources to address this issue internally and also help us by ensuring we have the financial resources to finish producing our laws. Our police can't do this alone, and the solution is both an enforcement and a political one.

Look at the bigger picture. You have to recognize our ability to create our own laws and allow us to apply them. Regulate—I keep mentioning that word. You have heard from other speakers about regulating.

I want to make something clear. I was offended when Mike Cabana made a statement about the illegal manufacturing in Akwesasne. And I contacted the St. Regis Mohawk Tribe to ensure these facts were correct. So for the record, I'm going to produce factual information for you versus what's sitting in this report about Akwesasne.

There are currently six tribally licensed manufacturers on the U.S. portion of our territory and three unlicensed ones who are not operating as of today. Five of the six tribally licensed manufacturers have applied for federal ATF licences. One currently is operating with a federal ATF licence. Again, there is lack of consultation. You're going to hear that from now until we come up with a solution. You have to consult with us.

The Canada Border Services Agency, another law enforcement entity, is mentioned numerous times. They spoke. Again, I hope you've read my document where I state the mandate of the standing committee, where, again, you have the power under Standing Order 108(1), which goes into.... And I listed only the RCMP and CBSA, because what is happening right now with the CBSA is that our people are continuously, day in and day out, filing grievances and complaints against the treatment we are receiving from CBSA officials, from front-line workers right up to upper management.

We have our complaints filed with the Canadian Human Rights Commission. Now, if we were able to sit down and work together, we wouldn't have to go to this degree of filing with the Canadian Human Rights Commission as a result of the improper treatment of our people.

Lastly, I would like to state what we have to do in our community to educate the external communities to prove the positive things that exist in our community. We educate by producing documents like this. We are a special people in a special place, in a unique place.

I will leave these in the back of the room for anybody here who wishes to learn positive things about Akwesasne. I was told about the Official Languages Act; that's why I'm stating that I'll leave them in the back of the room, because it is in English and some Mohawk.

In closing, I have to agree with a lot of the comments that were made here from our other communities, and the majority of the information you were given was 95% of exactly what I was going to say. Ten minutes is not enough time to go into every component of what is highlighted in our concerns about this document. But I did come today to at least let you know we are working on solutions, and we've got to sit down together and do it. It shouldn't take five or six years for us to come up with a solution to this, because the problems have existed for fifteen years right now.

Thank you very much for your time.

● (1645)

The Chair: Thank you very much.

The normal practice at this committee is to allow people to make comments and questions and then you can elaborate on any of the things that are raised.

The first person on my list is Mr. Cullen. Go ahead, please.

Hon. Roy Cullen (Etobicoke North, Lib.): Thank you, Mr. Chair, and thank you to all the witnesses.

I will speak for myself. I have no difficulty at all making sure that first nations people, aboriginal people, have good economic opportunities. I recognize there are challenges in that regard.

Also, on consultation, if there was limited or no consultation by the RCMP for that report, I think that was wrong-footed. Moving

forward, if there are opportunities to consult, I think that would be a good idea for the government. But I think one needs to start with some principles that one could agree to perhaps.

One of the things we heard from some of the previous witnesses was that contraband tobacco is destabilizing for the community. But I did not hear any of that today. I wonder if you could comment on that. Do you see it as a problem?

Second, I know you talked about drugs and people and guns and all that. Those are problems as well. No one would deny that. We've had evidence to suggest that there are about nine laws of this country of Canada that have been broken, such as various taxes and various markings that are supposed to be on various cigarettes. Are you saying you don't need to comply with those laws? If I were involved in a consultation, that's where I would like to start.

Third, even if one agreed, which I don't, that on these first nations properties you have the right to violate these laws of Canada by selling these cigarettes and tobacco products in these shacks to non-reserve people, people who are not first nations people, do you feel any sense of responsibility for trying to inhibit that?

Finally, on the smuggled products—I am calling them smuggled products, because I think that's what they are. You might debate it, but there are a lot of these contraband products coming from the United States. Do you feel no sense of responsibility to try to impede that, to stop it?

Maybe we'll start there. I don't know who wants to have a go at that. Do you, Mr. Delisle?

● (1650)

Grand Chief Michael Delisle: I'll take one portion of it, and anyone else who wants to can come in afterwards.

You talk about Canadian laws. I think that statement is an example of the fundamental misconception about who we are. We'll never be Canadian citizens, regardless of what documents we carry, what we signed, and how the Canadian government or the provincial government, for that matter, describes us. As one of my cohorts today said, under Mohawk authority, as a citizen of the Mohawk Nation, there are fundamental misconceptions about how we're supposed to discuss issues of this relevance, this nature, and this importance with each other.

The consultations, I think, that we're talking about today are not with an enforcement agency; they're directly with the government officials of Canada, because the properties we occupy, as you say, and the territories that I guess we are considered to occupy at this point are traditional territories. There are fundamental principles that have to go into the relationship-building that has not been happening for 200 years.

So instead of talking about destabilization, you have to take a step back, as the Canadian government, to understand where we're coming from. Responsibility, I can accept. There are some issues that we need to address and are continuing to address within our communities. But the Canadian law aspect is something that really—I'll be polite today—is upsetting for us to hear, from my perspective anyway.

Hon. Roy Cullen: Would anyone else like to comment, particularly on the sale of these tobacco products in these shacks to people who are not first nations people and on the contraband tobacco coming in from the United States? Do you have no concern about that or a feeling that you should be trying to stop that?

Chief Cheryl Jacobs: As the map pointed out, on the Canadian portion we don't have illegal shacks in our community. Our cigarette sellers are regulated through the quota system.

As far as responsibility, three-quarters of the time our police are not given recognition for the work they do as partners with the RCMP and the other 10 law enforcement agencies—however many there are, they are numerous—that surround our community. They work hand in hand. I have statistics from our police department on some of their investigative involvement from April 2005 to April 2007 pertaining to cigarette seizures.

I was not sure when I was speaking whether I'd be able to get in this information in 10 minutes. But it's important to note that we take this responsibility seriously. Keep in mind that it is regulated on the U.S. portion. So we have internal mechanisms that we recognize. On the U.S. portion, the cigarettes are being regulated and the stamps are put on them. Where they go after they leave the American portion—they were legal.

When they come back across the border into Canada, it puts our police who live in our community between a rock and a hard place, forced to enforce Canada's laws against our own people. They are involved in the apprehension and seizure of contraband tobacco. It's frustrating, because we don't have the resources to help even further with the external police agencies.

• (1655)

Hon. Roy Cullen: Thank you.

Mr. St. Amand would like to ask a question.

Mr. Lloyd St. Amand (Brant, Lib.): Thanks for coming today and for your very powerful presentations—particularly your comment about how regrettable it is that members of your communities are branded as criminals, or that there's a disproportionately high number of criminals in your midst. That's offensive and absolutely wrong. I accept that.

Ms. Jacobs, taking a cue from what you've mentioned about consultation—and you're absolutely right—do we all accept that smoking is harmful to your health? Everybody surely accepts that.

Chief Cheryl Jacobs: Yes.

Mr. Lloyd St. Amand: Is it acceptable that the rate of smokers among aboriginals is three times higher than in the non-native population? That is unacceptably high, clearly. Nobody disagrees with that.

Chief Cheryl Jacobs: Nobody disagrees.

Mr. Lloyd St. Amand: Do you agree then—and I presume you do—that we have a collective responsibility to eradicate smoking, particularly among children of your communities and the communities of Canada?

Mr. Richard Jock: Part of what the Assembly of First Nations is trying to say about this is that simply focusing on the enforcement element itself is misguided. There needs to be consideration of economic development and economic replacement strategies, and investment in reduction strategies and programming to reduce smoking. Those are also important, and they have been either cut or diminished. We're saying there should be a wide continuum of efforts if you really expect to be successful.

The Chair: Go ahead, sir.

Grand Chief Michael Delisle: I don't disagree with any of the comments you made, and I thank you for acknowledging some of the problems that have been identified by Chief Jacobs, as well as others here today, on lack of consultation and so on.

Again, because we're talking tax, and that is the issue.... Health, yes. Now they've targeted organized crime and criminalization and so on as another aspect of that. It may sound like I'm trying to be comical here, but I'm not actually.

There is also a high incidence of lack of clean drinking water. There is a high rate of diabetes within our communities as well. I don't see a higher tax being put on the Big Mac; I don't see us being attacked for overeating or those types of things. If we're going to get down to the basics of what this is about, it's jurisdictional and it's about taxation. It's about the moneys that are not going into the external coffers. And there's a role to play for first nations communities because it has been identified, and we've said it here today, that we are the focus of the problem, at least our four communities, within this report.

The obligation of the Canadian government is to sit down with us in order to describe fully what it anticipates us doing, instead of ramming something through again and turning it into an enforcement issue, which we are very concerned about in our communities. My community as well—I won't speak on anybody else's behalf—is very concerned about some of the elements that have infiltrated it. But again, I say with all due respect, I think it's being clouded by other issues. We do have serious health concerns, whether it's smoking, whether it's diabetes, or others. To attack it this way I think is wrong. The Canadian government needs to come forward and say to us directly and sit down with us directly—and it will happen in the near future, I can guarantee it—on what the issues actually are.

It has been tried in the past through taxation, lifting it, dropping it, and so on, which has helped create some of the problems. We've identified some of the issues in the past, with conglomerates being involved. I think to attack it in this way is really to cloud the issue, with all due respect.

• (1700)

The Chair: Thank you.

We're about out of time. If you have a brief comment, go ahead.

Mr. Michael Mitchell: Very brief. In the 1970s, fuel was low in the United States, so fuel was going the other way through our territory, into the United States—truckloads. In the 1980s, it was alcohol. It's the commodity of the day. That fuel didn't stop until the Mohawks came forward and met with Canada and worked out a formula where we wouldn't have that rash of...it was almost like a wagon train going across. It took some time, about six years, but it did provide a remedy for us. In 1980, it was the same thing.

Working in partnerships, trying to find and agree on a common solution is the answer. So my question is, what's it going to be in 10 years' time? It's going to be another commodity. Are you going to ask us the same questions then?

Cigarettes are a health issue. Right now, it's an economic issue for Canada, lost revenue. But it's also a health issue. Nobody will deny that we should sit down and discuss those two varied principles and come to an agreement; something has to be done. But five or ten years later, because we're a border community, because we're first nations, something else will come up.

So overall, put more attention and support toward justice, toward law and order and policing, and education. It will serve all of us a lot better.

The Chair: Thank you.

Monsieur Ménard.

[Translation]

Mr. Serge Ménard (Marc-Aurèle-Fortin, BQ): Thank you, Mr. Chairman.

We really have very little time to discuss this problem. I do not know whether you recognize me, Mr. Delisle.

• (1705)

[English]

Grand Chief Michael Delisle: Yes.

[Translation]

Mr. Serge Ménard: Thank you. I was the Quebec Minister of Public Security at various times and I believe I had a very productive, even pleasant, relationship with the authorities of Kanesatake and Kahnawake—but not with those of Akwesasne—because I respected them and they respected me.

I also understood the Mohawks' land claims that are not yet settled. I know that the lands that were given to the Jesuits for the settlement of your ancestors who were fleeing from the tribal wars in the United States have been sold. They were used to build the seaway, Mercier Bridge, a rail line and the whole city of Brossard.

People said to me that they were not crazy, that they were not asking that the city of Brossard be destroyed so that the land could be given back to the first nations peoples in question. They did say, however, that they were entitled to compensation.

I think you are entitled to compensation as well.

I think that together we managed to resolve the problem of the local police to the satisfaction of the parties. I think I did quite a good job in getting the people of Quebec to accept the agreement as well. We conducted a survey in which we asked people if they would

agree to having the aboriginal police officers stop people every morning or every evening when they used roads that went through your reserves, if you were to comply with certain conditions. Surprisingly, 86% of people agreed to do this. So the mayors said nothing, and we were able to work together.

Would it be correct to say that this police arrangement is still working quite well, Mr. Delisle? Perhaps we can work from there to see whether we might find some other arrangements.

[English]

Grand Chief Michael Delisle: Thank you for your kind words, Monsieur Ménard. I remember meeting you several times before, with former Grand Chief Joe Norton.

To answer your question, I believe the relationships that have been built and the agreements that have been signed trilaterally between us—as Quebec and through Canada—have worked well for the benefit of everyone involved. There have been recent events that show this. There is cooperation. We are law-abiding citizens, depending on what we consider and what you consider that term to mean.

The developments in recent years have been good for both nations in Quebec, and we're still willing to contribute and provide assistance when necessary. We'd like it to be built on and established even further. Because the report is federal at this time, maybe further cooperation among us would help alleviate some of those external concerns from the RCMP.

[Translation]

Mr. Serge Ménard: Is it correct that one of the main criticisms about the policy being put forward by the federal government at the moment has to do first and foremost with the fact that you were not consulted, or if you were consulted, that you were consulted after the fact, rather than before?

[English]

Grand Chief Michael Delisle: You are correct, that is part of the issue. But the consultation doesn't necessarily need to come from the enforcement agencies or the enforcement people within the governments. It needs to come from the government itself. It needs true political will from the leadership, regardless of who's in power on behalf of the crown of Canada, as it's called.

Those relationships need to be based on mutual respect, and then we can start talking about some of the enforcement aspects that need to be developed internally through Mohawk first nations communities.

[Translation]

Mr. Serge Ménard: I see that our time is really short. You all said yes to the very relevant questions asked by my colleague Mr. St. Amand. You acknowledged that smoking causes serious diseases among your people and among our people. If there is more disease among your people, the reason is generally because the people smoke more because the cigarettes are cheaper. We could start from the premise that there is a health problem that we all acknowledge, but that we should start over, set aside politics—we can see whether there are some viable initiatives to be considered—and work together on the health problem that affects all us. We can also work together on the problem of enforcing the law and the trade in these goods.

[English]

Mrs. Christine Zachary-Deom (Legal Counsel, Mohawk Council of Kahnawake): Mr. Ménard, if I can just make a few comments, first of all, I want to thank you for stating that through consultation you had a very good result at Kahnawake, and I can say that with regard to policing, things are improving constantly there. So you understand I think more than many people what talking with the Mohawks of Kahnawake can achieve.

Certainly in our presentation before this committee we wanted to ensure that people understood that we are a people who have been here for a long time, with a tremendous history. We don't have natural resources like many of the first nations throughout this country. Our resources have gone, and they have made the wealth of this country.

Now it's a matter of recognizing our major principle, and that is that we speak and are able to make a treaty with you as we have in the past, and that's something that can't be forgotten. Thank you.

• (1710)

[Translation]

Mr. Serge Ménard: I would like to talk to you now about a solution that has been tried. I confess that I do not remember whether it was implemented or not, but I do remember that it was discussed at one point.

The idea would be to have the duty on cigarettes collected once they are manufactured. As a result, the price of cigarettes would be the same on our common lands, so as to discourage people from buying cigarettes at lower prices on one part of our common lands. However, all the duties collected on cigarettes purchased by aboriginals would be given to the community. I believe Mr. Chevrette, the former Minister of Aboriginal Affairs in the Quebec government, wanted to suggest this solution. I do not know whether such a plan ever worked.

Can you tell me that?

[English]

The Chair: Does anyone want to give a brief response?

Go ahead.

Grand Chief Michael Delisle: Thank you again, Mr. Ménard.

I just have a comment on your first statement. I couldn't agree with you more on putting policy aside and starting over, in your own

words, to where we need to a conclusion on this. We do take it very seriously, and, again, we acknowledge your words.

You are correct in stating that back through the late nineties and into early 2000, and in regard to Mr. Chevrette, there was at least some form of discussion as to where it would go. Again, I think that may be part of the solution, such that the duties, taxes, tariffs, and everything else that are to be paid, or the industry would be mandated to pay, should go back to the first nation community. As I said earlier, and Cheryl reiterated, we are part of the problem, and thus we need to be part of the solution.

That is only part of it, though, because we do realize that there are health factors here. To move forward as well, I think Canada should make a further commitment to give back more to the health ministries in terms of where some of those dollars need to go, because the taxes are so high—and maybe not only on tobacco, but on other products as well.

The Chair: Does anybody else have a comment before I go to Ms. Priddy?

Chief Cheryl Jacobs: My only comment on Mr. Ménard's remarks is that he mentioned that we had talked about it at one point. Listen to these things that are being said: it was talked about a long time ago, and we're not sure if it was implemented. So solutions have been discussed.

Do the solutions fall on deaf ears? That's my question back to you.

We are coming to you. I came here, and I'm showing you documents. We are working hard to try to address these things by coming forward with documents.

Was it implemented? He doesn't know. Do we know if it was implemented? It almost seems like it probably wasn't. We wouldn't be in this situation if something had been implemented a long time ago.

Thank you.

The Chair: Ms. Priddy.

Ms. Penny Priddy (Surrey North, NDP): Thank you, and my thanks to our guests for being here. My apologies for being delayed. I sent notice to the chair that I would be late, and I apologize for that.

My first question is to Chief Jacobs. Grand Chief Thompson was quoted in the paper as saying that one of the potential solutions was being allowed to keep the proceeds of crime money. I wondered if you could expand on this a bit, so I could understand better how it would work.

Second, in my home province, there has been collective work done between first nations people and the federal government. Treaties have been developed where tobacco was taxed, but the tax stayed in the first nations community. It goes back to being used for whatever development the community needs. I wonder if you see this as something that would work in other places.

When I sat on the health committee, and the funding was frozen for tobacco reduction strategies in the aboriginal community, I can remember asking the health minister whether that money would be removed. He said that it would not be, that it would be held for other proposals to be submitted. I'm not on the health committee, I don't know where that's gone, but I was assured that it would not be removed and that the money would be held. I will take responsibility for following up on this—that's a question I was wondering about.

Finally, you've talked very legitimately about the need to do this together. Independent action doesn't work, and there are lots of examples, not just today but however many hundreds of years back, to show that it doesn't work. If we could all take three steps this week or this month, what do you think they'd be, to start collectively working on this? That's for anybody.

• (1715)

Chief Cheryl Jacobs: I'd like to respond to the first question that was directed to me. If I had the time, I probably would have rattled off all this information in front of me. With respect to the proceeds of crime, between April 2005 and August 2006, there was \$102,000 in currency seized. In my document, I go back to just how hard it is for us to get our hands on that money. After the adjudication process is completed and it ends up in some bank account up here in Ottawa, it's hard to get even a small pot of money out of it. It costs us more to get the auditor to come in to report back to you on how we spent the money. I say it's absolutely ridiculous. No offence, but there are some ridiculous things set up. If we used a common-sense approach to certain things, maybe we would have more resolve. And that was just one statistic.

From August 2006 to December 2006, we see \$41,000 in currency. If that money stayed in our community, we could use those dollars in justice, policing, social, youth, and health programs. These dollars would help offset any deficits that we have or what we incur over the year. Even 50% of that, if it was given back, would help us.

That's my response. Thank you.

Ms. Penny Priddy: Could someone answer the other one, about the treaties?

Grand Chief Michael Delisle: We are diverse people. We are spread across this country on land that you call Canada, and we are very distinct. With respect to the rules that have been accepted, if not imposed, in modern-day treaties, especially when it comes to taxation, we would not fit the mould. We would be open to discussing, as Monsieur Ménard said, how we could mutually come to a conclusion on what would be acceptable to us. But this whole cookie-cutter approach, this mould of what first nations treaty taxation is, is not acceptable to the Mohawks. I'll speak on behalf of Kahnawake, but I believe this is true across Mohawk territory, and probably even in Haudenosaunee, beyond Mohawk territory.

We would be willing to sit down and talk about a treaty, as you call it. We would like to discuss some type of agreement on how the funds could be shared. I'm not saying you're saying it, but to say from Canada's perspective that it works here doesn't necessarily mean much. It probably means that it will absolutely not work in Mohawk territory.

The Chair: Mr. Phillips.

Mr. Lloyd Phillips: You asked what three steps we could take. The first thing that needs to happen, as step number one, is that there be the acknowledgement, first and foremost, that this is a politically charged issue that is highly political, and it's not just a criminal issue. That's the first thing. There has to be that acknowledgement.

Secondly, there has to be the commitment made by the government to sit down for discussions with the first nations who are affected to work out various agreements. That commitment can't just be lip service, as they say. It has to be a real commitment. It's not going to be an easy process, but it's something from which we're looking for results, and results will come.

The third one, I would say, would be that the first nations police forces have to be supported, even more than they are currently being supported, to properly and adequately deal with any of the public safety concerns that are out there. If they are properly resourced and supported, that would eliminate a lot of the concerns as far as public safety is concerned.

Thank you.

• (1720)

The Chair: Is there anybody else?

Yes, go ahead.

Mr. Michael Mitchell: Three steps?

In the Iroquois Nation that we belong to, there is a law called the great law of peace, and that law of peace is thousands of years old for us. It established us, the five and then six nations, to have some kind of unified governance. It means as much to us now, today, as it did then: law and order, justice.

But under the Indian Act, I learned one word in my first six months in office as grand chief, and that was "ultra vires"—you can't do this, you can't do that, you don't have the authority, the law already exists. In the meantime, the community is asking for something to protect them. So let's walk a few steps and learn what our ancient laws meant to provide for peace and stability, and what your law has meant, so that we can agree to take a few steps towards that concept.

Good relations are another thing. Do away with pointing fingers at Akwesasne and Kahnawake and the other communities, saying they're a haven for criminality. You know it's not true. People do use us, but we need to stand together and say that people are using our community, and that's only a handful. Let's talk about the large majority and what their aspirations are.

If we both speak out for the same principle, going in the same direction, we can wipe that situation out and promote good relations, educating not only the Mohawks but Canadians about that concept.

Those are the three steps, for me.

The Chair: Thank you.

We'll move over to the government side now.

Mr. MacKenzie, please.

Mr. Dave MacKenzie (Oxford, CPC): Thank you, Chair.

I'd like to build upon—I pointed my finger and I didn't mean that in a derogatory sense. I'd like to follow up on what you said, because I think that's one of the things we have been saying here for some time, that the aboriginal community is being used by organized crime, not that the aboriginal community is organized crime.

When you go to the city of Toronto and they talk about vanloads of cigarettes being sold in baggies for \$6, \$8, \$10, and \$12 a bag, I don't think that's of great benefit to the aboriginal community. Somebody else is taking advantage of that.

When we talk about trying to reduce smoking by youngsters when the kids at the high schools are smoking \$8 and \$10 cigarettes from baggies, I don't think that helps the aboriginal community. It's not of benefit. But there is somebody who has benefited from that, and that tends to be...whether we call it organized crime, whether other people call it organized crime, it's an organization that operates out there to take advantage of your good name and the opportunities they see and seize upon.

I think what we have been looking for here is to find a solution among all of us that benefits the aboriginal communities, that helps those communities that want to reduce smoking, particularly I think for our vulnerable people. Mr. Jock, I think you spoke about the funds that were seized in 2006. If we have three times the national average of smoking among young people in aboriginal communities, we failed long before 2006. The money, obviously, was not as effective as it could have been, and we need to find that.

But I've also seen in most of your presentations—and Chief Jacobs and I have talked a little bit about this—that we need to find that solution amongst all of us that works for the benefit of all of us. If there is one group that we need to take out of it, it's that middleman who's taking advantage of the opportunity to get large quantities of cigarettes to take to the city of Toronto, to take to the city of London, to take to my city and others, and sell very cheaply and circumvent what would be the natural rules as you see them.

I see in a number of your presentations, either to us verbally or written, that you all talk about some kind of regulation. I don't think any of us would disagree. We might say it in different words or different terms, but do you see some opportunity that we can sit down to come to some solution that's good for the community, for your community, for our community, where we can put a handle on that, to take the middleman out, not to denigrate the aboriginal community, but to take this out of the hands of the people who are making the money and have no concerns, apparently, for who the ultimate user is of the product?

That's one of the problems we hear and see: the young people at the high schools, young people at other places, the opportunity for people to profit off the backs of aboriginals. Is there some system we can develop that works for all of us?

• (1725)

Chief Cheryl Jacobs: In response to that, we did have some conversations. Ms. Priddy asked about three steps. The cooperative participation has to be done without strings attached, though.

You heard Mike mention 22 laws that were sent up, and they were all kicked back. It shouldn't have to take six years for this document to be recognized by your government. Once it's recognized by our

people, it stays within our jurisdiction to enforce. It was very nice of us and courteous—I will use that term—to continue to forward documents after the 22 were rejected. We are trying to remain respectful of what the government asks of us. But the government asks so much, and it takes so long to get anything done as far as agreements or recognition. That's part of the problem.

We have intelligent people. We have Mohawk lawyers. We have doctors. We are good-minded, good decision-making people ourselves, and we really consult with our communities. We don't just pick up the phone or sit in on one RCMP meeting and turn around and tell the federal government that we consulted with them, that we sat with the chief of police. That's not consultation.

Going back to the laws themselves, again, I go back to the fact that we have a draft. We have a draft, and within our community it is going to govern the manufacture, distribution, and sale of tobacco products in our territory. But it shouldn't take six, 10, or 15 years to accomplish agreements.

I use the example of our JIT, which is mentioned in the report. It took six years, from 1995 to 2001, for us to get funding for that project. That's absolutely ridiculous, six years, knowing that our police department has been in existence for 35 years. They were trained by the province and have attended RCMP courses, top courses of the RCMP too. It shouldn't take six years for everything that happens here.

Thank you.

Grand Chief Michael Delisle: Thank you. I agree. In fact, we've demanded it. Last Thursday, on what is considered the National Day of Action, I, on behalf of Kahnawake, and with the support of six other first nations communities surrounding us, including the ones targeted within the report, demanded a meeting, not only with the Minister of Public Safety, Mr. Day, who I'll be meeting with on the 17th here in Ottawa, but with the Minister of Finance, the Prime Minister, who I don't believe will attend—but it at least got his attention—and anyone else involved who needs to come to the table.

Kahnawake has consistently and for a long period of time asked for this, regardless of who has been in a position of responsibility and authority in the Canadian Parliament. Now, within a four-week period—as I said, it's three weeks tomorrow—we're demanding this type of meeting. So I hope it does happen. It is happening again through Public Safety. But the other ministries need to become involved through cabinet. That is the only way this is going to be resolved.

Back to Ms. Priddy's argument and question, that's the first piece of it. First is recognition of the first nations position, who we are and understanding where we're coming from, and not as Canadian citizens. Second is the political will and understanding that has to come from the other side of the table, if you will, and a commitment to long-term implementation. It's not going to take a year, it's not going to take a month; we're here for a long period of time. We've accepted and acknowledged everybody who's come to our territories, and it's time for that reciprocation to happen today.

•(1730)

Mr. Richard Jock: I just want to comment on the health cuts. As I stated in my comments, we were showing progress. To say that cutting funds is somehow a good measure, I think, is just counterintuitive. I would think that there should be a requirement for even more investment, if it's so clearly an issue. To me, I would say that this should have an increased focus rather than a decreased focus.

I think the other speakers have covered the other elements.

Mr. Dave MacKenzie: Do I have any time?

The Chair: Be brief. I let everybody else go over, so I might as well let you go over.

Mr. Dave MacKenzie: No, I think we're at the end of the time.

The Chair: We are at the end of the time, but if you have a brief wrap-up, go ahead.

Mr. Dave MacKenzie: I hope I have expressed what this committee has talked about when we talk about organized crime.

I don't think anybody has addressed this issue. When I talked about the cube vans in Toronto, those are not from the aboriginal community. Those people with the white vans in Toronto are not

aboriginal community people, and that's been our concern all along. That middle group is taking from you and taking from other people and not respecting what you have done and what we have done with respect to trying to eliminate smoking in many places. But they have also circumvented many of the laws of the land, if you will.

The Chair: If you have a brief response, go ahead.

Mr. Michael Mitchell: Probably close to 10 years ago, the Mohawk communities in Canada set up the Mohawk–Canada Roundtable, and we pledged that we would find a peaceful solution to any future problems that would exist between our peoples. We would create tables where we would identify problems and solutions. We would put people at those tables.

Whatever happened to the Mohawk–Canada Roundtable? Now we're talking exactly that—finding solutions—and I'm sure it would be a challenge. What you're asking for is doable. It can happen. On our side, it's going to take a lot, but we know it can come about.

The Chair: Thank you very much. I appreciate all of you coming before the committee today. You've given us very valuable information.

That's it. This meeting stands adjourned.

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