

Understanding The Akwesasne Remission Order

The Mohawk Council of Akwesasne has been asked to provide the community of Akwesasne with information on the Remission Order signed into effect on June 11, 1991. The following questions and answers will hopefully put the issue into perspective.

What is the Remission Order

The Remission Order at Akwesasne is an interim measure passed by Parliament to deal with the day-to-day problems faced by residents of our cross-border community. It provides exemptions for residents from G.S.T. and duties on personal goods brought into Canada from the United States. It is based on our unique status as a community geographically divided by the U.S./Canadian border and is not interpreted as being based on aboriginal border crossing rights. The Mohawk Council of Akwesasne had to lobby extensively to get the Minister of National Revenue to address these unique concerns and the current Remission Order in his response.

Why Do We Need a Remission Order? Don't We Already Have These Kinds of Border Crossing Rights?

In the eyes of the Canadian government, the answer to the second question would be no...for now. To explain what we mean by this, we must first review a little history.

Akwesasne has existed as a community since at least 1755, long before Canada and the United States became independent countries. In 1783, the United States and Great Britain signed the Treaty of Paris, which drew a border directly through Akwesasne. In 1794, they signed the Jay Treaty, named after American negotiator John Jay. This treaty stated that native people could freely cross the border without having to pay duties or taxes on their personal goods.

Canada became an independent country in 1867. In the 1950's, a Canadian court ruled that because of a technicality, the part of the Jay Treaty that spells out our border crossing rights was not ratified by Canada; therefore, Canada did not have to recognize those rights. Canada has since imposed taxes and duties on natives just as they do with non-natives. Since Akwesasne exists in both the United States and Canada, paying duties became an expensive and confusing mess for residents whose day-to-day lives involve cross-border travel.

In the mid-80's Grand Chief Mike Mitchell led a protest against the policies of the Canadian government by bringing a truckload of groceries and personal goods through the Canada Customs port of entry on Cornwall Island. He was charged with refusing to pay duties on these goods and the case is now going through the federal courts for a decision on native border-crossing rights. This case will determine just what kind of rights native people have.

While this case goes through the courts, however, there are still problems being faced by Mohawk residents on a daily basis. The Mohawk Council of Akwesasne has responded to these concerns by negotiating with Revenue Canada for what is known as the Remission Order. As we demonstrate before, this is a way of dealing with the practical difficulties faced by Akwesasne residents while a legal determination of native border crossing rights is made in Federal Court. The Remission Order will have no effect on that decision and was created only to ease the day-to-day problems that arise at Customs in regard to the Mohawks of Akwesasne.

What Kind of Goods Can I Bring Across Under the Remission Order?

The Remission Order currently in place exempts Mohawk residents from paying duties and taxes on goods purchased in the United States and brought into Canada for personal use. This does not include items meant for resale or goods that are prohibited by Canadian law, such as weapons, obscene materials, drugs, and cigarettes and alcohol in bulk.

The Remission Order also applies to organizations owned or authorized by the Mohawk Council of Akwesasne (such as schools, medical facilities, or social service agencies) who need to bring in goods for the operation of their non-profit services to our community.

The Remission Order also enables licensed community stores to service community residents with store-bought goods free from tax, duty, and G.S.T. The position of Revenue Canada is that Mohawks are the only ones who are tax exempt; therefore, non-Indians in large groups should be required to pay G.S.T. This is reflected in the guidelines of the

Remission Order. (Mohawk Council of Akwesasne is awaiting a national position on G.S.T. from the Assembly of First Nations before proceeding.) Meanwhile, a mechanism is being developed which will help store owners keep track of the number of products sold to residents and non-residents.

What Kind of Goods Can I Bring Across Under the Remission Order?

The remission order covers food, clothing, furniture, cars, and basic essentials which most Mohawks use daily. There are other types of items included.

These are listed below:

Books, magazines and newspaper
Clothing apparel and footwear
Cosmetics
Diapers and baby products
First Aid products
Foodstuffs and edible products
Household cleaning products
Hygiene products
Indian craft articles, such as, baskets and beaded work
Ironworkers tools such as, tool belts
Light bulbs
Light hardware, such as hammers, nails, and paint brushes
Personal needs products
Sporting goods such as, hockey sticks, fishing gear and protective sports equipment
Art supplies and stationery and paper products such as, writing paper
Waste disposal bags

How Good Is This Remission Order? Does It Go Far Enough?

This current Remission Order is seen as the Canadian government's initial movement toward resolving the difficulties Akwesasne residents face when they bring personal goods into Canada. It may be necessary to negotiate for a further Remission Order to clarify the more complex commercial issues which extend beyond the community of Akwesasne. Although this current Remission Order doesn't address all of our concerns, it is generally viewed as a positive first step.

What Areas Are Not Covered In The Remission Order?

The Remission Order does not deal with the problems faced by Mohawks who, because of the housing shortage in Akwesasne, must maintain a place of residence off the reserve in Cornwall or surrounding communities. Nor does it cover Mohawk-owned businesses that are located off the reserve. The list of exempted personal goods should also be developed further.

There are also many questions about whether or not native businesses should collect the G.S.T. (Goods and Service Tax) from non-native customers. This last issue is being discussed on a national level by the Assembly of First Nations, and as stated before, the Mohawk Council of Akwesasne is awaiting a national position on this issue.

It may be necessary for the Mohawk Council of Akwesasne to lobby for a more comprehensive Remission Order in the future.

Does The Remission Order Stay in Effect After the Court Decision is Made?

The Remission Order is an interim (temporary) measure only. As stated before, the Federal Court will decide if they recognize our aboriginal and treaty rights, and to what extent. The Remission Order is not a limitation or restriction on the determination of the courts in this case. It is expected that a change in Customs and Revenue policy will be made once that decision is rendered.

What Must I Do to Benefit From This Remission Order?

The Mohawk Council of Akwesasne will issue documentation to residents that will enable you to pass through Customs without paying duties and taxes on your personal goods.

What If The Remission Order was Scrapped by Either Us Or Canada?

We would probably have to pay the same taxes and duties as non-natives until we got some kind of favorable decision from the Federal Court case mentioned earlier. Natives elsewhere in Canada have to pay those duties now, and there would be nothing to stop Canada from taxing us too. The Remission Order prevents Canada from doing that.

Aboriginal Languages After 300 Years

"After 300 years of suppression, now is the time to entrench Aboriginal language rights in the Canadian Constitution," said Ovide Mercredi in a statement on the fourth anniversary of "Aboriginal Languages Day".

On March 31, 1992 First Nations across the country celebrated the survival and richness of Aboriginal languages with a number of events and planned activities. The date -- March 31 -- was set aside at a general meeting of the Assembly of First Nations in 1989.

"Although many of our languages are threatened, the 53 Aboriginal languages are still alive and carry with them our traditions, cultures, and values. March 31 was a day for reflection on our survival as peoples, and a time to plan, as Nations, how we will promote and preserve our Aboriginal languages," said the National Chief.

The current state of Aboriginal languages in Canada is indicative of the erosion of First Nations cultures spanning 300 years. According to a 1988 federal study only three languages -- Cree, Inuktitut and Ojibway -- have a good chance of surviving into the next century.

"Languages reflect fundamental differences in culture, in ways that specific language groups perceive their world, their family relationships, kinship structures, relationships with other cultures and to the land. They need protection if our way of life is to

survive and thrive," Mercredi said.

The Dobbie-Beaudoin Report on Constitutional Reform mentions Aboriginal languages in a number of places, including the Canada Clause. The Report calls upon Aboriginal peoples to take responsibility for the promotion and preservation of Aboriginal languages.

"There is also an obligation upon the state to take a more active role. Canada has a fiduciary obligation which includes the duty to promote and preserve Aboriginal languages," Chief Mercredi points out.

Each year, the federal government expends over \$500 million for the promotion and preservation of the French and English languages and "heritage" languages. The federal government funds Aboriginal languages only on a small project basis.

In the next several months the Micmac Nation of Nova Scotia with the support of the Assembly of First Nations will go to the Federal Court of Canada to challenge federal government policy on Aboriginal language protection. They will argue that Aboriginal languages are a constitutional responsibility of the federal government and should be protected in the laws of the country.

"The Assembly of First Nations encourages all of the citizens of First Nations to celebrate, the survival of our languages over the past 300 years."

Controversy Surrounding "Wisdomkeepers"

by Debra Glidden

Wisdomkeepers.

A video has just come to light in which many of the same photographs are used. It is produced by Bill Moyers Productions, an affiliate of WNET Public Television. It is currently being marketed by Mystic Fire Video of New York City. On Wednesday, March 11th Debra Rubenstein, spokeswoman for Bill Moyers Productions told us that "Steve Wall was paid a very substantial amount for use of these photographs." She declined to specify how much "a very substantial amount" actually is. Moyers Production Company claims to have an agreement with Wall that specified that he must have signed authorization for the use of all the photos in question.

Phone calls to Wall's home in North Carolina have not been returned. Wall's attorney, Joshua Kaufman of Washington, DC, has informed us that Wall is currently in Alaska. It seems that substantial money is being made from the sale and use of these photographs, books and video's. Unfortunately the American Indians whose photographs appear in *Wisdomkeepers* and on the *Faithkeeper* video are not the ones who are benefiting financially.

There is much controversy and possible legal action regarding the book *Wisdomkeepers: Meetings with Native American Spiritual Elders* by Steve Wall and Harvey Arden. It was published in 1991 by Beyond Words publishing of Hillsboro, Oregon. The controversy centers around the unauthorized use of photographs taken by Wall. It appears that Wall does not have permission from numerous subjects to use their photographs in his book. Individuals from Onondaga and Akwesasne said that "I didn't even know that they used the photographs... until someone showed it to me." Their names are being withheld at this point on the advice of their attorneys due to the nature of negotiations that are taking place with the parties involved. In many instances no releases were signed, individuals were not notified that their photographs were being published in *Wisdomkeepers* and sold to Moyers Productions nor were they compensated financially.

Richard Cohn, Beyond Words Publishing states that they have an agreement with the author and the photographer (of the *Wisdomkeepers*) that states they must have permission for all photographs that are used in

Independent Navajo Newspaper Out of Money

The *Navajo Nation Today* suspended publication January 15 after struggling for eight months to establish an independent newspaper on the Navajo Reservation.

"We just didn't have the money to carry out our dreams," publisher Mark Trahan said.

Today began publishing weekly on May 8. The newspaper was published by the Navajo Newspaper group, a group of Native journalists and entrepreneurs.

Trahan said it had become too costly to continue publishing the paper. Advertising in the Navajo and Gallup area has been split between several new publications and radio and T.V. stations.

"We were not receiving enough advertising to reach our break-even point," Trahan said. He cited the high cost of circulation for reservation communities in the states of Arizona, New Mexico, Utah and Colorado. Moreover, the *Navajo Times*, the Tribal newspaper, sold for 25 cents a copy, while *Today* sold for 50 cents.

Trahan said most of the staff has not been paid a salary since the publication began in May.

The newspaper's circulation reached a high point of about 5,000 readers last summer and then dropped to about 3,200 readers per week. *Today* owners attributed the drop to a convenience store chain's decision to ban the paper in October.

The owners of the paper were Trahan, Mary Whitehair, LeNora Begay Trahan, Monty Roessel and Vincent Craig. None have disclosed their plans for the future.

Source: Native American Journalists Association

Invitation to Tender Akwesasne Ten (10) Bed -- Family Violence Shelter Cornwall Island, Ontario

The Mohawk Council of Akwesasne invites sealed tenders from General Contractors Construction of the Akwesasne Family Violence shelter located on Block '97 Sub-Division of Kahwenko Island.

Documents may be obtained from the office of the Engineers, H.S.P. Inc., 103 Warner Drive, Cornwall Township, Industrial Park, Long Sault, Ontario K0C 1P0. a refundable deposit of \$250.00 Canadian in the form of a certified cheque is required for each set of documents.

Closing date:
April 14, 1992, 2:00 p.m.
Tenders will be received at

Administration Building #1 in St. Regis up until this time.

Public opening of tenders will be at 2:15 p.m. on April 14, 1992 at the offices of the Mohawk Council of Akwesasne, Administration Building #1, St. Regis, Quebec. The Council reserves the right to reject any or all tenders and the lowest or any tender will not necessarily be accepted. Late bids will be returned unopened.

For inquiries, please contact Marc Gauthier at the Engineer's Office: telephone: (613) 932-3289 or Mr. Jay Benedict, Director Akwesasne Technical Service Unit, at the clients office: telephone: (613) 575-2250.

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