

Law Union of Ontario Statement on Bill C-10

The Law Union of Ontario strongly opposes the proposed new legislation known as the “*Tackling Contraband Tobacco Act*”, or Bill C-10. This new bill would amend the *Criminal Code* to criminalize the possession for the purpose of trafficking of contraband tobacco (any tobacco product for which taxes have not been paid to various levels of the Canadian government), and includes mandatory minimum jail sentences for repeat offenders. The new law would effectively criminalize much of the First Nations tobacco industry, and further impoverish peoples impacted by colonialism and dispossession.

This new law violates principles of international, domestic, and treaty law. As sovereign nations, First Nations assert their rights to economic self-determination and deny Canada has the right to tax their economies, making C-10 amount to illegal economic sanctions. C-10 will disproportionately impact Indigenous people and make jail the only available sanction, violating Supreme Court of Canada decisions in *R. v. Gladue*, *R. v. Ipeelee* and *R. v. Ladue*, which call for a different approach. Further, many mandatory minimum sentences have been ruled unconstitutional, as they violate the *Charter of Rights*. The tobacco trade is viewed as an Aboriginal right, respect for which is mandated by section 35 of the Constitution. As a violation of the Two Row Wampum treaty and its principle of non-interference in the affairs of the Haudenosaunee (Iroquois), the law seems destined to cause conflict.

Bill C-10 will impact communities, families and workers. By attacking the fledgling First Nation tobacco trade, many people will lose their livelihood, contributing to further destitution and dislocation. Such effects will hurt Indigenous families, especially women, forcing them from decent jobs onto the street, where the crisis of murdered and missing Indigenous women is already at epidemic proportions. Such outcomes are unconscionable.

Bill C-10 is not about health, as there is no evidence Indigenous tobacco is linked to worse health effects than conventional cigarettes. No credible evidence of links between organized crime and Indigenous tobacco has been shown. Instead, government and big business seek to profit by taxing or suffocating First Nations economic development, and seek to criminalize those who stand for self-determination.

The new law will undoubtedly be resisted in and out of the courts. Indigenous people and their allies will stand firm against further government oppression and criminalization. The Law Union of Ontario stands in solidarity against this unjust bill.