



TSI NIONKWARIHOTENS:
CUSTOMARY LAW & PRACTICE
REGARDING ECONOMY &
MEDICINE FOR THE
KANYEN'KEHÁ:KA
(MOHAWK PEOPLE)

Draft 2.3, November 2019.

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PREAMBLE

- 1.1 Recently, many Band Council lawyers have advised that where Band Council bylaws and regulations have not been enacted on reserves according to the Indian Act, Provincial laws of the Canadian government apply – including motor vehicle regulation, public health and safety, tobacco and cannabis regulation, gaming, and child protection services.
- 1.2 In the fall of 2018, numerous Indian Act Band Councils introduced draft “laws” to prohibit, tax, and extensively regulate cannabis production and sale in Kanyen'kehá:ka communities including Kahnawake, Akwesasne, Tyendinaga, and Six Nations.
- 1.3 Some Band Councils have stated they would pass bylaws to ward off the imposition of Provincial law on reserve and to protect the rights of the people. However, these Band Council cannabis laws usurp the people’s jurisdiction and authority, and seek to prohibit, tax, and extensively regulate cannabis production and sale, all while ignoring the existing customs and conventions of the Onkwehon:we.
- 1.4 The regulatory systems they have proposed are fundamentally incompatible with Onkwehon:we customs and conventions. In the Kanyen'kehá:ka world, we do not pay a fee or a tax to a higher authority in order to gain a right to

do something. We have responsibilities to take actions, and we have rights that protect our existence, peace, and wellbeing (Sken:nen). Our responsibilities have been passed down to us by our ancestors and are defined through our customs and culture. Our rights are the shelter we enjoy under the branches of the Tsyonneratasekowa – the unique system of political governance that belongs to us.

If we accept a system of tax collection and state-sanctioned regulation or licensing, then we are allowing a foreign power (Canada's Indian Act Band Council system) to take away our power as free people and corrode our rights, responsibilities, and identity as Kanyen'kehá:ka. 1.5

Band Councils operating within the Canadian Indian Act system have been claiming to be the ultimate authority and sovereign power with the rights to make rules and laws governing Kanyen'kehá:ka people and our territory. In doing so, Band Council authorities are acting contrary to United Nations Declaration of the Rights of Indigenous Peoples, the Universal Declaration of Human Rights, and breaking Kanyen'kehá:ka laws, customs and traditions. 1.6

The purpose of this document is to remove the dust which has apparently settled on Kanyen'kehá:ka customs with respect to our culture, economy and medicine. The intent of this document is to articulate in a written form the customs and laws regulating our economic 1.7

activities and medicines in our territories that are pre-existing and that cannot be extinguished. The path our ancestors laid down for us is still visible in our culture and customs as Kanyen'kehá:ka people.

1.8 In our oral tradition, it is our custom to focus on the words of the speaker rather than the speaker's appearance or identity. We do this so as not to be prejudiced against the speaker and to be able to consider the words on their own merits. To protect the integrity and merit of the words in this document, no authorship of this document has been claimed.

1.9 Use this document if it is helpful in articulating your rights and responsibilities. If there is something missing from this text, pass it through your minds and add what has been missed to your articulation of our ways as a people. This document may be improved upon, modified, and freely reprinted.

UNITED NATIONS DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLE

In addition to our culturally specific Kanyen'kehá:ka ways, the international community of nations has come to a global consensus concerning the rights of Indigenous people through the United Nations Declaration on the Rights of Indigenous People (UNDRIP) which was adopted by the United Nations General Assembly on Thursday, September 13th, 2007. Of particular relevance to this document are the following articles which are consistent with our understanding of our rights and responsibilities concerning the self-regulation of our economy and medicines: 2.1

Article 18 – Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and

develop their own indigenous decision making institutions.

Article 19 – States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them.

Article 20 – 1. Indigenous peoples have the right to maintain and develop their political, economic and social systems or institutions, to be secure in the enjoyment of their own means of subsistence and development, and to engage freely in all their traditional and other economic activities. 2. Indigenous peoples deprived of their means of subsistence and development are entitled to just and fair redress.

Article 21 – 1. Indigenous peoples have the right, without discrimination, to the improvement of their economic and social conditions, including, *inter alia*, in the areas of education, employment, vocational training and retraining, housing, sanitation, health and social security. 2. States shall take effective measures and, where appropriate, special measures to ensure continuing

improvement of their economic and social conditions. Particular attention shall be paid to the rights and special needs of indigenous elders, women, youth, children and persons with disabilities.

Article 23 – Indigenous peoples have the right to determine and develop priorities and strategies for exercising their right to development. In particular, indigenous peoples have the right to be actively involved in developing and determining health, housing and other economic and social programmes affecting them and, as far as possible, to administer such programmes through their own institutions.

Article 24 – 1. Indigenous peoples have the right to their traditional medicines and to maintain their health practices, including the conservation of their vital medicinal plants, animals and minerals. Indigenous individuals also have the right to access, without any discrimination, to all social and health services.

In the Canadian context, the state structures of the colonizers were forcibly introduced through the Band Council systems of the Indian Act. Such systems of governance are those of a foreign occupying power and have no legitimacy for Kanyen'kehá:ka. The elected Indian Act system of governance is an extension of the

2.2

Canadian state and is not integrated within our customs and laws and therefore does not have sovereign authority over us. The election of leaderships within the Indian Act structures does not make them a legitimate authority over our lands or our people, as they are not participating within our customary legal framework. Those individuals belonging to our Nation who are working within these structures should be encouraged to take steps to steer governance back to traditional customary systems and to abandon the Indian Act system.

2.3 The regulatory bylaws and rules created by the Band Council system are not only in violation of Kanyen'kehá:ka governance systems and customs, but also in violation of international law as it concerns the relationship of state-based societies and Indigenous peoples.

CONVENTIONS

Everything in the world is interconnected. We have a responsibility to care for and safeguard all of creation, and a specific responsibility to Kanonhsonnion:we (our territory). We have been given the duty to live in balance and harmony with each other and all living beings.

3.1

The Kanyen'kehá:ka are a free people. Each individual is “sovereign” – a free and equal decider on all matters concerning their life and path in this world. The only limits to our freedom exist where we harm or interfere in the lives of others or where we are in conflict with the customs of our people.

3.2

Kanyen'kehá:ka are born of our mother the earth here on Turtle Island. We are not capable of surrendering our collective or individual liberty. Because we are free individuals, our people may leave our society behind and join another. However, those who leave our circle leave naked, leaving behind everything that makes them Kanyen'kehá:ka, including their name, their clan, their birthright, and their rights and responsibilities in the Kanyen'kehá:ka world.

3.3

Within Kanyen'kehá:ka society there is no hierarchy. Everybody – women and men, young and old – is “of the same height.” All have the right that their voice be taken into consideration in the deliberations of the people when making decisions that affect them.

3.4

- 3.5 Kanyen'kehá:ka governance is guided by Sken:nen (Peace), Kanikonriio (a Righteous Mind) and Kanoronhkwathsera (Lovingfullness).
- 3.6 Kanyen'kehá:ka systems of governance enable the people to come to one mind and make decisions. They also assist in maintaining continuity with the political and social direction of the people. The Kayenereko:wa is the path of powerful positive energy (Kasastenthtsera) that our ancestors left for us to follow for the benefit of our people and creation as a whole.
- 3.7 An inclusive consensus-based decision-making process of the people is the ultimate authority within our territories. The people's council fire is everburning and everready to make decisions.
- 3.8 The upkeep of the rules in our society is the collective responsibility of the people. When someone has broken the rules, the people have the responsibility to come together and address the issue in accordance with the Kayenereko:wa and the specific customs of that community.
- 3.9 Therefore, when Kanyen'kehá:ka exercising the freedoms of their birthright are interfered with by enemies – foreign or domestic – we have a collective and individual responsibility to drive out the enemy and support the freedom and liberty of our people. Failure to come to each other's defense will endanger our collective liberty and freedoms on our territory.

Our custom and tradition does not require chiefs and clan mothers to be in place for the people to make decisions and maintain our laws. In some circumstances decision making happens at the chiefs' council or amongst clan mothers, but in other cases it may fall on head men and women, clans, and the people in general to make decisions and uphold them.

3.10

How we as Kanyen'kehá:ka people exercise control and maintain our customary practices in relationship to the outside world rests upon the Tyohate (the Two-Row Wampum). The Tyohate is a means to create mutual benefit and balance between different entities (including individuals, groups, nations and even species). The Tyohate is the relationship of Sken:nen (peace), Kanikonriio (a righteous mind), and Kasastenhtsera (power) between two parties. It acts as a mechanism to assist non-interference and harmony between them as they drift down the river of life together.

3.11

The whole of creation, plants, animals, air, water, earth, etc. is accessible freely and without prohibition to all Onkweshon'a (human beings in all of their various forms).

3.12

All Kanyen'kehá:ka have the right to be free and to govern our own lives.

3.13

All Kanyen'kehá:ka have the right to an equality of opportunity within the human made institutions and structures of the Kanyen'kehá:ka world.

3.14

- 3.15 All Kanyen'kehá:ka have the right to adapt and use new technologies and elements of creation as long as they are beneficial to our people and creation.
- 3.16 Kanyen'kehá:ka have differing responsibilities related to our gender, maturity, family, clan, nation, society, politically appointed duties/responsibilities.
- 3.17 Kanyen'kehá:ka have common responsibilities with respect to creation. We have the responsibility to assist creation in flourishing. None of the various elements of creation need us, but we cannot survive without them. The elements of creation help us because we assist them in harmonizing with creation and thereby improve the fecundity of our entire territory.
- 3.18 In the Kanyen'kehá:ka way of life (Tsi niyokwarihotens), our responsibilities change and evolve over the course of our lives, affecting the nature of our economic, social and political activities. These life changes can occur for many reasons including:

The passing on of knowledge and skills.

Often, knowledge keepers – whoever they may be – choose people with certain traits and abilities that lend themselves to the mastery of the particular knowledge and skills to be passed on. Once the learner is accepted as learned, they have the responsibility to practice, extend and pass on their skill and knowledge to others.

Physical changes relating to ability.

When those chosen to fulfil particular roles are no longer able to meet certain physical criteria then there is an obligation for their people to lift the burden of responsibility and honorably release them from their duties.

Gender roles. Men and women have a gendered division of responsibility on matters such as child rearing, the provision of shelter, food, medicine, diplomacy, political responsibility, harvesting, trade and economic activities, security, and ceremony.

Spiritual obligation. The responsibility for the use and application of medicine and healing can be realized through spiritual means such as dreams, illness, or the process of a fast during their rites of passage. Those healed by medicine societies gain the responsibility of healing those with the same illness using the same medicine. Those guided through their fast in the transition to adulthood who become medicine people, gain the spiritual responsibility to heal others through that same process.

All Kanyen'kehá:ka have equal responsibilities to uphold the ceremonies, treaties, and the political and economic structures that sustain our people and that provide for all seven generations and the faces yet to come.

3.19 All Kanyen'kehá:ka have the responsibility to follow our laws and customs and do not need to seek permission from any outside authority or institution in order to uphold them.

GENERAL ECONOMIC PRINCIPLES OF THE KANYEN'KEHÁ:KA

No individual has the right to monopolize nature or natural resources in general, but specific families may have rights to a particular harvesting area. When harvesting resources, one must always take with a spirit of thankfulness and humility and leave enough to regenerate the resource. 4.1

Kanyen'kehá:ka trading relationships are based on principles of mutually-beneficial trade and exchange between friends. We don't trade with our enemies. 4.2

In Kanyen'kehá:ka economics we differentiate between the exchanges made with those outside of our system, and between exchanges happening internally among Kanyen'kehá:ka. In external exchanges, when we negotiate a sale or a purchase, we set our price and the exchange is not required to be mutually beneficial, but must be advantageous to ourselves and our coming generations. Generally, in these types of exchange, we trade something that we have in great abundance for something that is rare to us. 4.3

4.4 Internal trade among the Kanyen'kehá:ka occurs as a reciprocal relationship with a spiritual component. In cases where the commodity has come from the earth, or where the technology has come from our ancestors, or where the source is part of our national treasure (collective knowledge, land and collective resources, etc.), then the purchaser sets the price of what they are prepared to pay with something that is precious to them. The purchaser's offer comes in the context of an exchange of information sharing between the parties, and should weigh the effort, hardship and specialized knowledge the provider has invested in the product.

4.5 In respect to medicine, the seller may decline the offer made by the purchaser and instead add additional value in the negotiation, or they can gift it to the purchaser and the purchaser will be expected to fulfill a future need of the seller.

4.6 The purchaser is also expected to offer something sacred such as a gift of tobacco, seeds, or a precious item to complete the deal. The value of this spiritual item will be reflected in the spiritual value and hoped for effect of the trade. We offer to buy something valuable with things that are dear to us. The parties must also agree not to allow the product to spoil or waste. The seller must be transparent about the product and will have bad luck should they withhold knowledge of the product. The value and effect produced by the exchange are maximized

through the exchange being honest, spiritually correct and carried out in good faith.

Kanyen'kehá:ka people pay for the exchange of products or services as a mutually beneficial exchange. This exchange may take a variety of forms including that of a trade of labour, service, product, currency or technology. The one who accepts the payment isn't supposed to set the price. The one who pays makes the offer based on their honor and how much the exchange is of value to them. A generous price is an acknowledgement and appreciation of the graciousness of the seller in providing the product and ensures that the provider will continue to provide that product or service in the future. 4.7

Since time immemorial, Kanyen'kehá:ka have traded, exchanged, and sold various commodities, services, and technologies with each other and with outsiders. We have used universal trade currencies (such as tobacco, seeds, wampum beads, foreign currencies, and rare items such as precious metals, stones, and even fossils) to hold and exchange value, but these market relations are always embedded in our culture and customs. 4.8

In our language, we can only claim ownership over things that we can actually possess or create through our own labour. We can sell our own labour and skills, as well as commodities that we have produced or purchased. We are not allowed to sell items that have not been gathered or 4.9

produced by human hands, and we can't commoditize another's right to the land. We cannot sell a license to capture the fish in the river, or to harvest a deer or a tree in the forest, because we can't sell a right to access another being. However, we can catch a fish and sell the fish as long as we fulfil our responsibilities to ensuring the fecundity of creation.

4.10 In gardening and agriculture, if we choose to grow plants, we have to ensure that we improve the soil and make it more fertile. If we're taking up space for a garden then we also need to leave some of the produce for the beings we have excluded from the garden.

4.11 When harvesting, we are to use as much of the plant or animal as we can, and to share the remainder with creation. For example, when we hunt a deer in the woods, we are supposed to take what we're going to use, and to leave behind what we don't use (such as the entrails) so that other parts of creation can benefit. When we harvest a medicine plant, we take only the portion of the plant we are to use (leaves, flowers, or some bark or roots) and we leave the rest so that it may return to the earth or be used by another being.

4.12 We have the obligation to contribute common labour in our defense of each other and the enforcement of our rules and laws, and in the creation and development of national infrastructure and collective gender-or-clan related economic endeavors.

The renewable flow of resources in nature that Kanyen'kehá:ka economies are dependent upon (fish, trees, plants, animals, etc.) have their own responsibilities and are accessed collectively by the people in a non-exclusionary way. All Kanyen'kehá:ka have equal opportunity to access those resources based on their free interactions with mother nature. The "Thanksgiving Address" is an explicit means of expressing our common relationship to creation.

4.13

Kanyen'kehá:ka economies are not based on the extraction of non-renewable stocks of resources. The energy and raw materials buried in the earth should remain there, as utilizing them will cause sickness and suffering.

4.14

The Kanyen'kehá:ka have customs for economic sharing, collection, trade, and redistribution. It is our custom to offer food to visitors. We also help each other to harvest resources. We are always to maintain an awareness that we live in an interconnected web of shared responsibilities and reciprocal expectations with each other and all other life forms.

4.15

People have the right to do little work or to live frugally, as long as they are fulfilling their specific responsibilities and not causing harm or interfering with other Kanyen'kehá:ka people.

4.16

RULES FOR KANYEN'KEHÁ:KA MEDICINES

- 5.1 Kanyen'kehá:ka people have our own unique medicinal practice and system of knowledge that we carry in our collective cultural consciousness.
- 5.2 The particular rules concerning the harvesting, making and distributing of medicines do not involve any kind of licensing system and do not involve paying a tax or levy to another human or human-created institution.
- 5.3 Bear Clan people have special responsibilities concerning medicines. The Bear Clan was gifted with medicinal knowledge to understand sickness and to remedy it through plant medicine. With that knowledge came the responsibility to preserve our medical knowledge, add to it, and to make it available to those who are in need of it.
- 5.4 All people are allowed to grow, harvest, and trade medicines in keeping with the Onkwehon:we relationship to Mother Earth. People of clans other than the bear clan are not obligated to provide or exchange medicines with others, or to be actively involved in preserving and passing down medicinal knowledge.

5.5

In approaching a plant as medicine, we are to intentionally connect with the plant's spirit, and to ask it assist us in healing an individual or a particular illness. We ask the "leader" of that particular grouping of medicines. We speak to that leader and inform them of who we are, and what our intentions are. We say who we're planning to pick it for, what sickness or ailment it will be used to treat, and in what way it will be prepared. We say that to the group of medicines, and speak to the biggest one by name. We introduce the people doing the harvesting and we ask the plants if they'll offer some of their people as medicine the way our Onkwastok'owakenha (our great grandparents who've passed) instructed us to do.

5.8

When we grow medicines for specific purposes, we spiritually explain to them what we're growing them for. We also speak to the soil and the water and all the other elements of creation. We put those words into the tobacco that we burn and thereby communicate our intentions to the rest of creation.

5.9

Our relationship to our medicines is reciprocal. We make an offering of tobacco when we harvest medicines and we also help those medicines to have a place where they can thrive. We ask the "leader" to ask its relatives to volunteer themselves and to make themselves visible to us for harvesting. We don't over-pick medicines, and we do what we can to make their world more hospitable to ensure their continued

reproduction and growth. We also transplant medicine plants to more beneficial environments and different locations to ensure their continued existence. Medicine plants like sweet flag, yellow lily, and burdock benefit from fire, so we burn marshes to encourage the medicines to grow back healthily.

5.10 Medicine people do not go out looking for sick people to heal. They wait for people to ask them for medicine. Medicine people are not to refuse treatment to anyone – even their worst enemy – if they come seeking medicine they are obligated to help them. Not helping others may result in the medicines refusing to work for medicine people.

5.11 Medicine people have an obligation not to provide medicines that will harm the recipient.

5.12 Medicine is not offered for free, but is received in a mutually beneficial exchange. This exchange usually involves a gift of tobacco, an exchange of labour or trade goods, and may include a financial offering. Sometimes the person seeking medicine is unable to make an exchange at that time, and thus incurs an obligatory spiritual debt to the medicine person which will be paid when they're well again or by their family at their ten day feast.

ON THE ISSUE OF KA'NIKONHRATENYEN OR "MINDCHANGERS"

6.1
Despite the arguments of the adherents of the religious sect known as Handsome Lake, Kanyen'kehá:ka people are free to consume Ka'nikonhratenyen or "mind changers" as long as we do not harm others in doing so, and as long as we are able to carry out our personal and collective responsibilities. Everything that we consume in our bodies has "mind-changing" effects, because as it is metabolized, it interacts with and affects our digestive and nervous systems and general sense of well being. This effect is evident not only in consuming cannabis, tobacco, alcohol and other drugs, but also in regards to the consumption of sugar, coffee, tea, and especially highly processed and refined foods.

6.2
Kanyen'kehá:ka customs do not prohibit individuals from consuming psychoactive substances, but do require all Kanyen'kehá:ka to be clear minded and free from such influences when gathered to make political or business decisions or to conduct ceremonies or carry out public responsibilities.

6.3
There is a common misconception that Europeans introduced fermentation processes to Turtle Island, when in fact, prior to European

arrival, North Americans throughout the hemisphere produced fermented beverages. The fermented drink chicha continues to be popular in Indigenous communities from the US Southwest to Southern Chile. Chicha is made from a wide variety of sources including corn, quinoa, kañiwa, peanut, manioc root, palm fruit, potato, and other fruits and vegetables. Iroquoian people have produced fermented beverages such as corn and cranberry beer, root beer, ginger ale, and “wines” from crab apples and berries since time immemorial. A fermented crab apple beverage is associated with our moccasin dance.

6.4 Through colonial prohibition and cultural genocide, Kanyen'kehá:ka continue to live under the Indian Act's prohibition of fermentation processes and the consumption and sale of alcohol on our territories. This is part of the colonial apparatus that attempts to dominate and control our society.

6.5 Another common racial stereotype is that Indigenous people on Turtle Island do not have the genetic capacity to effectively metabolize alcohol, and that this is the reason for alcoholism in our communities. However, as in other cultures across the globe, such substance abuse is closely correlated to the effects of trauma and colonial genocide on our populations, and the colonizers have regularly funneled highly addictive substances into communities to encourage

dependence and self-destruction amongst populations they seek to control.

Onkwehon:we fermented drinks are fundamentally different from the refined spirits such as whiskey and rum that European colonists traded with the Onkwehon:we. Distilled spirits are considerably stronger in their effects and can generate a 180 degree turn of mind, disrupting our culture and customs and unravelling the social fabric of the people when over-consumed. 6.6

The term “mind changers” refer to the transformation of one’s mind to a fundamentally different way of functioning. The context of Handsome Lake’s prohibition of “mind changers” like alcohol was one in which unscrupulous white traders and government agents imported distilled spirits and hard liquor for the purposes of getting inebriated Onkwehon:we to sign over rights to their territory or to cheat them in trade. 6.7

When the Europeans came with whiskey, the men would go and trade, returning drunk with whiskey. The women and old people would hear them singing Atahkwakayon and go and hide as the men were wild and deranged from the whiskey. It was passed in Mohawk council that the men were no longer allowed to sing the Atahkwakayon. The song was banned for so long in our villages that we forgot it completely. During the time of the wars with the Americans, the Oneida taught the song back to the Mohawks on the condition that we would never drink alcohol and sing this song. 6.8

6.9

The really dangerous “mind changers” that Onkwehon:we people should abstain from are ideological in form and come from outside societies seeking to disrupt and weaken our way of life. Such mind changers include foreign religions, political ideologies, and economic programs which hack away at the basis of our Sken:nen and way of life. The irony is that the Handsome Lake ideology is a kind of mindchanger itself, in that it has introduced many of the frameworks of the Christian system – concepts of heaven, hell, angels, god and the devil, repentance and pacifism – to our culture and communities. This mindchanger has caused strife and led to a cold war throughout Kanonshonni’onhwe Wisk Niyowentsyake.

THE RULES FOR KANYEN'KEHÁ:KA ECONOMY AND INDUSTRY

In Kanyen'kehá:ka economies, internal trade is a distribution of wealth among a web of interconnected and mutually-reinforcing obligations. Wealth is gained from external trading relations, while the internal economy is redistributive and aimed at raising each other up. Internally, wealth is “banked” by increasing the fertility and fecundity of our mother the earth, and she is available to all, free of charge.

7.1

Every Kanyen'kehá:ka has the right to involve themselves in industry and business through their own industriousness and initiative so long as they follow the customs and laws of our nation and community. This includes participation in a nearly endless array of economic opportunities according to including activities such as the harvesting and processing of fish and deer, cultivating, processing and selling of agricultural cash crops such as tobacco, corn, and cannabis; the harvesting and production of ash baskets; and the production and resale of clothing, arts and crafts, the production of various media, the construction of buildings and infrastructure, etc.

7.2

7.3 We, as the living generation, have the responsibility to continue, cultivate, process, consume, and share Tyonhekwen (the domesticated plants that humans rely upon and that need human intervention to reproduce themselves) for the benefit of ourselves and the faces yet to come. Out of respect for the relationship our ancestors made with these plants, it is our responsibility to ensure their propagation and success as they support our existence.

7.4 The safeguarding of the integrity of the genetics of Tyonhekwen are the responsibility of the descendants of those who cared for them. Onkwehon:we have the collective ownership and responsibility to cultivate, propagate and develop the genetic identity of the plants passed on to us by our ancestors so as to continue their vitality and health and to develop new cultivars to suit our changing needs. Likewise, we can hold, change and pass on new genetics to the collectivity of future generations. The plant's responsibilities are to the collective, and the collective's responsibility is to the plants.

7.5 Should the activities of any Kanyen'kehá:ka industry (including tobacco, gaming, gas stations, cannabis, etc.) cause harm to the people, the Kanyen'kehá:ka people in that community have the ability to meet and address the problems in ways that those affected can all accept and live with. The discussion and resolution of problems in Kanyen'kehá:ka culture

are well known and follow an inclusive consensus-based decision making process centered on peace, a good mind, and lovingness.

Each community has the right to set up its own specific rules and customs about how it chooses to deal with the political economy of its territory. It is our custom that every person is free, and every village can govern itself as it chooses. When people do not agree with the decisions being made in their territory they are free to leave and found a new village instead of breaking the peace.

7.6

With the decline of our ecosystems ability to sustain us, we have increasingly become more reliant on trade with the outsiders passing through our territories. In essence, the wealth of the outsiders has become a resource for us to sustain ourselves. The rules for the harvesting of this new resource are not fundamentally different from the rules on how we harvest other flows of resources like the harvesting of fish who come to spawn in our rivers or the game in our forests.

7.7

SEWATOHKWAT: THE DISH WITH ONE SPOON OR BEAVER BOWL TREATIES

8.1 In addition to our economic customs as outlined above, there are some specific peace and friendship treaties made between ourselves and other original peoples that specify rules and protocols to be followed when harvesting resources (including medicines) within each others territories. One of the most commonly referred to of these agreements is the Sewatohkwat (Dish with One Spoon / Beaver Bowl treaties), which applies in the Great Lakes watershed. The Beaver Bowl is represented in a white wampum belt 7 beads wide and consists of a black diamond symbol in the middle with a white bead in the centre.

8.2 Many of the protocols within Sewatohkwat have an ancient history stretching back to the foundation of the Kayenere:kowa, the constitution developed by the Rotinohsonnitonh (they who have built the house). As part of this political and economic

agreement between Iroquoian people, the Kayenere:kowa stipulates that when a new Chief has been stood up by his Clan Mother through his clan, all the other Chiefs are to welcome his installment with a feast of beavertail soup or roasted beaver tail. The beaver tail feast is to be eaten from a single bowl without the use of sharp utensils – to ensure that no blood is accidentally spilt. The participants are also to be so careful as to not use sharp tongues and to ensure that no hard feelings are caused amongst each other. This ceremonial meal is an expression of the economic rules of sharing resources and maintaining peace in a common territory Kanohsonni Wisk Niyohwentsyake (the house of the five lands).

Sewatohkwat treaties describe the harvesting territories and the protocols for non-Iroquoian peoples to access hunting territory within Kanohsonni Wisk Niyohwentsyake and for Iroquoian people to access harvesting within non-Iroquoian territories. Such Sewatohkwat agreements have been made by the Iroquois with many other Indigenous nations including the Anishinaabe, Cree, Petun, Potawatomi, Miami, Mississaugas, Nippissing, Odawa, Lakota. The agreements ensure that all parties may access, share, and use the land, provided that they take only what they need and leave enough to regenerate the resources they take. The injunction not to use “sharp utensils” in the Beaver Bowl feast means that the weapons (and

8.3

mentality) of warfare should not be brought into the harvesting areas, so as to preserve the peace.

8.4 The Sewatohkwat protocol to be followed when approaching the specific group of Indigenous people that have jurisdiction over the area from which you wish to harvest is as follows. When a group seeks to harvest from a particular area outside of its peoples jurisdiction, they shall meet with the ones responsible for the area and provide a feast of either roasted beaver tail or beaver soup with the headmen and leaders of that people. At this gathering, the two groups are to sit together and eat from and share the beaver tail dish without using sharp utensils. Those coming to harvest must explain what the specific resource is that they are looking for (moose, deer, fish, wild rice, birch bark, etc.), state how long they are planning to stay in the area, and how much they need to harvest in order to meet their needs. The people with the jurisdiction over the area tell the ones coming in where to harvest, how much can be taken in an ecologically sustainable fashion, what harvesting techniques are suitable and acceptable in the region. They will also provide guidance as to appropriate or acceptable behaviour so as not end up in conflict with others. The guests should also bring gifts to compensate the hosts for their time in meeting with them and sharing their knowledge of the land.

8.5 For example, the area of land to the north of Lake Ontario is jointly shared by the Iroquois and

the Algonquin and Anishinaabe. The watershed on the north side of the Ottawa River belongs to the Algonquin and Anishinaabe, while the watershed north of lake Ontario is under the jurisdiction of the Iroquois, but both peoples can harvest in each others territories according to the Beaver Bowl treaty. So if a party of Mohawks from Six Nations wanted to hunt moose in Algonquin territory north of Ottawa, they would then host a beaver bowl feast for the local Algonquin people in say, Barriere Lake whose territory they wish to hunt in. The proceedings would unfold as described above, and with any luck, the Mohawks would return with a moose.

Sewatohkwat covers a huge territory that involves a stretch of land reaching from Albany in the East to Fort Detroit in the West, and north to about Iroquois Falls, where the watershed changes direction and flows into the Arctic. Others describe the territory as stretching from Montreal to Detroit, and some consider it to occupy the whole watershed of the Great Lakes.

Because of Sewatohkwat there is no need to have border ports of entry and rules about where people can travel in the territories. The rules of jurisdiction about where Indigenous people can harvest, establish villages, and carry out trade were already made between Indigenous peoples before Europeans negotiated land treaties in the region.

In today's context, the same protocols apply in terms of land use and access. Application of

8.6

8.7

8.8

Sewatohkwat also applies to modern business developments where the guest meets to discuss with the host jurisdiction their requests for land use parameters and economic activities in their territory. This could include planting, transporting goods, importing and exporting, brick and mortar trade and commerce. Meetings should be happening with people feasting in each other's territory if they want to do business there or use the land in some way in accordance to the protocols established within Sewatohkwat.

8.9

The protocols of the Sewatohkwat are so ancient that it is unclear as to their origin. It is possible that some of these protocols were brought to Onkwehon:we people by other nations as a solution for peace or vice versa. It is likely that other nations used these sorts of protocols for peaceful resolutions of harvesting conflicts independent of Onkwehon:we people. In today's context, other Indigenous nations, if they so choose, could adopt such protocols within their own agreements.

RESOURCE ALLOCATION AND PUBLIC WORKS CONTRACTS

When more than one party (a clan, two competing communities or a group of individuals), wish to have a seasonally limited but exclusive access to a collective resource or means of production that is too limited to be used by everyone, a contest may be played to determine which party will gain access to the opportunity or singular activity.

9.1

These contests are a means of settling tenders for public works such as hosting ceremonies, producing maple syrup, the planting of communal cash crops, the harvesting and processing of communal crops, the building of a road, the construction of a well or public building, etc. In all of these cases, the winning party gains a payment and a responsibility to complete the task for the public good.

9.2

In cases where a surplus is created through the public work (such as the growing of crops or the production of maple syrup, etc.) the winning party keeps the surplus that was produced after sharing what is required by custom.

9.3

9.4 For example, in the case of cooking for a communal meal, the people assigned the task of preparing the food eat last. They must provide enough food for all the people. After everyone has had their share, the cooks eat. In the event that there's not enough food, the cooks don't eat. In the event that there's a surplus, the cooks get as big a bowl as they can eat.

9.5 Contests are often used to resolve differences between competing interests to access resources and provide civic public works. We play dice or the seed game when there are multiple parties competing. Kayentowanen (the peach stone game) is played when the job requires a lot of participants and there are only two parties involved (for example to decide who will win the payment for hosting the ceremonies for the year or what gender will do the planting for the community gardens). Ohwenta (mudcat or short snow snake) and snow snake are also contests that are played to determine the winning party in bids that require lesser numbers of people to complete the bid, and when it is to happen in the spring. Tewa'arathonh (lacrosse) and Tahontsikwa'eks or Ahki (hockey) might be played to resolve disputes between two villages or nations over which will have access to limited resources such as a sugar bush or fishing grounds or access to a certain hunting area. These sorts of dispute resolution mechanisms are often employed on an annual or recurring basis to reopen the opportunity for access.

The result of these various decision making contests occurs on a spiritual level and are understood to be ultimately determined by creation itself. 9.6

IN CLOSING

This is a working document based on living knowledge from the path walked by our ancestors. Like all living knowledge, this collection is incomplete as we as a people are still contributing to this body of knowledge, and laying down our path into the future. We encourage you to add new rafters of knowledge to our ways as you walk your path as an ancestor of the generations yet to come. 10.1

...Ehtho Nikawennake, Tahnon Onen Ehtho

"The purpose of this document is to remove the dust which has apparently settled on Kanyen'kehá:ka customs with respect to our culture, economy and medicine. The intent of this document is to articulate in a written form the customs and laws regulating our economic activities and medicines in our territories that are pre-existing and that cannot be extinguished."

The most up to date version of this document can be viewed at www.dustingoffthepath.com.