### INDIGENOUS LAWS AND JUSTICE SYSTEM **AN AKWESASNE JUSTICE SYSTEM**

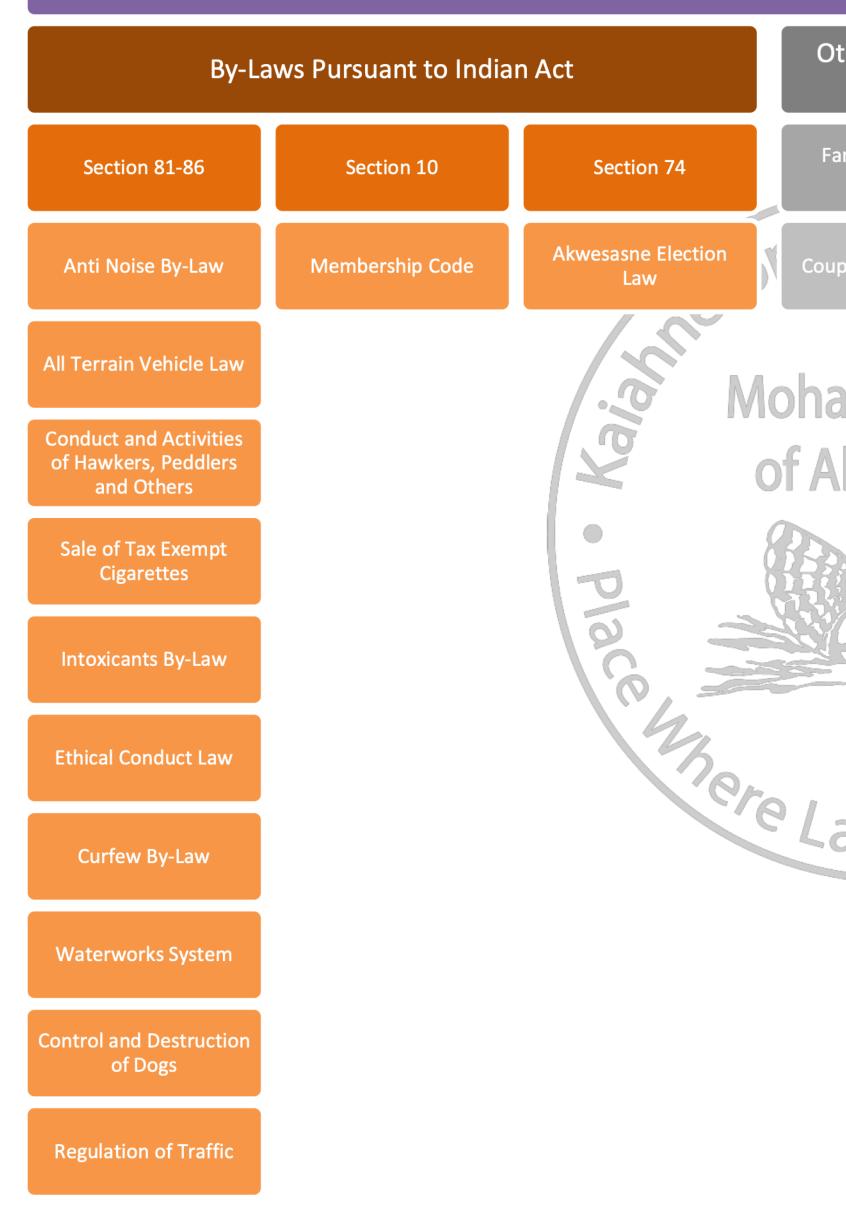
**JOYCE TEKAHNAWIIAKS KING November 18 2021** 



# AKWESASNE

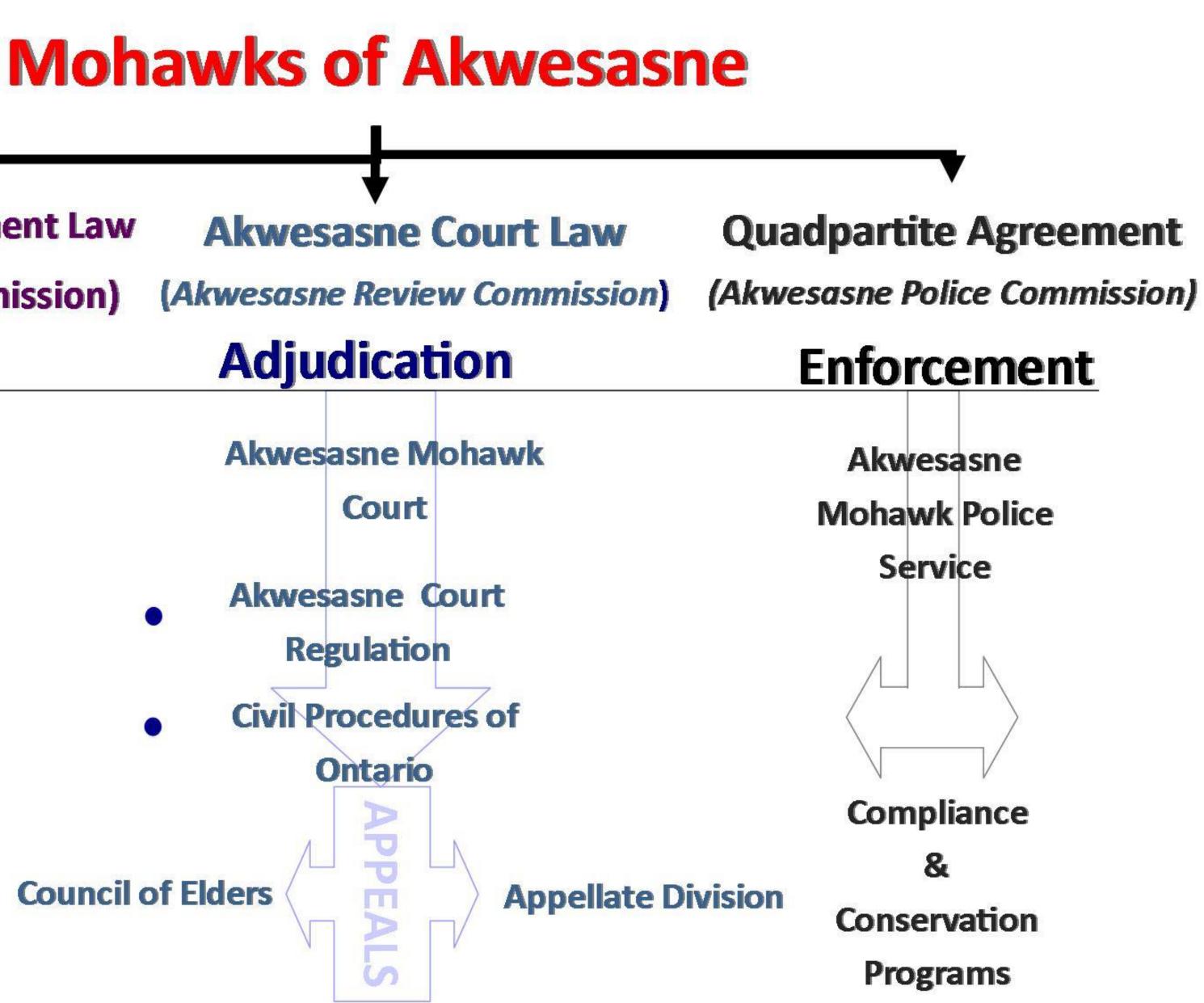
- Divided by International border
- Further divided by Quebec and Ontario borders
- Not contiguous to mainland Canada, surrounded by the International Seaway
- People have a right to have their disputes heard and resolved.
- A justice system based on cultural values
- Based on historical relationship with the King of England of mutual respect

#### **Akwesasne Law - Classification**



#### Court Law

Other Federal Acts	Akwesasne Community Laws		
Family Homes on Reserve Act	Acknowledged by Confederacy	Enacted by Community Disallowed by INAC	Enacted by Community
Couples Property Law	Wildlife Conservation Law	By-Law Respecting Conservation Officers	Akwesasne Tobacco Law
ohawk cound		Sale of Fireworks	Collection and Disposal of Garbage
of Akwesasne	Z	Bingo Ordinance	Housing Loan
	•	Prevention of Disorderly Conduct and nuisances	Banishment Law
	E	By-Law Respecting Peacekeepers	Drug Law
	Redi	Small Vessels	Itinerant Vendors Law
Laws Are		Residency Law	Private Home for the Aged
			Recreation Minimum
			Sanitation and Incentive Program
			Akwesasne Financial Administration Law



Akwesasne Leg	sislative Enactment Law	Akw
(Akwesasne Lo	egislative Commission)	(Akwesa
Law-Ma	king	Ad
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General Refe Regulati		• Akv
Akwesasne Registry		• Civi
	Council	of Elders

In designing this paper, much thought has been given to how it would make sense to other people. More importantly, how do Indigenous communities apply restorative justice principles as compared to mainstream society?

We offer the following:

- People own the Court not the government
- Ability to link traditional leaders of those who violate community norms (laws)
- We believe youth are basically good (born with a pure mind)
- Elders needed to teach "healthy Mohawk" behaviour
- Struggle to overcome fast money to ensure sustainability
- Keep charges of the individual at Akwesasne
- Structure has to be acceptable to Akwesasne community (law consultation process)

Akwesasne Restorative Justice Principles	Category	Mainstream Society
Wholistic (Holistic)	Approach to Healing	Separate (mind, body, spirit)
Collective	Rights	Individual
Familial/Clanship	Leadership	Partisanship
Inclusive (Ohenton Kariwatehkwen)	Environment	Earth, Wind, Water
Bring Balance to the person, victim	Justice	Penalize the wrong behaviour
Accepting responsibility for action	Wrong doing	Proof of right or wrong
Persons have gifts	Character	Persons have faults
Person is forgiven if not repeated	Record	Person is labelled: may have
		written record for life
Life Lessons learned (Elder)	Education	Expertise
Removal from the community	Banishment	Jail
By Gender	Roles	By profession
Based on ability to make a decision	Decision-making	Based on age of majority
Extended Family Unit	Family Rights	Nuclear family unit
No Rape, No Murder, No Theft	Major Crimes	Rape, Murder, Theft
Raised until they decide to leave	Youth	18 is a departure point (mostly)
3 strikes then banishment	Warnings	One warning depending on
		seriousness of the crime
We need to live together	Neighbours	Contained in own area
Rehabilitation	Sanctions	Retribution
Unique to the circumstances	Remedies	Fines

# NOTES

- Collaboration with CIAJ
- Collaboration with McGill University
- Collaboration with Queens University
- Collaboration with Debwewin initiative (jury duty in Ontario)

## Identity Crisis

and decisions....

If you cannot govern yourselves to your own satisfaction, there are always those who are willing to govern you to their own satisfaction."

**Ernest Benedict** 

### "In order for people to think, they need some facts to help them. In order to govern themselves well, they must know their own history, laws and court cases

- War Hoop, May 1, 1941

