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## Assembly of First Nations

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## Assemblée des Premières Nations

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**SPECIAL CHIEFS ASSEMBLY**  
**May 1 & 2, 2018, Gatineau, QC**

**Resolution no. 02/2018**

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**TITLE:** Federal Recognition of First Nations Jurisdiction over Recreational and Medicinal Cannabis

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**SUBJECT:** Bill C-45; Cannabis; Economic Development

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**MOVED BY:** Grand Chief Arlen Dumas, Proxy, for Peguis First Nation. MB

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**SECONDED BY:** Chief Elaine Johnston, Serpent River First Nation, ON

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**DECISION:** Carried; 1 Objection

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**WHEREAS:**

- A. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) states:
  - i. Article 21: Indigenous peoples have the right, without discrimination, to the improvement of their economic and social conditions, including, inter alia, in the area of education, employment vocational training and retraining, housing, sanitation, health and social security.
- B. First Nations have inherent jurisdiction over economic development initiatives, both federally and provincially, and possess the authority to manage production, licensing and distribution of legalized cannabis.
- C. In April 2017, the federal government introduced Bill C-45, *An Act respecting cannabis and to amend the Controlled Drugs and Substances Act, the Criminal Code and other Acts* that, if passed, starting in July 2018, would legalize and regulate recreational cannabis in Canada and would create rules for producing, using and selling cannabis across Canada.
- D. As it currently stands, Bill C-45 makes no room for the inclusion of First Nations governments within the proposed Act.
- E. The federal and provincial governments must recognize and respect First Nations sovereignty and jurisdiction over their reserves and traditional territories.

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**Certified copy of a resolution adopted on the 2<sup>nd</sup> day of May in Gatineau, Québec**

  
**PERRY BELLEGARDE, NATIONAL CHIEF**

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- F. In December 2017, the federal government reached a deal with the provinces to divide the excise duty collected on the sale of cannabis, a 75-25 split in favour of the provinces, owing to the costs they will incur with legal cannabis.
- G. The federal government has committed to a new First Nations fiscal relationship based on First Nations fiscal powers to implement First Nations jurisdiction in areas such as cannabis regulation. However, the lack of First Nations inclusion in the cannabis tax framework is a missed opportunity for the federal government to demonstrate its commitment to a nation-to-nation relationship that incorporates First Nations governments into the federation.

**THEREFORE BE IT RESOLVED that the Chiefs-in-Assembly:**

1. Direct the Assembly of First Nations (AFN) to inform Canada that First Nations must be consulted by the federal and provincial governments to ensure their full involvement in the design of licensing, production, distribution, and sale of legalized cannabis, including revenue sharing.
2. Call upon Canada to amend Bill C-45 to recognize that First Nations jurisdiction supersedes provincial legislation and regulation as it pertains to cannabis licensing, production, distribution and sale of legalized cannabis that incorporates community safety and well-being, particularly for children and youth.

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**Certified copy of a resolution adopted on the 2<sup>nd</sup> day of May in Gatineau, Québec**

  
**PERRY BELLEGARDE, NATIONAL CHIEF**