
Assembly of First Nations

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Assemblée des Premières Nations

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ANNUAL GENERAL ASSEMBLY
July 23, 24 & 25, 2019, FREDERICTON, NB

Resolution no. 36/2019

TITLE: Chiefs Committee on Cannabis

SUBJECT: Cannabis

MOVED BY: Chief Edward Boulrice, Thessalon First Nation, ON

SECONDED BY: Chief Christian Sinclair, Opaskwayak Cree Nation, MB

DECISION: Carried; 2 objections

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) states:
- i. 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, economic development, employment, vocational training and retraining, housing, sanitation, health and social security.
- B. On October 17, 2018, the federal government passed legislation to legalize the sale of cannabis. There was little or no community consultation by the federal government and there are still no provisions in the legislation which address First Nation social and cultural needs, and rights to economic development, health and public safety.
- C. As a result of the federal government's commitment to reconciliation and respect of First Nations through their adoption of the UN Declaration, economic reconciliation must include the meaningful development of a First Nation cannabis jurisdiction.
- D. Opportunities exist for First Nations across Canada to become safely and responsibly involved in the industry.
- E. First Nation communities exploring opportunities in the cannabis industry may consider following Health Canada regulations as well as provincial retail regulations. First Nation communities also have the opportunity and the jurisdiction to establish their own laws and regulations.

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PERRY BELLEGARDE, NATIONAL CHIEF

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- F. First Nations must have their autonomy and authority recognized as rights holders at the table as governments when asserting their interests in the cannabis sector.
- G. AFN Resolution 90/2017, *Support for a Cannabis Working Task Force*, supported the establishment of an Assembly of First Nations Cannabis Task Force (Task Force) comprised of leadership, technicians, and knowledge keepers to undertake the work required to formalize a response and position on the legalization of cannabis and implementation of new laws.
- H. The Chiefs Committee on Cannabis (CCC) would directly provide First Nations with economic, health and safety information where the federal government has failed to do so to date.
- I. First Nations assert full jurisdiction and will exercise full jurisdiction over cannabis.
- J. The federal government must recognize that each First Nation has jurisdiction to govern all cannabis operations in our own territories, including, but not limited to, the regulation of the growth, processing and sale of cannabis and in all its derivatives.
- K. Each First Nation's regulatory systems must be recognized within our territories. Provincial and federal governments must eliminate barriers and cease actions which impede and interfere with nation to nation trade and commerce.

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

- 1. Direct the Assembly of First Nations (AFN) to replace the Cannabis Working Task Force with the Chiefs Committee on Cannabis (CCC), chaired by the Regional Chief holding the Cannabis portfolio. The CCC's mandate is to;
 - a. Serve as a clearinghouse for information for First Nations interested in becoming educated and informed on cannabis and the cannabis industry.
 - b. Provide recommendations for AFN cannabis-related communications (funding opportunities, public health, Indigenous health and spiritual health and safety, etc.) delivered to First Nations and stored in an online repository.
 - c. Seek funding for the CCC to coordinate First Nations interested in the cannabis industry regionally and nationally.

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- d. Recognize and support First Nations' assertion of inherent jurisdiction over cannabis licensing, taxation, regulation, and revenue sharing throughout First Nations' territories.
 - e. Operate under the directives outlined in AFN Charter and the standards of AFN Chiefs Committees, including a Terms of Reference for the Chiefs Committee on Cannabis.
 - f. Ensure regional representation within its composition by requesting each Regional Chief appoint one Chief and one Chief alternate to serve on the CCC, supported by AFN technicians.
 - g. There will be no imposition of federal or provincial taxation in respect to First Nations territories unless agreed upon by First Nations.
2. Direct the AFN to report back on the CCC's progress to the Chiefs in Assembly at the December 2019 Special Chiefs' Assembly.

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