
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. 54/2019

TITLE: Support for First Nations Self-Determined Right to Govern the Cultivation, Processing and Retail of Cannabis

SUBJECT: Economic Development

MOVED BY: Chief Byron Louis, Okanagan Indian Band, BC

SECONDED BY: Chief R. Donald Maracle, Mohawks of the Bay of Quinte First Nation, ON

DECISION: Carried; 2 objections, 1 abstention

WHEREAS:

- A. Whereas the United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration):
- 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 addresses 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 Nation through their adoption of the UN Declaration, economic reconciliation must include the meaningful development of a First Nation cannabis jurisdiction.
- D. 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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- E. 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.

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

1. Assert and exercise complete jurisdiction over cannabis.
2. Assert that each First Nation has jurisdiction to govern all cannabis operations in their own territories, including but not limited to, the regulation of the growth, processing and sale of cannabis and in all its derivatives.
3. Assert that each First Nations' regulatory system must be recognized within their territories and urge the provincial and federal governments to eliminate barriers and to cease interference that would impede nation-to-nation trade and commerce.
4. Immediately request the following:
 - a. that the Federal government acknowledge, through the issuance of a Ministerial Order, First Nations jurisdiction over all aspects of cannabis cultivation, processing and retail operations within their territories;
 - b. the removal of the role previously delegated to the provinces and territories under the *Cannabis Act*, regarding the retail licensing of cannabis within First Nations territories; and
 - c. that the Government of Canada work with First Nations, in the spirit of reconciliation, to establish a framework for participation that respects First Nations autonomy and sovereignty.

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