



## BC ASSEMBLY OF FIRST NATIONS

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**BCAFN 17<sup>th</sup> ANNUAL SPECIAL CHIEFS MEETING**  
**March 3 & 4, 2021**  
**Online via Zoom**

**Resolution 16/2021**

**SUBJECT: SUPPORT FOR THE DEVELOPMENT OF A BC FIRST NATIONS CANNABIS STRATEGY**

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**Moved BY: CHIEF HARVEY MCLEOD, UPPER NICOLA INDIAN BAND**

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**SECONDED BY: CHIEF BYRON LOUIS, OKANAGAN INDIAN BAND**

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**DECISION: CARRIED**

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### WHEREAS:

- A. On October 17, 2018 the federal Cannabis Act came into force, creating a legal framework for the production, distribution, sale, and possession of cannabis in Canada, and within this framework, provincial governments are responsible for determining how cannabis is distributed and sold within their jurisdictions, and the Government of British Columbia subsequently passed the Cannabis Control and Licensing Act, the Cannabis Distribution Act, and the Motor Vehicle Act, along with a number of new and amended regulations;
- B. Despite the impact that cannabis legislation will have on First Nations governments and communities and despite First Nations expressing an interest in advancing their economic development, self-determination, and capacity building through the cannabis industry, federal and provincial legislation was passed with only limited engagement with Indigenous peoples;
- C. First Nations have an expressed interest in law-making and regulation, economic development, taxation, revenues, health, safety, and education, among other matters, as they relate to cannabis, and which are tied to inherent jurisdiction;

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**Terry Teegee, BC Regional Chief**

- D. First Nations have the inherent right to govern all aspects of cannabis in their territories, including but not limited to, law-making, regulation, and enforcement regarding the cultivation, processing, distribution, inter-nation trade, sale, and possession and use of cannabis and all its derivatives;
- E. The *United Nations Declaration on the Rights of Indigenous Peoples*, which the government of Canada has adopted without qualification, and has, alongside the government of BC, committed to implement, affirms:
- i. Article 4: Indigenous peoples, in exercising their right to self-determination, have the right to autonomy or self-government in matters relating to their internal and local affairs, as well as ways and means for financing their autonomous functions.
  - ii. 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.
  - iii. 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.
  - iv. 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.
  - v. Article 26(1): Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired.
  - vi. Article 32(1): Indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources;
- F. By Resolution 2018-03(e) “Engagement with the BC Cannabis Legalization and Regulation Secretariat” and Resolution 2019-21(b) “BC First Nations Cannabis Framework Action Plan” the BCAFN Chiefs-in-Assembly called on the provincial and federal governments to recognize First Nations jurisdiction over recreational and medicinal cannabis, including jurisdiction related to taxation, and revenue sharing, and enable First Nation participation in decision-making matters related to cannabis legislation and regulation;
- G. BCAFN participates on the BC-FNLC Joint Working Group on the Legalization and Regulation of Non-Medical Cannabis in BC (JWG), the joint working group established by the member organizations of the First Nations Leadership Council (FNLC) that seeks to provide an ongoing forum for engagement on the regulation of non-medical cannabis in BC and to advance Indigenous priorities and concerns relating to cannabis legalization;

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- H. The COVID-19 pandemic has had negative impacts on peoples' livelihoods and local economies and increased the need for economic diversification, making it evident that the cannabis sector provides a significant and critical opportunity for the economic revitalization and inclusion of First Nations in the BC economy;
- I. A number of First Nations communities in BC are developing their own approaches to cannabis legalization and economic development, with some Indigenous peoples and communities seeking to enter into the provincially or federally regulated market; however, a number of significant barriers have made it difficult for First Nations to participate in cannabis-related economic development;
- J. A number of First Nations are seeking to enter into government-to-government agreements with the Province of BC with respect to cannabis. However, the province has delayed negotiations and has not been willing to enter into expansive agreements that recognize First Nations jurisdiction or are in alignment with the United Nations Declaration on the Rights of Indigenous Peoples;
- K. Failure to recognize the inherent rights of First Nations in relation to cannabis by the provincial and federal governments directly contributes toward issues of community safety associated with the grey market; inhibits socio-economic development; and obstructs the implementation of the United Nations Declaration on the Rights of Indigenous Peoples; and
- L. A coordinated and strategic approach to the implementation of First Nations' rights and interests with respect to cannabis in BC would strengthen First Nations advocacy in this area and contribute toward the achievement of mutual objectives.

**THEREFORE BE IT RESOLVED THAT:**

1. The BCAFN Chiefs-in-Assembly directs the Regional Chief, working with FNLC and the FNLC representatives on the Joint Working Group on the Legalization and Regulation of Non-Medical Cannabis in BC (JWG) to advocate for the provincial and federal governments to immediately recognize First Nations jurisdiction with respect to cannabis on-reserve and within First Nations respective territories, whether implemented through inherent rights and laws, First Nations land management laws, government-to-government agreements, or any other self-determining means; and that governments should not use any work underway at the JWG to delay or undermine the progress or inherent rights of First Nations;
2. The BCAFN Chiefs-in-Assembly directs the Regional Chief, working with FNLC representatives on the JWG to advance the priorities of First Nations in the sphere of cannabis through the development and implementation of a BC First Nations Cannabis Strategy, which should address the topics of jurisdiction, law-making and regulation, enforcement, economic development,

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taxation, revenues, health, safety, and education, among other matters, as they relate to cannabis;

3. The BCAFN Chiefs-in-Assembly directs the Regional Chief, working with FNLC representatives on the JWG to develop the BC First Nations Cannabis Strategy through engagement with BC First Nations including Chiefs and leadership, relevant First Nations organizations, and those directly involved in governance and cannabis-related businesses and economic development; and that the appropriate collaboration and support be secured from the provincial and federal governments;
4. The BCAFN Chiefs-in-Assembly directs the Regional Chief, working with FNLC representatives on the JWG to continue to advance First Nations rights and interests with respect to jurisdiction and economic development opportunities as they arise; and
5. The BCAFN Chiefs-in-Assembly directs the BCAFN to report to the BCAFN Chiefs-in-Assembly on the BC First Nations Cannabis Strategy at the 2021 Annual General Assembly.

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A handwritten signature in blue ink, appearing to read 'Terry Teegee', is written over a horizontal line.

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**Terry Teegee, BC Regional Chief**