

# The grass isn't always greener on the other side: Indigenous considerations and complexities in cannabis legalization in Canada

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Symposium on Cannabis Legalization  
and Youth

Boulder, Colorado  
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I acknowledge that the land on which we gather was first the home of Native Americans, primarily the Southern Arapaho tribe, who maintained a village near Haystack Mountain. Utes, Cheyennes, Comanches, and Sioux were occasional visitors to the area.

Context.



## THE CONSTITUTION ACT, 1982

amended by  
Constitution Amendment Proclamation, 1983  
(SI/84-102)  
Constitution Amendment, 1993 (New Brunswick)  
(SI/93-54)

## LA LOI CONSTITUTIONNELLE DE 1982

modifiée par la  
Proclamation de 1983 modifiant la Constitution  
(TR/84-102)  
Modification constitutionnelle de 1993 (Nouveau-Brunswick)  
(TR/93-54)

Section 35 of the *Constitution Act, 1982* provides:

“35(1) The existing aboriginal and treaty rights of the aboriginal people in Canada are hereby recognized and affirmed.

(2) In this Act, “Aboriginal Peoples of Canada” includes the Indian, Inuit, and Métis Peoples of Canada.

(3) For greater certainty, in subsection (1), “treaty rights” includes rights that now exist by way of land claims agreements or may be so acquired.

(4) Notwithstanding any other provision of this act, the aboriginal and treaty rights referred to in subsection (1) are guaranteed equally to male and female persons.”[1]

First Nations, Inuit, and Métis  
are ***RIGHTS*** holders,  
not **stake** holders





**ASSERT INDIGENOUS PEOPLES  
RIGHT TO SELF DETERMINATION**

**STOP  
MINING!**

Paralipdan  
ang  
**KINAIYAHAN!**

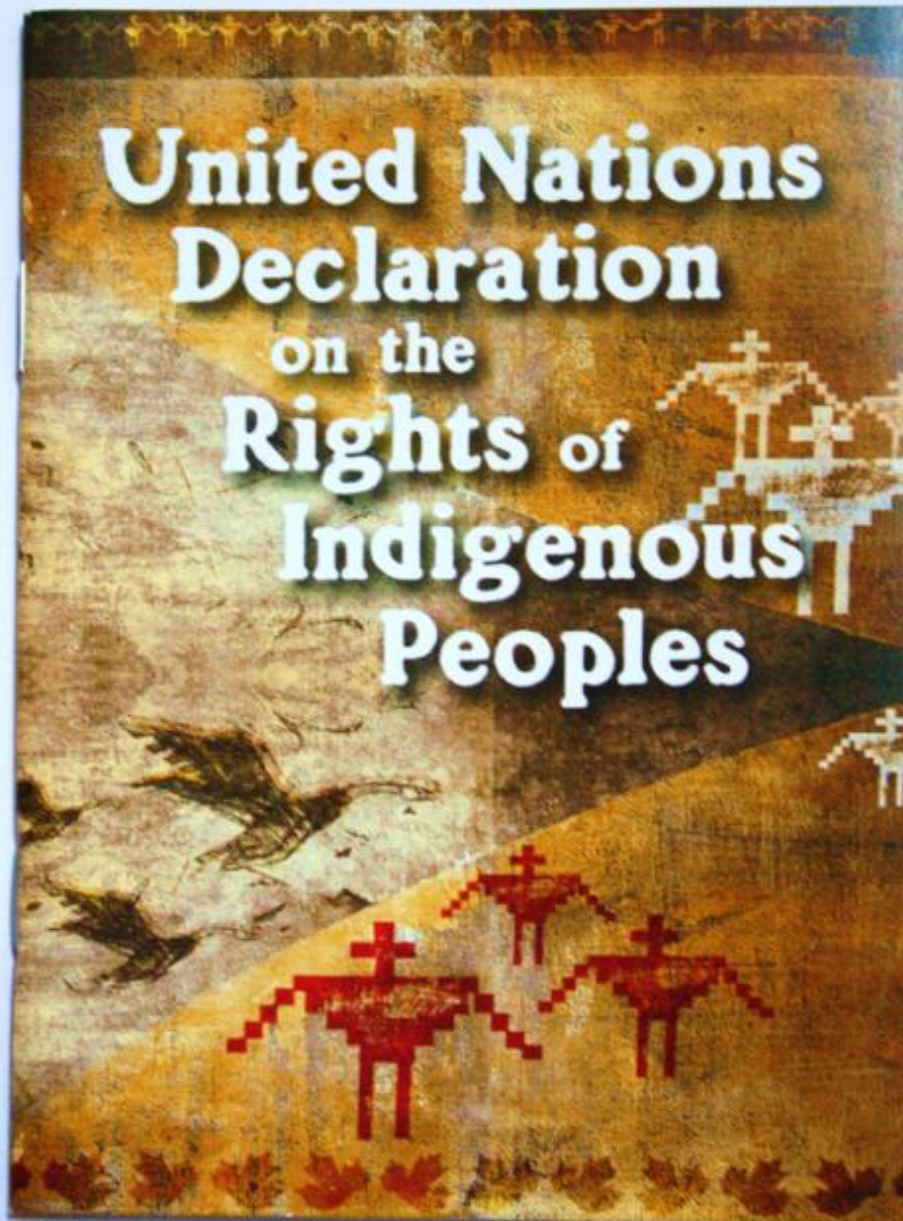
SECURITY  
of TENURE

**NO TO  
CHARTER  
CHANGE!**

**STOP  
MILITARIZATION**

**STOP  
MINING**

**STOP  
MINING!!!**



Indigenous Peoples  
have the right to  
**self-determination.**  
By virtue of that right  
they freely determine  
their political status  
and freely pursue their  
economic, social and  
cultural development.

*Article 3*





# Truth and Reconciliation

Commission of Canada

**Truth and Reconciliation  
Commission of Canada:  
Calls to Action**



2015



# MULTI-JURISDICTIONAL RESPONSES TO FEDERAL CANNABIS LEGALIZATION

## Main Objectives and Scope:

**Build research infrastructure that will facilitate a comparative case study analysis of provincial and community planned responses to cannabis legalization**

- Policy stakeholders in BC, AB, ON, QC and within each region  
leaders and members of First Nations, Inuit, and Métis communities and  
African Canadian, South Asian, East Asian, and Latino communities

**Translate and disseminate findings that are usable and accessible for all research team collaborators, the wider public, and communities**

**Establish a cross-jurisdictional collaborative team**

- Develop expanded partnerships and funding proposals

# MULTI-JURISDICTIONAL RESPONSES TO FEDERAL CANNABIS LEGALIZATION

## Methods:

### **Policy document collection and review**

- Emphasizing relevant policy documents from each jurisdiction to support understanding of important and dynamic contextual factors surrounding the implementation of distinct sub-federal cannabis regulatory systems

### **Focus groups**

- Members of participating Indigenous and racialized communities

### **Semi-structured one-to-one interviews**

- May include members of Indigenous and racialized communities who prefer to be interviewed, Medical Officers of Health, health authority officials, NGO executive directors, community organization managers, municipal officials, local police chiefs, and other policy and public health service authorities



CIHR IRSC

# MULTI-JURISDICTIONAL RESPONSES TO FEDERAL CANNABIS LEGALIZATION

## Team (alphabetical order after the Co-PIs):

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Akwasi Osuwu-Bempah, U of T	Margaret Robinson, Dalhousie
Tara Marie Watson, CAMH	Samantha Wells, CAMH

What have We  
LEARNED?

So far...



## Assembly of First Nations wants provinces, territories to butt out of First Nations pot sales



Resolution passed at Special Chiefs Assembly calls for a cut of tax revenue from cannabis sales



Jorge Barrera · CBC News · Posted: May 02, 2018 5:59 PM ET | Last Updated: May 2



### MARIJUANA LEGALIZATION

## First Nations demand control over cannabis



Minister of Indigenous Services Jane Philpott and National Chief of the Assembly of First Nations Perry Bellegarde listen to a delegate's question at the Assembly of First Nations Special Chiefs Assembly in Ottawa on Dec. 6, 2017.

# Indigenizing cannabis: quiet revolution grows as more First Nations embrace legalization

Hundreds flocked to Tyendinaga Mohawk Territory over the long weekend for the inaugural Indigenous Cannabis Cup – and judging by the scene, Ontario Cannabis Stores will have some competition from on-reserve dispensaries when legalization hits

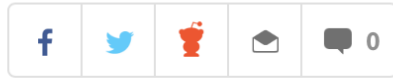
BY **LISA CAMPBELL**

MAY 24, 2018 8:49 AM



# Large Ontario First Nation plans to introduce cannabis law

by Charlie Smith on September 1st, 2018 at 6:59 AM



Ava Hill is the elected chief of the Six Nations of the Grand River Territory.

 SIX NATIONS COUNCIL

## RELATED STORIES

Indigenous voices see leadership opportunities in cannabis legalization

Senate Committee on Aboriginal Peoples calls for one-year delay of cannabis legalization

The Six Nations government in Ontario is gearing up to challenge Ottawa's claim of exclusive federal and provincial jurisdiction over the regulation of cannabis.

According to the *Toronto Star*, Canada's most populous First Nation is [drafting its own cannabis law](#).

"We have to start developing our own source revenue," the elected chief, Ava Hill, told the newspaper.

In a [speech](#) to the UN Permanent Forum on Indigenous Issues, Hill said that there are 26,000 members of the Six Nations of the Grand River Territory.

Section 35 of the Constitution Act, 1982 recognizes and affirms Aboriginal and treaty rights. These include "rights that now exist by way of land claims agreements or may be so acquired".

There have been no court rulings over whether cannabis falls within the definition of Aboriginal rights.

At an Assembly of First Nations meeting in May, a [motion](#) drafted by Chief Glen Hudson of the Peguis First Nation in Manitoba asserted that First Nations "possess the authority to manage production, licensing and distribution of legalized

# On 'Green Mile,' First Nations offer glimpse into pot's retail future

David George-Cosh and Jameson Berkow, BNN Bloomberg



The Street First Nations left behind as legalization lo...

As legalization day for recreational cannabis looms, Canada's First Nations hav...





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## Chippewas of the Thames First Nation bans provincial sales of cannabis

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Posted on October 17, 2018 In Anishinabek, News

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Discussion Paper: Indigenous Peoples in Today's  
Cannabis Industry Saturday, September 8, 2018 /  
'Grow-Up Cannabis Conference'

# First Nations look to secure a piece of the cannabis pie ahead of legalization

THE CANADIAN PRESS

CHRISTOPHER  
REYNOLDS

October 7, 2018  
10:00 AM EDT

🕒 **Last Updated**  
October 7, 2018  
1:45 PM EDT

Filed under  
[PMN Agriculture](#)



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KAHNAWAKE, Que. — Just upriver from downtown Montreal, the Kahnawake First Nation council office takes pride of place in the reserve's modest skyline, along with a youth centre and a pair of churches.

Soon, however, these old edifices may all be dwarfed by a sprawling, state-of-the-art greenhouse sprouting with cannabis plants and buzzing with cultivators of Canada's newest legal commodity.

The Mohawk Council of Kahnawake has signed a non-binding agreement with Canopy Growth Corp. The potential deal would see the First Nation host a 4,650-square-metre production facility, plus a processing and packaging space nearly half that size, in partnership with Canada's largest cannabis company.

# Ottawa won't fight First Nations that choose to ban cannabis: Blair



First Nations must align cannabis laws with federal, provincial frameworks



Jorge Barrera · CBC News · Posted: Oct 03, 2018 10:18 PM ET | Last Updated: October 3



Robert Fisher, who goes by his Mohawk name Tehonikonrathe, stands by a sign for The Pot Shoppe, a

# Ontario First Nations fight for cannabis rights



By Travis Dhanraj

Queen's Park Bureau Chief Global News

## First Nations want more control over legalization of cannabis

*Indigenous leaders say they have not been properly consulted on regulatory changes resulting from the legalization of recreational cannabis*

September 7, 2018 | Written By Elizabeth Raymer



*While some First Nations are moving to control the cultivation, sales and distribution of the plant themselves, whatever the government regulations may be, others are pondering a ban on cannabis from reserves.*

As the deadline looms for governments to establish or oversee legal outlets for the sale of recreational cannabis, at least one group of First Nations has said they plan to draft their own cannabis laws rather than wait for a provincial government to impose regulations.

The chief of Six Nations of the Grand River in southern Ontario **announced recently** that her community doesn't intend to wait for the provincial government to dictate the terms of cultivation and sales, and Six Nations has already established a cannabis task force.

On the East Coast, [Nova Scotia First Nations want to cultivate and sell cannabis directly](#) to consumers,

challenging the provincial legislature's planned retail model operated by its liquor corporation.



# 'One of the greatest paradoxes': Indigenous communities grapple with the costs and benefits of legal weed

*Bill C-45 is testing whether Trudeau can make good on one signature promise, to legalize cannabis, without losing ground on another — advancing reconciliation*

# LEGALIZED CANNABIS:

THE PROS AND CONS FOR  
**INDIGENOUS COMMUNITIES**

A BRIEFING BY:






# NATIONAL INDIGENOUS CANNABIS & HEMP CONFERENCE

NOVEMBER 18 - 21, 2018

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Choice

**“Nothing about us without us”**







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mental health is health

**Nakummek – Miigwech – Thank you – Merci**

**[Julie.Bull@camh.ca](mailto:Julie.Bull@camh.ca)**