

Assembly of First Nations

55 Metcalfe Street, Suite 1600
Ottawa, Ontario K1P 6L5
Telephone: 613-241-6789 Fax: 613-241-5808
www.afn.ca



Assemblée des Premières Nations

55, rue Metcalfe, Suite 1600
Ottawa (Ontario) K1P 6L5
Téléphone: 613-241-6789 Télécopieur: 613-241-5808
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ANNUAL GENERAL ASSEMBLY
July 23, 24 & 25, 2019, FREDERICTON, NB

Resolution no. 48/2019

TITLE: Support of Cannabis as Part of Global Indigenous Culture

SUBJECT: Cannabis

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. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) states:
- i. Article 15 (1) Indigenous peoples have the right to the dignity and diversity of their cultures, traditions, histories and aspirations which shall be appropriately reflected in education and public information. (2) States shall take effective measures, in consultation and cooperation with the indigenous peoples concerned, to combat prejudice and eliminate discrimination and to promote tolerance, understanding and good relations among indigenous peoples and all other segments of society.
 - 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. (2) Indigenous peoples deprived of their means of subsistence and development are entitled to just and fair redress.
 - iii. 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 programs affecting them and, as far as possible, to administer such programs through their own institutions.

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- iv. Article 36 (1): Indigenous peoples, in particular those divided by international borders, have the right to maintain and develop contacts, relations and cooperation, including activities for spiritual, cultural, political, economic and social purposes, with their own members as well as other peoples across borders.
 - v. Article 36 (2): States, in consultation and cooperation with indigenous peoples, shall take effective measures to facilitate the exercise and ensure the implementation of this right.
 - vi. Article 31 (1) Indigenous peoples have the right to maintain, control, protect and develop their cultural heritage, traditional knowledge and traditional cultural expressions, as well as the manifestations of their sciences, technologies and cultures, including human and genetic resources, seeds, medicines, knowledge of the properties of fauna and flora, oral traditions, literatures... They also have the right to maintain, control, protect and develop their intellectual property over such cultural heritage, traditional knowledge, and traditional cultural expressions.
 - vii. Article 31 (2) In conjunction with indigenous peoples, States shall take effective measures to recognize and protect the exercise of these rights.
- B.** Cannabis is an emerging and a substantiated element of Indigenous heritage and cultural expression of Indigenous communities around the globe. Its use is protected by the fundamental human rights to self-determination, freedom of expression and freedom of thought.
- C.** Indigenous heritage includes ideas, objects, artistic expressions, practices, languages, knowledge of places that are valued because they are linked to collective identity and life.
- D.** Recent and long standing drug policies laid out by federal government, such as C-45, *An Act respecting cannabis and to amend the Controlled Drugs and Substance Act, the Criminal Code, and other Acts*, 2018 in Canada, and the US Substance Abuse Act of 1970, carry cannabis legislation that violates the rights of Indigenous peoples in regard to lack of consent and inclusion of Indigenous peoples in critical decision-making, delaying the development of their economies, and by extension delaying essential community building efforts, by justifying the disproportionate and discriminatory persecution of Indigenous peoples, and by violating the human right to freedom of expression and thought derived from Indigenous understandings and sacred relationship to the plant.

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- E. Indigenous communities in Canada and around the world are still in the process of understanding and articulating the spectrum of Indigenous cannabis rights, which include protections, opportunities and methods for interfacing with the social, political, economic, health, taxation, jurisdiction, and education extensions of cannabis culture and life that have impact for better or worse on Indigenous communities for generations to follow.
- F. It is the right of Indigenous peoples to join together on matters of shared importance to share and exchange information and knowledge, strategize, and develop their self-regulatory frameworks to suffice and exceed outside regulatory standards and capacity, to address First Nation social and cultural needs and rights to economic development, health and public safety.
 - i. There is need and opportunity for further collaboration between Indigenous peoples to ensure and defend rights integrated with cannabis, as well as formulate the regulatory frameworks that articulate the safe progress of cannabis economy, heritage, and culture;
 - ii. Cultivating connections between national and international Indigenous cannabis experts and scholars would create a force and foundation for thoughtful establishment, participation, and leadership in the emerging national and international discourses on indigenous cannabis rights.

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

1. Support the development of a global Indigenous platform to establish a wider dialogue that brings together Indigenous expertise for Indigenous peoples to organize for the political, economic, social and cultural enhancement, and for the purpose of bringing an end to ongoing oppression and discrimination, wherever it occurs.
2. Support the development of a legal framework that incorporates a holistic review of Indigenous cannabis rights and that can serve as a resource to Indigenous communities anywhere by offering key insight and advisement to cannabis processes.
3. Support American tribes in expressing concern that discriminatory historic injustices have prevented Indigenous peoples from their right to develop in accordance with their own needs and interests.

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