

National Indigenous Medical Cannabis Association (NIMCA)

Position Statement – Indigenous People, Cannabis and Bill C – 45

Preamble

“History shows that, more often than not, loss of sovereignty leads to liberalisation imposed in the interests of the powerful.”

Noam Chomsky

A world-renowned social rights activist and author Noam Chomsky could not have characterized the loss of sovereignty any better. And it is this characterization that befits the past and current scenario in Canada with respect to Indigenous peoples and the relationship with the Canadian government and its people.

Once again, Canada is proving it is not onside with First Nation and Indigenous peoples and our sovereign and Inherent rights. The current Liberal government promised to respect our Inherent, treaty and land rights and to honour us with a nation-to-nation relationship. None of the promises have been kept and most of all, there has been a complete lack of consultation with Indigenous peoples on many issues including cannabis and the development of the proposed Bill C 45. This does not demonstrate respect for our sovereign rights or to be true partners in this confederation.

Although the proposed draft legislation makes reference to respecting Indigenous treaty and land rights, it is vague on specifics. Had there been some meaningful consultation or dialogue, something more substantive and productive could have been drafted into the legislation to recognize and uphold our sovereign and Inherent rights.

The objective of this document is to demonstrate our Indigenous history with cannabis and our collective Inherent right to grow, harvest and distribute the medicinal and hemp properties of the plant to any Indigenous person, community or business, nationally or worldwide.

Most Indigenous people working in the current “underground” cannabis industry have a very strong sense of ambiguity towards the proposed legislation and the role, if any, Indigenous people will play in the formation of a new and highly lucrative cannabis industry under Bill C 45.

Rather than confront the federal government however over our sovereign and Inherent rights in both the legal and court of public opinion, the National Indigenous Medical Cannabis Association (NIMCA) was formed to organize and represent Indigenous people and communities involved or interested in being involved in the cannabis industry. Our agenda is to work cooperatively with government, law enforcement, academia, science, business and communities as we build a safe and economically viable cannabis industry for all of Canada.

A membership driven cooperative, NIMCA is a non-profit corporation developed by Indigenous people, for Indigenous people. Established in January 2017, NIMCA’s purpose is to educate, promote, advocate and defend the interests and rights of Indigenous people, communities and businesses involved or wishing to be involved in the cannabis industry throughout Canada, and its Treaty territories.

NIMCA also represents a growing network of cannabis and hemp growers or farmers, hemp processors and manufacturers, dispensary owners and other cannabis industry related operations.

Our position remains the same since confederation, and the *Constitution Act of 1982 Section 35*. We will exercise and protect our Inherent, sovereign, treaty and constitutional rights, especially with respect to

cannabis and hemp and the medicinal, environmental and community development capabilities of the plant.

We respectfully ask Parliament and Canadians alike, to respect all of our rights as we develop and regulate our own cannabis industry and culture on our lands.

Indigenous Peoples and Cannabis – The Historical Facts

It should not surprise any Canadian that cannabis especially its low THC strain, was used widely by various Indigenous or First Nation tribes thousands of years before colonization of what we refer to as Turtle Island.

There have been countless academic studies, archeological findings and reports, archive research and a plethora of journal entries from early European explorers which all corroborates that Indigenous peoples were using cannabis and hemp in its various forms long before any settlers came to North America.

“Some of the earliest evidence of hemp in North America is associated with the ancient Mound Builders of the Great Lakes and Mississippi Valley. Hundreds of clay pipes, some containing cannabis residue and wrapped in hemp cloth, were found in the so-called Death Mask mound of the Hopewell Mound Builders, who lived about 400 B.C.E in modern Ohio.

Nearly two millennia after the age of the Mound Builders, European explorers seemed reassured by meeting up with a familiar plant upon their arrival in an alien “new world.” The Florentine Giovanni da Verrazano wrote thoughtfully of the natives encountered during a French expedition to Virginia in 1524: “We found those folkes to be more white than those that we found before, being clad with certain leaves that hang on boughs of trees, which they sewe together with threds of wilde hemp.”

The French explorer Jacques Cartier also reported seeing wild hemp during each of his three journeys to Canada between 1535 and 1541. His last report enthused that “the land groweth full of Hemepe which groweth of it selfe, which is as good as possibly may be seene, and as strong.” Later, Samuel de Champlain mentioned in 1605 that the natives used “wild hemp” to tie their bone fishhooks.”

Source: <http://indigenousscannabis.info/blog/2017/04/08/history-indigenous-cannabis-natives-explorers-colonists/>

In addition to the archival testimony of early explorers, we have our own Indigenous records dating back to 1605, where our ancestors used cannabis and hemp for clothing, hunting and gathering (matts, nets, fishing line, etc.) selling, trading and exporting. Our ancestors extracted and processed cannabis and hemp long before any settlers reached our shores.

Although the origin of cannabis has been traced back hundreds almost thousands of years in Indigenous culture, it is also well documented that the Vikings and other nomadic cultures also used hemp primarily for sails, rope and food. Artifacts and journal entries demonstrate that sailors carried hemp seed with them and planted it when they visited North America about a thousand years ago.

It wasn't until the middle of the 18th century and the start of the industrial revolution when cannabis was strategically demonized by corporate and stock market interests in the oil, cotton and manufacturing industries of the United Kingdom, Europe and fledgling United States. Public relation or “education” campaigns soon started afterward to ensure legislators could make cannabis and hemp illegal and a narcotic with public support, birthing cannabis prohibition.

Our facts, traditions, culture and oral history demonstrate that First Nations and Indigenous people are connected to the plant in an almost symbiotic nature. We currently practice traditional and modern methods of extracting and utilizing the plants medicinal and hemp qualities. Today, modern science, traditional knowledge and practices are creating a new culture and industry in Indigenous communities, the cannabis culture.

Indigenous People, Section 35 of the Canadian Constitution and the Supreme Court

The Constitution Act of 1982 specifically addresses our collective rights as Indigenous or Aboriginal peoples of Canada ...

- **35.** (1) The existing aboriginal and treaty rights of the aboriginal peoples of Canada are hereby recognized and affirmed.
- Definition of “*aboriginal peoples of Canada*”

(2) In this Act, “*aboriginal peoples of Canada*” includes the Indian, Inuit and Métis peoples of Canada.

The question isn't the Constitution at this time, but the Government of Canada and its reluctance to actually live up to its own Constitutional obligations! Compound the lack of adherence to the Constitution with unbroken or kept Treaty promises that even to this day, have not been kept.

The Supreme Court has also spoken and ruled very clearly when it comes to our sovereign and Inherent rights. It has taken Super Court ruling after ruling to demonstrate to governments, the private sector and Canadian public that we Indigenous people have every right to develop our own industry on our own lands, and regulate and govern those developments and industries on our own.

The country's highest court has also ruled that Canada and private sector interests must consult with Indigenous people and nations on development initiatives on Indigenous lands, to which cannabis is now a part. Precedence has been set, not just once either.

And the lack of consultation continues, even on Bill C 45. Many Indigenous individuals, leaders, communities and businesses have all agreed there has not been near enough consultation with Indigenous people on this cannabis legalization legislation.

This is what brings us to the Standing Committee on Bill C 45. To ensure our collective voices are heard and inform Parliament that we as Indigenous people are following our natural, traditional and spiritual laws with respect to cannabis, and even its regulation.

Parliament's Existing Indigenous Manifesto

The United Nations has been cited as stating that North American Indigenous people, particularly Canadian Indigenous peoples are the most studied people on the planet.

The United Nations Declaration on the Rights of Indigenous People (UNDRIP), the Royal Commission on Aboriginal Peoples (RCAP), the Truth and Reconciliation Commission (TRC) along with section 35 of the Constitution are all very specific when it comes to respecting Indigenous sovereign, Inherent and land rights. We do not need another study, consultation or piece of colonial legislation to explain or legitimize our sovereign, Inherent and treaty rights.

Now the government has introduced into Parliament its ten guiding principles on federal government relations with Indigenous peoples.

How do we as Indigenous people observe all of the declarations and principles to treat and respect us equitably and fairly, when Canada's history and record with Indigenous peoples is fraught with ambiguity, discord and distrust?

Canada needs its Indigenous people to freely practice its sovereign and Inherent rights if the country is to resolve some of its societal woes, rebuild communities and really fix the economy. Canada cannot successfully navigate the challenges ahead without a sovereign and economically successful Indigenous population.

Parliamentarians can pass all the legislation and laws. The cannabis consumer, client or patient will decide the market, regardless.

We are not only witnessing it, we are part of the system, even now.

NIMCA's Position and State of the Indigenous Cannabis Industry

An Indigenous cannabis industry has been in existence for decades and now, it is flourishing with the release of a draft federal legislation and the inception of NIMCA with regional affiliates across the country. Indigenous people and nations are not only showing an interest, they are already developing or expanding current operations. From growing quality medical cannabis to extracting and producing high THC concentrates, and dispensing those medicines to the populace, Indigenous people and nations are very involved in the cannabis industry. And, interest and development from Indigenous individuals, communities, leaders and businesses continues to grow exponentially.

Thus sparked the need for a national group or association to organize, educate, protect, regulate and ensure safety and quality control.

Specifically, NIMCA's role is the following, but not limited to the self-regulation of Indigenous medical cannabis industry through the application of Indigenous political and economic principals and governance that will:

- Uphold Indigenous sovereignty self-determination
- Protect minors and families;
- Keep organized crime out of legit Indigenous hemp and cannabis industries;
- Provide the education, awareness, policy and capacity necessary to provide quality control and safe handling;
- Develop a cannabis treatment program to combat the opioid crisis that has gripped Indigenous and mainstream society;
- Ensure standardized testing and consistency of product quality;
- Safety and security;
- Education and awareness within the industry and consumers;
- Regulate pricing of products;
- Generate new training, jobs and economy of scale for Indigenous people and nations;
- Ensure fair wages, benefits and a safe work environment for all employees; and,
- To promote the overall health and well being of all communities.

Protecting Indigenous sovereignty and Inherent rights to the cannabis plant and our right cultivate, process, dispense and transport cannabis and hemp is our primary objective.

Given that Canada has yet to truly honour its treaty commitments, our constitutional rights, our international rights as Indigenous peoples, we see no reason to honour any type of legislation regarding cannabis, especially legislation that attempts to erode or encroach on our sovereign and Inherent rights.

If the Government of Canada is truly interested in having Indigenous people or nations be part of Canada's cannabis culture, then there are three primary conditions that this legislation must ensure are met. Those primary conditions are, but not limited to the following:

- Bill C 45 and any enabling regulations **must** ensure that Indigenous sovereign, Inherent and treaty rights, especially on Indigenous lands are respected and upheld by all levels of government, especially the provinces and its First Ministers;
- All self identified Indigenous cannabis farmers or growers, cannabis processors and medical and recreation cannabis dispensers are exempt from any charges or prosecution under Bill C 45 or any other federal, provincial or municipal legislation or laws;
- That Bill C 45 clearly defines our sovereign and Inherent rights to grow, cultivate, process and dispense cannabis and hemp and all their products freely within our nations and Treaty lands and territories; and,
- That the federal government through Bill C 45 recognize, uphold and defend our sovereign and Inherent right to govern and regulate our own Indigenous cannabis industry.

Conclusion

To be the first G 7 country to legalize recreational cannabis, the Liberal government is going to have to get the legislation right, the first time.

All of Canada, and the world, now watch to see how Canada will manage the implementation of this society changing legislation, and if the Trudeau government will live up to its new Indigenous relations mantra.

We as Indigenous people have clearly stated our position. It is now up to the Trudeau Government to put its ten guiding principles to the test.