

February 14<sup>th</sup>, 2023

Mr. Thomas Durfee  
Millbrook First Nation

Dear Mr. Durfee,

**Re: Development of Cannabis Law – Construction and Development Moratorium Bylaw 2021-01**

Chief and Council reviewed your open letter of February 13, 2023 with respect to the current Construction and Development Moratorium Bylaw 2021-01. This letter is in response.

Millbrook First Nation (MFN) possess an inherent right to self-government which stems from our original occupation of these lands since time immemorial. This right is not subordinate to the federal or provincial governments and remains sovereign in some spheres, concurrent in others. The inherent right of self-government can be defined as the right of MFN to govern its own territories and peoples within Canada. It is inherent because it is not derived from the Canadian Constitution or Canadian law, but from the existence of MFN as an independent cultural, social, and political entity with its own laws and systems of government which existed prior to European contact.

Inherent rights to self-government are recognized and affirmed under s. 35(1) of the *Constitution Act, 1982*, however, it is important to note that s.35(1) did not create MFN's inherent right to self-government but rather recognized our existing rights. In keeping with its recognized rights, the Council of MFN conducted extensive consultation with our membership on the issue of establishing a law to regulate the sale and production of cannabis within our MFN Lands. Our community overwhelmingly responded that cannabis regulations should be founded on a comprehensive community health and safety approach that aims to better protect community members and minimize the harms associated with unregulated cannabis use.

In addition, community consultations resulted in a mandate to establish a Cannabis Committee, made up of community members to assist in developing MFN's own cannabis laws which will set out the principles, powers and authorities of MFN to regulate the use and sale of cannabis within our MFN Lands.

To assist in the orderly development of our laws and to rationalize the use of Millbrook land, Chief and Council declared a moratorium on the use of Millbrook land by cannabis dispensaries until such time as the community adopts its own cannabis regulations.

Since the passage of the moratorium, the Millbrook Band Administration, with the support of the Chief and Council, have been active in the deterrence of new shops. Although this might leave the impression that the administration is being selective in who is targeted for shut down, the

fact is that unlicensed dispensaries were erected prior to the passage of the Moratorium. These shops that are operating in Millbrook remain unlicensed and could be subject to enforcement by the RCMP at any time.

We have been informed that the Cannabis Committee is in the final stages of drafting a law which will then be submitted to Council for review before being presented to the community for ratification. We expect to call a community ratification vote on the Cannabis Law within the next few months. Once our law has been ratified, the law will be implemented, and community members will be able to engage in a safe and productive cannabis economy.

It is through the assertion of our inherent rights to self-government that MFN will build the foundational and institutional capacity to ensure a positive environment for sustained economic development. Success requires developing effective governing institutions, strategies, and policies in keeping with our Mi'kmaq laws and principles.

We trust our members will respect the within process which has been developed by our membership through meaningful consultation and engagement.

Respectfully,



Claire Marshall, Executive Director, Millbrook First Nation  
Cc/ Millbrook First Nation Chief and Council