

January 18, 2022

VIA EMAIL: William.collier@rcmp-grc.gc.ca

Sergeant Bill Collier
Ops NCO i/c Millbrook RCMP-GRC

Dear Sergeant Bill Collier,

Re: Millbrook First Nation – Development of Cannabis Regulations – RCMP Engagement

We provide the following letter as an update on the most recent events regarding cannabis dispensaries operating within our territory.

Millbrook First Nation (Millbrook) 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 Millbrook 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 Millbrook 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 Millbrook's inherent right to self-government but rather entrenched the right. In keeping with its recognized rights, the Council of Millbrook is currently consulting community members to develop our own cannabis laws which will set out the principles, powers and authorities of Millbrook to regulate the use and sale of cannabis within our territory.

Framework to Regulate Cannabis

Millbrook's framework to regulate cannabis within our territory is founded on a comprehensive community health approach that aims to better protect our community members and minimize the harms associated with unregulated cannabis use. We are developing four key strategies: educating community members on the harms and risks of cannabis, promoting healthy choices and reducing youth access, providing regulation and oversight on the use and sale; promoting economic development, partnerships and investments within the community. In promoting this approach, our community will advance our key objectives of protecting youth and seniors from the harms of cannabis and displace the illegal markets.

It is important to note that Millbrook will be working with a cross section of community stakeholders, including Elders, Youth, dispensary owners, administration staff, health care professionals and the community at large to develop a cannabis regime which all members will be required to uphold and honour going forward.

The emerging cannabis industry is seen as an important opportunity for economic development. The Canadian government has continuously acknowledged the important links between economic development and improved health and social outcomes and fully endorsed Indigenous participation in this new industry.

Health Canada's Cannabis Legalization and Regulation Branch Taskforce

In advance of legalizing cannabis in Canada, Health Canada put in place a team dedicated to engaging with Indigenous organizations and communities in order to create an understanding of the *Cannabis Act*. In its final report, Health Canada outlined numerous jurisdictional concerns identified by Indigenous communities, organizations and businesses regarding the ability of Indigenous communities to control, restrict, or prohibit the distribution, sale, possession and consumption of cannabis. Since the release of this report, First Nations governments and representative organizations have highlighted the need to increase control over those activities in their communities. For example, individual communities have come forward to express an interest in authorizing and co-licensing cannabis production on their lands.

RCMP Engagement

While our Nation develops its own cannabis laws, Millbrook's Chief and Council respectfully request the RCMP consult on all matters related to cannabis involving Millbrook members.

The risk of criminal convictions is more acute for Indigenous peoples. Indigenous peoples are over-represented in the criminal justice system. The criminal records that can result from cannabis-related charges have serious, lifelong implications for our members. As such we request to be informed of all outstanding criminal matters before the Courts in which Millbrook community members have been charged, until such time as our community enacts its own cannabis regulations.

It is our position that while our community develops its own laws with respect to cannabis the RCMP should provide a forum, outside of arresting and prosecuting our members, in order to resolve these issues in a respectful manner, one that is in keeping with the principles of reconciliation as outlined in the *Royal Commission of Aboriginal Peoples*, the *Truth and Reconciliation Commission Final Report* and the *United Nations Declaration for the Rights of Indigenous Peoples*.

Relying on the Public Prosecution Service of Canada's to met out justice while our laws are being developed is not justified and not in keeping with the reconciliation of Indigenous Peoples.

In developing a cannabis regulatory framework, it is important to ensure that the RCMP support our Nation's long term and strategic decision making. The focus should be on creating a safe and supportive culture for our retailers' long-term sustainability. It is through the assertion of our

inherent rights to self-government that Millbrook First Nation 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 conjunction with the RCMP and not in opposition to.

We trust you will consider the above noted requests and work with our community to ensure our health and safety as we seek to develop our own laws.

Respectfully,



Bob Gloade, Chief, Millbrook First Nation
Cc/ Millbrook First Nation Chief and Council