



August 17, 2023

To Mayor Kevin Burke and the Council of the Township of Sables-Spanish Rivers,

Aniin. My name is Chief Del Riley. I am a Hereditary Crane Clan Chief of the Chippewa/Ojibwe Nation, a former elected Chief of the Chippewas of the Thames First Nation, a former Land Claims Director and President of the Union of Ontario Indians, and the last President of the National Indian Brotherhood (the forerunner to the Assembly of First Nations, which I helped to found). Among my many achievements as President of the National Indian Brotherhood was the development and negotiation of Sections 25 and 35 of the Canadian Constitution, which enshrine the protection of Aboriginal and Treaty Rights in Canadian law.

I am writing to you today in my capacity as a Hereditary Chief of the Crane Clan of the Anishinaabe Nation on behalf of one of the members of our nation, Vicki Nicholson, who has asked me to explain her constitutionally protected Aboriginal and Treaty Rights to you as they apply to the Highway 17 Dispensary Trading Post located at 195 Sauble St., Massey, on the lands of her people.

Ms. Nicholson is a status Indian from Sagamok First Nation. She is operating her business on the traditional lands of her people with the support of her family and the blessing of the local land owner. The goal of the Highway 17 Dispensary Trading Post is to provide medicinal cannabis to people in keeping with traditional Indigenous healing modalities that reduce harm and empower community members. The trading post operates in accordance with the health and safety protocols of the North Shore Anishinabek Cannabis Association and provides safe, affordable natural medicines to people.

Ms. Nicholson's Aboriginal and treaty right to use her traditional territory to engage in trade and the provision of plant medicines is in accordance with her Section 25 and 35 constitutionally protected rights which I helped to negotiate.

I would also like to point out that Ms. Nicholson's inherent Aboriginal and Treaty right to make medicine and to provide that medicine to people in need is recognized by Canada's "[United Nations Declaration on the Rights of Indigenous Peoples Act](#)" (UNDRIPA) which received Royal assent on June 21st, 2021. This law provides "a framework for reconciliation, healing and peace, as well as harmonious and cooperative relations based on the principles of justice, democracy, respect for human rights, non-discrimination and good faith" and adopts the *United Nations Declaration on the Rights of Indigenous Peoples* which "is affirmed as a source for the interpretation of Canadian law." According to its text, the "Act is to be construed as upholding the rights of Indigenous peoples recognized and affirmed by Section 35 of the [Constitution Act, 1982](#)."



The Federal Government, which is responsible through section 91 (24) of the BNA Act for "Indians and lands reserved for Indians," has expressed in UNDRIPA that "the rights and principles affirmed in the [UNDRIPA] Declaration constitute the minimum standards for the survival, dignity and well-being of Indigenous peoples of the world, and must be implemented in Canada." UNDRIPA further emphasises "the urgent need to respect and promote the inherent rights of Indigenous peoples of the world which derive from their political, economic and social structures and from their cultures, spiritual traditions, histories, philosophies and legal systems, especially their rights to their lands, territories and resources." This Declaration is "affirmed as a source for the interpretation of Canadian law" and states that "the Government of Canada must, in consultation and cooperation with Indigenous peoples, take all measures necessary to ensure that the laws of Canada are consistent with the Declaration."

There are multiple aspects of the Declaration which pertain to Ms. Nicholson's Aboriginal and Treaty rights to provide medicine and to engage in trade and economic development. The following are but a few of the articles which are now enshrined in Canadian law and which pertain to Ms. Nicholson:

Article 3: 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 20: 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.

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 programmes affecting them and, as far as possible, to administer such programmes through their own institutions.

Article 24: Indigenous peoples have the right to their traditional medicines and to maintain their health practices, including the conservation of their vital medicinal plants, animals and minerals.

Unlike the Provincially regulated cannabis dispensaries, the Highway 17 Dispensary Trading Post is medicinal in nature and falls outside of the scope of Provincial regulation. I understand from Ms. Nicholson that the products within the dispensary undergo strict quality control measures and are sourced from trusted Indigenous producers using longstanding nation-to-nation trading relationships and not from "black market sources."



CHIEF DELBERT RILEY
HEREDITARY CRANE CLAN CHIEF, CHIPPEWA NATION



As you may be aware, in the time since Canada legalized cannabis in 2018, hundreds of sovereign Indigenous cannabis trading posts have opened up across Turtle Island. These shops operate on Indigenous lands in accordance with Indigenous customs and conventions regarding trade and medicine, and they are not regulated by Federal, Provincial, or the *Indian Act* Band Council systems. The website www.dispensingfreedom.com provides a listing of over 475 such sovereign shops, and I am sure that there are many more stores which have not yet made it onto the map. The existence of these shops is a reflection of the continuation of Aboriginal and treaty rights in the modern era. These businesses are a constitutionally protected and community supported part of the Indigenous economy.

Beginning in 2022, Indigenous cannabis shops began to operate on unceded Indigenous lands off-reserve. Members of the Mississaugas of the Credit First Nation and the Mohawk Nation have opened over two dozen sovereign cannabis trading posts in downtown Toronto alone. Members of the Chippewa Nation and the Oneida Nation have similarly opened up shops in London, Grand Bend, and Stratford, Ontario. Members of the Micmac Nation have also opened shops on their unceded lands in Halifax and Moncton.

After nearly two years since the move to traditional territories off reserve, none of these Indigenous shops off reserve have been raided or interfered with by Federal or Provincial authorities. Instead, the trading posts have made a positive contribution to the city, to Indigenous entrepreneurship, and towards possible reconciliation with Canada. I am hopeful that the existence of these shops points towards a new era of economic reconciliation and that the days of Canada's economic genocide towards Indigenous people are drawing to a close.

I thank you for taking the time to read this letter. As a former National Chief and recognized treaty expert who is representing Ms. Nicholson, I am offering to meet with you or your superiors to explain our nation's understanding of the application of our inherent rights and treaties as it pertains to the Highway 17 Dispensary Trading Post.

To arrange a meeting over the phone or in person, you may contact me by email at delbertrileyc@gmail.com.

In the spirit of achieving a real "truth and reconciliation" between our peoples,

Chief Del Riley

Chief Del Riley, Crane Clan Chippewa Nation

*P.S. I have included a copy of my Autobiography, *The Last President* with this letter as I believe you might find to be of relevance to this matter.*