Ketegaunseebee Medzin Society

Acknowledging and adopting the historical governance structures and policies of our ancestors in regards to cannabis and other medicines.

Critical Concerns with Bimaadzwin Inc.'s proposal for Garden River FN Cannabis Exploration

Dec 18, 2019

To the GRFN Cannabis Working Group,

We are writing to bring to your attention a critical analysis we have done of Bimaadzwin Inc.'s 144 page "Cannabis Exploration Phase One Report." We have very serious concerns that they are guiding our community away from an approach based on "acknowledgement and adoption of our historical governance structure and policies of our ancestors" and towards giving away the sovereign rights of the people of Ketegaunseebee to Canada through adopting a "FN-Federal Framework" and "harmonization" of laws on the cannabis issue.

We have outlined our concerns with Bimaaddzwin Inc.'s approach in the document below. We would appreciate a written response to our concerns before you do any further work with with Bimaadzwin Inc. or commit any more of our community's financial resources to the process you have undertaken with them.

Miigwetch,

The Ketegaunseebee Medzin Society

A Critical Analysis of Bimaadzwin Inc.'s 'Cannabis Exploration Report' for Garden River FN

1. The proposal begins by identifying that Bimaadzwin Inc. is an "Indigenous-Led consulting group," thereby indicating that it is not Indigenous-owned. So who are the non-Indigenous owners of this company, and what are their financial interests and goals with Bimaadzwin? Presumably, their interest as owners of a private company is to make the most money possible. But perhaps their interest is more to shape policy decisions that will benefit the owners other businesses. Could Licensed Producers, including Indigenous owned-ones own shares of Bimaadzwin? Either way, the people with whom Bimaadzwin Inc. is doing business with should know who the share owners are, beyond figurehead and public spokesperson Isadore Day.

2. Who else has Bimaadzwin Inc. been working for? Are there any conflicts of interests in doing this work? Is Bimaadzwin doing the same work for multiple communities and charging them for it? Does Bimaadzwin hold contracts with the Federal or Provincial governments that might put it in a conflict of interest situation with the First Nations' leaderships it is advising, or the Indigenous people whose rights it may be affecting? How much money has Bimaadzwin made in the last year, and how much of that came from contracts with the Federal government? Is Bimaadzwin open about the money it has taken from non-licensed Indigenous cannabis businesses?

3. The advertisers in the last issue of Bimaadzwin's magazine *Growth and Progress* include Wiisag, a company founded by the same hedge fund manager who created Buchanan Renewables, a company with a history of atrocious ethical practices exposed in the Accountability Council's scathing report; Turtle Island Protective Services, three full page ads from Health Canada – which according to Access to Information Requests, paid the National Indigenous Cannabis and Hemp Conference that Bimaadzwin organized at least $50,000 to host their conference, and had enough sway to be able to keep presentations from Indigenous cannabis entrepreneurs not regulated by Canada off the agenda.

4. Bimaadzwin Inc. writes on page 14, “The roles and responsibilities of First Nations governments in the cannabis industry are becoming clearer, as First Nations explore the options for legitimizing jurisdiction and outlining regulations for First Nations-owned cannabis businesses with the federal government. However, there remains the important task of establishing a cannabis framework that mirrors the mainstream system and aligning the interests of First Nations from across the country within this model.” So here in a nutshell is the Bimaadzwin Inc. plan and model – get First Nations to “mirror” and “align” their model with those of the Federal Government on a Canada-wide level. This is not in the interest of most Indigenous people, as it means that the supply of cannabis will be run by Health Canada, and Indigenous entrepreneurs will not be able to produce their own independent supply according to their own rules.

5. Bimaadzwin Inc. writes on page 15, “Although Canada had mentioned that there would not be enforcement on Indigenous-owned cannabis enterprises during such time that an agreement between First Nations and Canada is being explored and negotiated.” Where did Canada say that? The raids that have occurred in Wahnapitae and AOK came after Band Council held referenda and passed BCRs on their own cannabis laws.

6. Bimaadzwin Inc. writes on page 16, that the “right to assert jurisdiction and implement cannabis regulations as individual First Nations is critical; but that the framework that would allow these individual cannabis laws to be recognized by the mainstream cannabis industry would be a single, national framework.” This ‘single national framework’ is the one created by the Federal Government’s Cannabis Act, and is one run by Federal rules. First Nations will have to give up sovereignty and their own national rights to fit into the plan being suggested by Bimaadzwin.

7. William Olscamp, Media Relations for Indigenous Services Canada summarized the Government’s position as follows: “Under the Cannabis Act, those wishing to produce and sell cannabis products need to obtain the appropriate federal, provincial or territorial licence. Such cannabis products would be produced under a federal licence, and sold to consumers by a provincially or territorially authorized retailer or by a federally licensed seller of cannabis for medical purposes.”

8. Furthermore, Olscamp notes, “There are no specific authorities or definitions in *The Indian Act* for the regulation of cannabis. Furthermore, sections 81(1) and 85.1 do not prescribe authority for the Minister to comment or assess the content and validity of

by-laws under these sections. Only a court of competent jurisdiction will do so if required. The Minister has to approve section 83(1) by-laws prior to their coming into force. By-laws, or legislation enacted by Indigenous governments, could co-exist with The Cannabis Act as long as they do not conflict with the Act." So basically what the Federal Government is saying is that there's nothing in the Indian Act that allows you to regulate cannabis, but that it could be okay as long as you make your regulations an extension of the Federal ones.

9. However, Olscamp has also said that: "The Government of Canada acknowledges the interests of Indigenous communities and governments in establishing models and rules that meet their unique needs. It also recognizes that Indigenous authorities can derive from a number of sources, including rights recognized and affirmed in the Constitution Act, 1982, historic and modern treaties and land claim agreements, self-government agreements and federal legislation such as the Indian Act." So this is an indication that Indigenous people are probably better off negotiating with the Federal Government over the Cannabis Act by standing on the basis of their Treaty rights and constitutionally protected rights that include the Royal Proclamation of 1763 and the Rowan Proclamation of 1854. Such a perspective and analysis is nowhere even entertained in the Bimaadzwin Inc. proposal as a possibility, even though there are already 160 documented Indigenous cannabis dispensaries openly operating without Federal, Provincial or Band Council regulation.

10. The "Harmonization By-Law Draft" proposed by Bimaadzwin is concerning. It "adopts overarching Provincial and Federal regulations onto the territory of the First Nation." That is giving away your sovereignty.

11. What evidence is there that "the Federal government is keen to work with First Nations on a national solution that would recognize First Nations jurisdiction over the industry, and recognize First Nations-passed cannabis laws and by-laws within the mainstream industry"? Where in writing has the Federal Government ever said this? (page 4)

12. Pages 5 and 6 reference a series of resolutions moved and passed at the Chiefs of Ontario and Assembly of First Nations in 2019. These include resolution 28/19 at the COO in June in Sault Ste Marie, resolution 36/2019 at the AFN in July in Fredericton, Resolution 48/2019 at the AFN in July in Fredericton, and resolution 54/2019 in July in

Fredericton. What Bimaadzwin Inc. neglects to mention is their involvement in drafting these documents through their relationship with Thessalon FN.

13. On numerous occasions (page 14, 15, 16, 17) Bimaadzwin Inc. speaks of “the mainstream cannabis industry” that the Federal government would “recognize Indigenous cannabis laws within.” This is a euphemism for participation within the Canadian system of the Federal Cannabis Act within the framework of Canadian laws. This “mainstream industry” is thus the exact opposite of the Sovereign Indigenous approach by which 160 stores are open and which holds that Indigenous nations and their villages and communities have their own customs and conventions and worldview by which they “regulate” the cannabis industry upon their territory.

14. It is worth mentioning that Canadians and the Canadian government do not have a legally defined definition of the term “First Nations.” The term thus has no real meaning in law, and in common parlance it can refer to both the Indian Act Band Council governance structure, or the community or nation as a whole. So beware of any documents where the term First Nations is used – it is a weasel word which can mean two very different things at the same time: a very specific entity of the Federal Government given rights and a relationship to a territory by the Crown, or a collective body of Indigenous people who have their own rights and a relationship to a territory through their original and un-ceded title to the land.

15. So when Bimaadzwin Inc. says “First Nations are continuing to work with the federal government on the creation of a First Nations-Federal Cannabis Framework that would outline the roles and responsibilities of First Nations governments in the cannabis industry; and recognize Indigenous cannabis laws within the mainstream cannabis industry” they are using the term First Nation in its first sense and not its second sense. To be more clearer, that sentence could be re-written as “Band Council governance systems which hold no Treaty or Aboriginal rights and were created by the Federal Government through the imposition of an openly racist and genocidal Indian Act are continuing to work with the Federal government on the creation of a Band Council – Federal Cannabis Framework that would outline the roles and responsibilities of Band Councils in the cannabis industry; and recognize Band Council approved cannabis regulations that fit within the already established framework that the Federal government has established through the Provincial Crown Corporations and the Licensed Producers regulated by the Health Canada bureaucracy.”

16. The example of the “First Nations” side of this framework that Bimaadzwin Inc. is proposing is revealed in the draft by-laws that they have written for Garden River First Nation. This draft law would prohibit cannabis (in making it illegal to commercially benefit from the plant except if you buy a license, or a right to do it from Band Council), require business plans that "meet or exceed federal expectations", require a $5000 non-refundable "filing fee" to be considered for licensing, fines for "using cannabis in public" would be $1000 the first time, and $5000 on subsequent occasions, create a "cannabis control commission" to run the law, doesn't allow people with a criminal record to participate in the industry, and take 8% of gross cannabis sales (basically a tax) that goes to Band Council. Permits for growing/producing cannabis would only be issued to entities in which Band Council has an ownership interest; standards and testing procedures will be consistent with Health Canada; the Cannabis Control Commission can engage “Approved Agents” including Health Canada, to test, inspect, and certify cannabis in the territory; fines up to $250,000 for individuals and $1,000,000 for corporations can be imposed by the Commission and are payable to Band Council; and sales of cannabis products must be distinguished between First Nation and non-First Nation members, presumably for taxation purposes.

17. If Band Council wants to take 8% of gross cannabis sales from Indigenous entrepreneurs, then by that logic, what about taking 8% from the gross sales of tobacco shops, corner-stores or gas stations? Or indeed how about taking 8% from the gross income of all Band Council employees? Why is it only Indigenous cannabis entrepreneurs targeted, and why should Indigenous people living on unceded lands ever be paying any taxes or fines to the Crown at all? Band Council is a creature of the Crown that only exists because of the Indian Act, and this 8% tax on cannabis entrepreneurs is but the beginning of an imposition of income taxes on Indians living on reserve.

18. None of these regulations or fines were ever imposed in Garden River for the growing of a natural plant and medicine. Garden River First Nation acquired its name from the huge amount of locally grown produce that it sold from its land to non-natives. This agriculture was precisely the type of the productive ”civilizing economy” that the Upper Canada legislature passed the Indians’ Protection Bill of July 30, 1850 to protect. Chief Shingwauk himself played a major role in the passing of this legislation and the subsequent Rowan Proclamation.

19. The Rowan Proclamation of March 11, 1854 was made by Governor General and Commander-in-Chief of British forces in North America Sir William Shearman Rowan and has the same legal weight as a Royal Proclamation. It has never been repealed. The Rowan Proclamation explicitly outlines various Indian lands “on the borders of Lake Huron, Superior, Nipissing and Nipigon” where the provisions of the “tenth, eleventh, and twelfth sections” of the Indians’ Protection Bill should be explicitly applied. These sections concern the protection and possession of Indigenous wealth and property, and the means for removing and punishing the European immigrants squatting on their land. These lands include the present day territory of Ketegaunseebee (Garden River).

20. The purpose of the Indians’ Protection Bill was two-fold. First, to protect Indians and non-Indians who had intermarried with Indians, on these lands by declaring their personal wealth and property inviolable from the “designing and unprincipled” – especially if it involves Indians utilizing modern and “civilized” forms of wealth and agriculture – such as the growing of market vegetables in Ketegaunseebee. And secondly, to “provide more summary and effectual means for the protection of sùch Indians in the unmolested possession and enjoyment of the lands and other property in their use or occupation.”

21. These issues had long been matters of concern to Indians facing an influx of European immigrants, which grew by 800,000 in the years between 1815 and 1850. The Indians’ Protection Act re-iterated many of the same basic positions in Crown-Indian policy as defined in the 1763 Royal Proclamation. The Act stated that no purchase or sale of land from Indians could occur without the “authority and consent” of the Crown; that no person could sue any Indian in Upper Canada unless it was over land held in “fee simple” ie. personally owned and alienable land within the British landholding system; that “no taxes shall be levied or assessed upon any Indian or any person intermarried with any Indians” who lived on Indian land; that no tolls or fees would be charged on any “road, bridge or ferry” in the Province; that no “spirituous liquors” could be sold to Indians; and that any property pawned by Indians in exchange for alcohol must be returned to them.

22. In making his Proclamation, Governor General William Rowan underscored three specific sections of the Indians’ Protection Act – X, XI, and XII – that protected Indians and punished unwanted non-Indians and tied specific parcels of Indian land to these protections. In so doing, the Governor General acted as the direct embodiment of the

Crown and upholding its duties to its Indian allies, and was continuing in the footsteps of a long established relationship between the Crown and Indians in the Great Lakes region.

23. Section X of the Act explicitly protects the wealth of Indians from seizure – including their treaty annuities and presents – as well as Indian wealth expended and invested in "the encouragement of agriculture and other civilizing pursuits" i.e. in growing and selling their produce and wares from within their own economy. The Act recognizes the individual rights of Indians to hold this wealth which "may be and often necessarily are, in the possession or control of some particular Indian or Indians of such Tribes." The Act also explicitly protects Indian held property from "seizure, distress or sale, under or by virtue of any process whatsoever." Section X goes on to clarify that "none of such presents or of any property purchased or acquired with or by means of such annuities or any part thereof, or otherwise howsoever, and in the possession of any of the Tribes or any of the Indians of such Tribes shall be liable to be taken, seized or distrained for any manner or cause whatsoever."

24. These matters have come up in the Notice of Constitutional Question being raised in the trials arising from the Henvey Inlet raids notes that "The Rowan Proclamation continues to be in force, and has never been revoked. Along with the Royal Proclamation of October 7th, 1763, the land upon which the said offence was alleged to have been committed, is unceded Indigenous territory and is protected from imposition, trespass or injury by others. Together these Proclamations deprive the Crown of Jurisdiction." This perspective based in history and law, could be the basis for the articulation of a sovereign economic approach to cannabis for Garden River FN, but is not considered by Bimaadzwin Inc.

25. Bimaadzwin Inc. notes on page 18 that "the AFN Chiefs Committee on Cannabis has set the start of April, 2020 as the start of April, 2020 as a deadline to have a draft First Nations cannabis framework that could be adopted and included as a part of the FN-Federal Cannabis Framework." Bimaadzwin Inc. has not disclosed Isadore Day's personal participation in this committee or the possible conflicts of interest derived from Bimaadzwin participating and benefitting at multiple levels of the consultation and decision making process.

26. In discussing the overall viability of the cannabis industry on page 18, Bimaadzwin notes that "mainstream retailers are unable to keep up with demand, and maintain a legitimate

cannabis supply." This is incorrect. There is in fact a massive over-supply of cannabis, to the tune of between 300 and 400 tonnes of surplus grown by LPs.

27. Bimaadzwin Inc. notes that Garden River First Nation is in the "process of exploring the implementation of a community cannabis law... to govern the cannabis industry on their territory". This will be arrived at through "community-wide policy discussions, facilitated by a cannabis survey."

28. The Band Council Resolution that Bimaadzwin Inc. has provided to the GRFN is designed to "assert the community's potential interest in exploring opportunities in the cannabis industry." It can also be used to "put potential cannabis projects on hold."

29. The "Cannabis Control Law" that Bimaadzwin Inc. has provided to the GRFN is modelled on the Kahnawake and Six Nations cannabis control laws. So much so that much of the text has been simply copy-pasted from those documents, without even the removal of the name of the original jurisdiction (Six Nations). The other "Cannabis Harmonization By-Law Draft" is copy-pasted from Nippissing First Nation, and still contains the name of the First Nation.

30. The Harmonization System that Bimaadzwin Inc. has provided to the GRFN outlines "a framework for cannabis businesses that aligns with overarching provincial framework by passing a community bylaw. In this law, the cannabis business would require a cannabis license from either the Federal or Provincial government; and then would be applying for a business license to operate on the territory from the First Nation itself." On page 110 of the document, the draft text of this law reads that "Cannabis must be cultivated, produced, packaged, labelled, distributed, stored, sampled and tested in accordance with standard operating procedures that are designed to ensure that those activities are conducted in accordance with the requirements of Federal law."

31. Bimaadzwin states it will provide a report in the first weeks of November 2019 with the results of the survey they undertook. It will recommend a potential policy directive and will be a starting point for more in-depth consultations. Where is it?

32. Phase II of the Bimaadzwin Inc. plan for Garden River will take four more months and cost $30,000.

33. The August 1, 2019 Cannabis Exploration Bulletin (page 37) is a concise summary of Bimaadzwin Inc.'s plan and methods. It states it will "also include examples and best practices from other Indigenous-led cannabis businesses and retail associations" but doesn't in fact do so.

34. Bimaadzwin Inc. is attempting to establish a "FN Cannabis Standardized Compliance System that will align with the conclusion of the federal election and the incumbent's implementation of the Canada Cannabis Act C-45." According to discussions with Bill Blair, the minister of Border Security and Organized Crime Reduction, First Nations that "meet or exceed Ministerial standards" will "be in a favourable position to solidify a FN cannabis standardized system." While Bimaadzwin Inc. acknowledges that "First Nations and Indigenous cannabis business alike will move forward and continue to grow with or without a process of standardization with federal and provincial governments," they argue, without proving their point, that "harmonization is in the best interests of governments and communities alike."

35. Bimaadzwin Inc. identifies "three spectrums of options." The first is "full sovereignty" – the Tyendinaga Mohawk territory model where First Nations assert a "complete and exclusive" approach to cannabis regulation. Bimaadzwin Inc. states that there are "mixed and controversial issues with this approach" but never says what they are. In reality, Tyendinaga is doing very well, and has over 30 shops, employing upwards of 250 people and enjoys a thriving industry making hundreds of millions of dollars in sales a year. After the results of a recent plebiscite, the local Band Council decided not to move forward with a proposed regulatory system of the type Bimaadzwin recommends.

36. The second option is "Full Federal/ Provincial Compliance" and refers to accepting one of the 50 licenses the Province has made available to Indians living on reserves.

37. The third option is that of "Harmonization" and is preferred by Bimaadzwin Inc. This is the "FN-Federal Cannabis Framework" that Bimaadzwin says is already "in a process of negotiation" so that First Nations will have "recognized jurisdiction" and "would allow individual First Nations to harmonize regulations with Federal and Provincial standards." Bimaadzwin does not disclose the extent to which their company is involved in the FN-Federal negotiation process, or to what extent is involved in "negotiating" with Minister Bill Blair and other cabinet ministers, but we do know that Bimaadzwin is being

'harmoniously' paid by various Federal authorities including such as Health Canada and a number of Band Councils involved in these discussions.

38. Bimaadzwin Inc. notes that it has had "several meaningful and positive discussions with Minister Blair who agreed to meet without delay to continue the push toward a FN-Fed framework." However, while "*enforcement against First Nation unregulated activities is not expected; however the window period for First Nations to have a FN Model place is short*" [emphasis in original]. This seems rather like a threat from Minister Blair.

39. Bimaadzwin Inc. further notes that "It was identified by the Minister that it is of critical importance to identify a model that substantiates First Nation Cannabis including cultivation, production, retail, distribution, and jurisdiction; a list of barriers that might be addressed but his model; a model for a national First Nations Cannabis Council; and a seed-to-sale roadmap for a First Nation seeking legitimacy within the national cannabis industry."

40. Bimaadzwin Inc. discusses its methodology and say that "Chief Isadore Day and his team use a method based on community-choice theory, which raises issues from the grassroots people within a community. This theory is in direct contrast to the colonial top-down model where decision is made without community consent, dialogue, or involvement.

41. Bimaadzwin Inc. concludes that there are four options that Garden River FN can choose to follow. The first is to "do nothing" which Bimaadzwin Inc. says would mean that "the community would not have any cannabis-related businesses on its territory." This statement fails to take into account that currently without "doing anything" Garden River FN has four cannabis dispensaries operating on its territory which have been active and well known by community members to be in operation for the past 3-4 years. The ignorance of Bimaadzwin Inc.'s statement here would indicate that they are not aware of the existence of these dispensaries.

42. The second option is the "full sovereignty option", but Bimaadzwin Inc. pans this approach because it "requires developing encompassing cannabis regulations in the community, and limits the capacity to engage with other businesses outside of the territory." This is not true. Tyendinaga, Alderville, Pikwakanagan, Kanehsatake, Oneida and Walpole Island all have thriving cannabis economies with more than a dozen retail

stores in each of these communities. None of them have any cannabis regulations in place outside of the customs and conventions of their people. Nor are they unable to engage in trade with each other. In fact, they do a lot of nation-to-nation trading in the cannabis industry.

43. The third option is full compliance with Crown authority and is not recommended because the application period has already started and competition is expected to be high.

44. The fourth option is the Harmonization approach based on joining “the other First Nations across Ontario working collaboratively to negotiate a First Nations - Federal Cannabis Framework that will outline the roles and responsibilities of First Nations and the Federal Government.

45. Bimaadzwin Inc. notes that “it is critical that Garden River First Nation start by engaging members of the community regarding the cannabis industry in Canada, and the four options that are before the community. The Governance Committee should explore the benefits and risks of the four options, and determine a position that best reflects the needs and opinions of the community’s membership.”

46. In its discussion Bimaadzwin makes no mention of the traditional approach to cannabis regulation adopted by some Bear Clan Mohawks in Tyendinaga, and does not discuss in detail the Indigenous cannabis associations formed in Tyendinaga, Alderville, Pikwakanagan, or along the North Shore.

47. Bimaadzwin Inc. notes that “In the C-45 model, the federal government granted itself the responsibility for criminality, production – that is the cultivation, processing, and packaging – as well as maintaining control over the medical cannabis market. The provinces were granted the responsibility for the distribution and retail sale of cannabis, to define the scope of use like the minimum age, and legal areas of consumption. The federal and provincial government agreed to share jurisdiction over issues like the personal growth of cannabis, the taxation framework, and public health and education initiatives. This federalist framework failed to consider the third level of government in Canada, Indigenous governments.”

48. This statement above succinctly summarizes the issues at stake. The sovereign approach says that Indigenous nations have every right to decide every matter listed above. Bimaadzwin's approach explicitly considers First Nations "the third level of government" in Canada (presumably a municipality in other words), and from that position makes demands of the top two levels of government. This position is consistent with that of the Liberal "termination plan" for First Nations.

49. Bimaadzwin Inc. argues that "The Cannabis Act (S.C. 2018, c16) does not prohibit Canada from consulting and making agreements with First nations; actually sections 59 and 60 provide the Attorney General of Canada the responsibility to enter into agreements with any province, municipality, or local authority on a limited number of matters. Section 7 of the act defines a local government as including First Nations."

50. On the cannabis issue, Bimaadzwin Inc. cites the legal approach of Murray Marshall, the lawyer who has been the General Counsel for the Kahnawake Gaming Commission since it was established in 1996. Marshall also established the Legal Services department of the Mohawk Council of Kahnawake(MCK) in the 1990's and has drafted numerous laws for the MCK including the Kahnawake Gaming Law, Kahnawake Alcoholic Beverages Control Law, Kahnawake Membership Law, Kahnawake Peacekeepers Law and the Kahnawake Cannabis Control Law. He is referred to as 'Godfather Murray Marshall' in a Mohawk Nation News article that explores how "Indian Affairs sets up Mohawks as fronts for outside investors. They just have to pay rent for space in our community to take advantage of our sovereignty and tax free position." The article argues that Marshall is "a bar lawyer who sets up the spin, payoffs, rules, regulations, contracts and deals" for outside companies to benefit.

51. Page 59-60 discuss cannabis regulation in Tyendinaga Mohawk Territory. Bimaadzwin Inc. gets it all wrong, claiming that the Mohawks of the Bay of Quinte (MBQ) have established regulations over industry and established a "Cannabis Control Board." This is not the case. Against the wishes of its people, the MBQ has passed a version of Kahnawake's laws (written by Murray Marshall) that are "harmonized" with the Federal Goverment's regulations of cannabis. However, there has been no attempt to enforce this law, and community members have expressed strong opposition to it, and have been told that the law was only passed as stop-gap means to stop the Province from claiming jurisdiction. Recent attempts by the MBQ to gain community support for the law through a plebiscite have ended in failure.

52. On page 61, Bimaadzwin Inc. finally refers to the efforts of dispensaries in Alderville and Pikwakanagan in creating their own associations and frameworks for self-regulation. It is suggested that these associations were merely a step along the way until such time as the First Nation could implement their own regulatory frameworks. No meaningful analysis is provided of the structure or functioning of these approaches.

53. On page 62, Bimaadzwin claims that “there are no current cannabis businesses, or a cannabis-related industry association” in Garden River First Nation. This is false. There are three shops that have been open 3-4 years.

54. Bimaadzwin claims that there are essentially two routes to regulation. The first is to impose a moratorium on the cannabis industry as has been done at Kahnawake. The second is for a community to regulate the use of cannabis within its territory as in Alderville and Tyendinaga. This is incorrect as Alderville and Tyendinaga do not have any formal types of regulation. Their industries are self-regulating on the basis of the peoples’ own customs and conventions. This is most clearly spelled out in the booklet Dusting off the Path, which discusses the customs and conventions of the Mohawks in regulating cannabis.