Is Cannabis Changing Our Relations?

An Evaluation of British Columbia's Attempts at Economic Reconciliation.

by

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Abstract

Prior to Canadian cannabis legalization, Indigenous nations had started to participate within the unregulated cannabis industry, turning it into a vehicle for cultural assertion. With the enactment of a federally regulated market, Indigenous cannabis businesses began to be displaced by regulated storefronts. With the increasing grievances from First Nation voices it was apparent that federal cannabis legalization actively excluded them from participating in a regulated economy (Crosby, 2019). In response to the increasing call for change, British Columbia enacted a unique amendment that aimed to create new government-to-government agreements between Indigenous communities involved in cannabis economies and the provincial government (BC Government News, 2022). Due to the recency of this amendment a large gap in evaluating its efficacy was apparent. Through the application of a historiographical analysis this research aims to establish the effectiveness of these newly formed agreements in the context of rebuilding Indigenous-Crown relations. This paper suggests that there is a growing amount of self-determination for those who participate within this new cannabis framework. However, based on the response by Indigenous voices and perspectives there is still a high degree of rigidity that excludes many from participating (Clarke, 2023). The overarching message is that this policy moves in the right direction but still lacks the ability to allow nations to assert an adequate degree of sovereignty.
1. Introduction

How does a lack of Indigenous cannabis policies in British Columbia support colonialism? Though this question presents an open ended and ambiguous line of query it speaks to an ongoing contention in contemporary Indigenous-settler relations. With cannabis being federally legalized in 2018 it received warm reception from businesses occupying a previously illicit economy, and from individuals looking to capitalize on this new and emerging industry. For decades cannabis activists had been openly pushing for legalization, demonstrating acts of resistance against the out of date drug enforcement paradigms that characterized drug enforcement discourse. Many reveled in cannabis legalization as it presented new and legal channels to consume the substance, continuing the growth of a long-established counterculture movement. Through the fast-paced commotion to implement the legal regulations and policy framework many were unaware of the downside to this legalization, the fact that Indigenous voices and governance were completely ignored. What had been glossed over with the legalization of cannabis was a deeply rooted and diverse cultural landscape that made up the Indigenous cannabis industry. Nations had established thriving economies on their lands, nationally attended events had been established, and a sense of unity and healing had been facilitated through the shared consumption of this plant (Koutouki, 2019). From the perspective of Indigenous cannabis players there was an actual movement towards participating Nations establishing sovereignty and economic prosperity through these self-governed networks and communal gatherings. As the dust began to settle after the initial enactment of Bill-C45\(^1\), growing concerns from cannabis actors outside of the regulatory framework began to take shape. What the legal framework for cannabis legalization aimed to do was assimilate or dismantle any

\(^1\) Bill C-45 is the federal Canadian Cannabis Act.
entity that desired to operate outside of the new recreational market. Due to the conform or dismantle approach the federal government implemented many Indigenous cannabis entities feared that these new much stricter laws would harken the beginning of a second prohibition, one which actively aimed to fight against the rights Indigenous nations possess to govern themselves on their own land. Within this complex and constraining new legal environment British Columbia stood out as unique in the way it aimed to address the apparent gap of Indigenous representation in the regulated cannabis economy. The implementation of amendment Section 119\textsuperscript{2} to the British Columbia Licensing and Control Act\textsuperscript{3} allowed for the provincial government to enter negotiated partnerships with Indigenous nations, aiming to evoke participating Nations into entering the regulated cannabis industry on mutually agreed conditions. Due to this newly enacted amendment, there is still an absence in documented literature regarding its effectiveness, specifically whether it has addressed the disparity initial legalization has caused. Due to the gap in the academic record, this research specifically aims to assess Bill C-45’s efficacy leading up to Section 119’s implementation, evaluate the varying aspects of the Section 119 government-to-government agreements and negotiations, as well as highlight Section 119’s shortcomings and potential policy ratifications through the incorporation of Indigenous perspectives.

\textsuperscript{2} Section 119 is the amendment for Indigenous inclusion in British Columbia’s Cannabis Licensing and Control Act implemented in 2022.
\textsuperscript{3} The British Columbia provincial legislation for governing the recreational cannabis industry, enacted on May 31, 2018 (Province of British Columbia, 2018).
2. Background

A. Pre-legalization

Prior to the federal legalization of cannabis, a multitude of Indigenous Nations had established economic cannabis roots across the country. The Nations that participated in these self-governed cannabis economies asserted that cannabis was a viable unifier of Indigenous communities, helping to heal and strengthen cultural connections (Crosby, 2019). The significance of cannabis was that it provided a financially feasible way for participating Nations to sustainably support their communities’ economic development, with it being the “second greatest form of private employment in Indian country” after tobacco production (Koutouki et al., 2019, p.721). These Indigenous led economic vehicles proved not only to be significant in the sustainable growth of their communities' prosperity but also acted as a tool to facilitate outward displays of sovereignty. An example of the transformative abilities of these localized cannabis-based networks were visible through events such as the Indigenous Cannabis Cup⁴, which brought together Indigenous cannabis actors from different regions of Canada (Koutouki et al., 2019). It was evident that these public and outward displays of resistance against federal drug laws were a direct means of pushing back against the disproportionate incarceration rates and persecution Indigenous peoples have experienced through colonial drug policy. Leading up to the enactment of Bill C-45, legal ramification for illicit cannabis use has disproportionately affected minorities, specifically Indigenous community members, with a “nine times more” likelihood of be detained and “arrested for cannabis possession than white people over the period from 2015 to 2017” (Koutouki et al. 2019, p.720).

⁴The Indigenous Cannabis Cup was started by Jamie Kunkel and hosted in Ontario on the traditional lands of the Tyendinaga Mohawk Nation.
Preceding legalization, documented requests for participation from Indigenous nations began in 2016, through correspondence with the Assembly of First Nations\(^5\) (Assembly of First Nations, 2016). To draft Canada’s recreational cannabis laws, the Task Force on Cannabis Legalization and Regulation\(^6\) was created. This newly formed task force was composed of varying professionals from an array of academic and public sector fields, but did not include any Indigenous representation through its delegated members (Health Canada, 2016). This lack of representation was exacerbated when anthropologist Andrew Crosby uncovered redacted documents, through a freedom of information request, that outlined an active attempt to avoid including Indigenous Nations from having a voice within the Task Force (Crosby, 2019). The apparent disregard to address Indigenous inherent rights to regulate cannabis industries that occupied their lands caused many communities to question whether Bill C-45 had any desire to include Indigenous economic participation in legalization (Koutouki et al. 2019). It is evident that prior to the enactment of Bill C-45 in 2018, many Indigenous communities and coalitions expressed dissatisfaction with how federal and provincial governing bodies excluded them from legislative consultation. Chief Darcy Gray of the Listuguj Mi’gmaq First Nation, voiced that “economic opportunities arising from cannabis legalization didn’t seem to be part of the conversations” between First Nation communities and the Federal government (Lamers, 2022).

What resulted from the consultations prior to legalization was the conflict between who governed on-nation cannabis economies, ultimately solidifying the ongoing contention surrounding the Indigenous recreational cannabis industry.

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\(^5\) The Assembly of First Nations is an assembly of Canadian First Nations represented by their Chiefs. Established in 1982 and modeled on the United Nations General Assembly.

\(^6\) The Task Force on Cannabis Legalization and Regulation is a panel of governmental experts that create and facilitate the implementation of legal frameworks for recreational cannabis policy within Canada.
B) Post-Legalization

When Cannabis was legalized in 2018, there was a continued desire for Indigenous nations to participate in the newly legalized market. Documents submitted by the AFN during the period of 2018-2022 expressed repeated grievances which were not rectified or acknowledged by federal cannabis policy makers (British Columbia Assembly of First Nation, 2022). With growing rhetoric around economic reconciliation, the new cannabis laws usurped enacted policy by the Truth and Reconciliation Board, specifically the Call to Action 18, which required acknowledgement of the unfavorable position of Indigenous peoples’ healthcare and “to recognize implemented healthcare rights of the Indigenous people as identified in international law and constitutional law under their treaties” (Assembly of First Nation, 2017). With Indigenous nations losing their ability to openly express their cultural healing connections to cannabis outside of a colonial framework, this pushed Indigenous cannabis players into a precarious position of navigating new structural barriers and legal ramifications that furthered potential negative health outcomes.

As Indigenous communities began to enter the cannabis industry disputes around control or inclusion in taxation programs unfolded. Initially in May 2018 the Standing Senate Committee on Indigenous Peoples (APIA)\(^7\) aimed to establish “Indigenous jurisdiction” through the amendment of Bill C-45 (Assembly of First Nation, December 2018). In 2019 the requested amendments were met with rebuttal from the Minister of Health and Indigenous Services\(^8\), providing “jurisdictional options” that would require Indigenous communities to pay excise tax

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\(^7\) The Standing Committee on Indigenous peoples conducts studies and examines bills that relate to the “federal government’s constitutional, treaty, political and legal responsibilities to First Nations, Inuit and Métis peoples.” (Senate of Canada, 2024)

\(^8\) The Minister of Health and Indigenous Service’s responsibility is to deliver federal government services to Indigenous communities.
on cannabis, fuel, alcohol and tobacco, conflicting directly with the Indian Act\textsuperscript{9} tax free exemptions (Assembly of First Nation, December 2018). This callous and extortionary approach from federal governing bodies not only demonstrated a reluctance to address policy gaps for Indigenous communities but also to actively deter First Nations entities from participating in the cannabis industry without absolving their sovereign rights to control localized cannabis sales and revenue. As exclusionary acts such as these arose within many provinces of Canada, British Columbia stood out as a unique case of how working towards thoughtful collaborative approaches to policy implementation can ultimately help Indigenous communities. Within British Columbia there has been movement towards ensuring equitable inclusion of Indigenous communities within cannabis policy, likely attributed to joint engagement prior to the enactment of Bill C-45 (Ivers, 2022). In 2018, the BC Assembly of First Nations implemented a resolution that spoke to current and future engagement between British Columbia’s Cannabis Legalization and Regulation Secretariat and the BCAFN and the First Nations Leadership Council (FNLC)\textsuperscript{10} (Ivers, 2022). After years of consultation and negotiation the provincial government of British Columbia enacted an amendment to the Provincial Licensing and Control Act called Section 119. The direct goal of Section 119 was for the provincial government to provide integrative incentives such as financial assists, training programs, and co-stewardship to sustainable Indigenous cannabis business for Indigenous nations aiming to participate in the regulated cannabis industry (Ivers, 2022). Prior to the enactment of Section 119 framework, there was a visible gap in representation of Indigenous owned cannabis business, within and external to British Columbia. Statistically, Indigenous retailers occupied only 2.4% of the 500 retail stores

\textsuperscript{9} The Indian Act is a Canadian parliamentary act that relates specifically to registered Indians, their bands, and the system of Indian reserves.

\textsuperscript{10} “The First Nations Leadership Council is comprised of the political executives of the BC Assembly of First Nations, First Nations Summit, and the Union of BC Indian Chiefs.” (BCAFN, 2018)
within British Columbia, while only 12 Indigenous operated stores on reserve land, within cultivation. and processing (Lamers, 2023). This large disparity only grows larger outside of the province with only 0.8% of all licensees operating within Indigenous communities nationally. The importance of Section 119 is its ability to amend the complete lack of Indigenous representation within the industry. This seminal model was unique in its approach to forming new government-to-government agreements with participating nations, aiming to create sustainable pathways to economic reconciliation and visible representation within the recreational cannabis industry. In contrast with the ongoing provincial and federal disputes outside of British Columbia, this model was viewed as setting the groundwork for how cannabis could create new opportunities of economic reconciliation.

3. Literature Review

Canada’s national legalization of cannabis can be viewed as groundbreaking on a global stage. Through the implementation of Bill C-45, a new economic sphere began to take form, spreading throughout the country like wildfire. With the race to establish themselves in this new industry, private and public recreational cannabis businesses began to sprout up in the thousands, leaving little opportunity for reflection on its trajectory. This fast-paced hysteria to solidify one’s own business has resulted in a myriad of shortcomings relating to economic equitability and inclusion. As the dust began to settle on initial legalization, voices from those who were excluded from these opportunities became louder. Various academics started publishing literature that painted a much darker narrative of implemented legalization, specifically highlighting the injustices experienced by Indigenous Nations and the disruption to Indigenous-Crown relations.
Seminal research from scholars such as Crosby, Ivers, Owusu-Bempah, Koutouki, and Lofts established that the Government of Canada had inadequately proposed and implemented policy frameworks, which ultimately usurped Indigenous governance and economic inclusion (Crosby, 2019). These sources evaluated the efficacy of recreational cannabis legislation, with the majority focusing on the federal frameworks and national context. Literary sources, excluding Ivers, contained minimal focus on British Columbia’s pre-emptive movements towards Indigenous inclusion through Bill-45’s enactment. This absence of literature has left a gap in the academic record in regards to understanding the movement towards hybrid models of government-to-government agreements. The analysis of current literature concludes that frameworks establishing social and economic inequality are present, but lacks focus on provincial models which aim to rectify how cannabis policy were implemented to allow Indigenous economic prosperity.

To evaluate how effective these methodologies are, a cross comparison of Ivers' publication on Indigenous sovereignty and embedded colonialism of cannabis law will be used to assess the degree of racialized barriers present in Bill C-45, which are highlighted in previous works by Crosby and Owusu-Bempah, which assess the degree of racialized barriers present in Bill C-45 (Ivers, 2022). Ivers' methodological aim was to establish a chronological comparison of respective documents relating to the public discussion and political process of cannabis policy, within the context of Indigenous-Crown relations. Their research evaluated the extent Indigenous voices were incorporated and honored through the development of federal cannabis policy, highlighting the degree of governmental receptivity that was present within the final implementation of legalization (Ivers, 2022). Though Ivers addresses the ongoing movement to
government-to-government based models within British Columbia any recent agreements and rhetoric is absent in their literature.

Application of Owusu-Bempah’s research into the racialized inequalities and injustice experienced by minorities prior to cannabis legalization, alludes to a larger systematic exclusion through intentional structural barriers. Their research posits that the extreme underrepresentation of Indigenous cannabis players is contrasted by a high presence of “white” actors, which possess economic powers unavailable to those who are disenfranchised (Owusu-Bempah, 2021, p.15). They deduced that the provisions put forward in Bill C-45 leave no room for participation in “making key economic and political decisions about cannabis on their own territory.”, while also failing to address the racialized harm of prohibition (Owusu-Bempah, 2021, p.17). These findings bolster the argument around the embedded racialized injustices within cannabis policy through its enactment, but do not address Section 119 model agreements of economic reconciliation present within British Columbia. This work is expanded on through Crosby’s analysis of federal cannabis policy implementation which asserts through gray literature documents that cannabis policy actively aimed to disrupt Indigenous assertions of autonomy and sovereignty for on-reserve cannabis participants (Crosby, 2019).

These varying resources possess commonalities that elaborate on the injustices experienced through the implementation of cannabis policy. The utilization of these comparisons ultimately establish a historiographical relationship between Indigenous-Crown relations on a federal level. Ivers' in-depth analysis of federal and varying provincial frameworks encapsulates a model that can be applied with a similar paradigm solely on a provincial level. The provincial legislative facet provides a rich landscape where much of the regulatory enforcement and taxation resources are implemented (Crosby, 2019). The situating of this research focus
specifically aims to supplement the gap in evaluating current movements towards Indigenous-Crown amendments by the provincial government of British Columbia. This research lays the foundation for the assessment of provincial policy frameworks in relation to Indigenous amendments, grievances, and desired outcomes.

To distinguish commonalities and differences between Section 119 agreements, all seven existing agreements will be viewed as a conjoined resource that will be cross-compared with the BCAFN Cannabis ToolKit\textsuperscript{11} and varying Indigenous produced literature (See Appendix A). This will allow for effective comparison within the collection of agreements, highlighting the parameters that each nation chooses to proceed within its partnership with the B.C. provincial government. These agreements vary in specification but all fall under the criteria to access the Indigenous Cannabis Business Fund (ICBF)\textsuperscript{12} resources through their Section 119 model participation (New Relationship Trust, 2022). The BCAFN Cannabis Toolkit becomes a contingent factor in evaluation of current agreements from an Indigenous governance perspective. This document coupled with the ICBF and other supportive resources jointly produced with BCAFN, the network of B.C. AFI’s\textsuperscript{13}, Health Canada, Indigenous Services Canada SPI’s\textsuperscript{14} and the Cannabis Secretariat of B.C.\textsuperscript{15} and are significant to establishing the ability to assert sovereignty with support from collaborative resources (ICBF, Dec 2022). The synthetic treatment of these sources as conjoined but independent effectively encapsulates to what extent government-to-government model systems have in flexibility compared to privatized

\textsuperscript{11} The Cannabis Toolkit “provides information and resources” relating to cannabis legalization and “economic development” from an Indigenous perspective (BCAFN, 2022)
\textsuperscript{12} The Indigenous Cannabis Business Fund (ICBF) provides non-repayable funding contributions to First Nation Communities and Indigenous businesses and entrepreneurs in British Columbia that want to participate in and receive supports to advance economic development opportunities in the federally (production, distribution, and retail) and provincially (non-medical retail sales) regulated cannabis sector.
\textsuperscript{13} Aboriginal Financial Institutions.
\textsuperscript{14} Strategic Partnership Initiatives.
\textsuperscript{15} Specifically, through the British Columbia Provincial through the B.C. Cannabis Secretariat.
recreational outfits. What is determined through the evaluation of the seven agreements are: possibilities of exemptions to the current tied house rule through farmgate\textsuperscript{16}, distinctive retail classification through the BCICP (BC Indigenous Cannabis Product Program)\textsuperscript{17}, and access to supportive funding through the BC government partnership initiatives (BC Provincial Government, 2022). The assessment of accessible economic resources listed within the BCAFN Cannabis Toolkit literature will supplement the degree of participation and support given through government partnerships, gauging the feasibility of Indigenous cannabis players entering Section 119 model systems.

To analyze the fluidity and ongoing dialogue of current models under Section 119, external rhetoric and literary resources produced by Indigenous actors will be compared to the current framework of Section 119. The use of the BCAFN’s Cannabis Toolkit will establish the ongoing and rectified recommendations put forward by the BCAFN, with key aspects of remediation being; the implementation of a farm-gate model, excise stamp tax-sharing initiatives, as well as amendments to the Cannabis Act to recognize Indigenous governance and regulations on-reserve (BCAFN, 2022, p.66). The Statement published by the BCAFN FNLC during 2023’s First Nation Summit expressed the ongoing grievances and desired outcomes for Indigenous governance and inclusion within the cannabis industry (BCAFN, 2023). These statements represent current rhetoric from Indigenous governing coalitions and will be used as a means of establishing the current gap within Indigenous-Crown relations. The desire for colonial governing entities to align current policy frameworks with those put forward by UNDRIP\textsuperscript{18} is still an overarching element to the ongoing discourse (BCAFN, 2023). Current localized

\textsuperscript{16} The legislation that permits cannabis production companies to own more that 20% stake in a cannabis retail outfit.
\textsuperscript{17} The BCICP is a program that highlights and designates cannabis products that were grown by a Indigenous majority owned company.
\textsuperscript{18} The United Nations Declaration on the Rights of Indigenous Peoples.
Indigenous grievances demanding further amendments are encapsulated through Christina Clark’s literature on the *Challenges faced by South Island First Nations* (Clarke, 2023). Their dissection of current Indigenous-Crown policy remediations in contrast to unmet recommendations by the BCAFN and FNLC establishes the continuity for ongoing negotiations towards an equitable model of economic inclusion. The application of these varying Indigenous voices within this industry is pivotal in evaluating queries regarding the overall effectiveness of Section 119 amendments, the receptiveness of the provincial government to enact change within their rigid policy framework, and what movement forward is needed to rectify the lack of efficiencies in initial policy implementation.

By evaluating previous literature, current rhetoric, and established negotiations the modeling of this paper's conceptual research framework is akin to Ivers’ model of historiographical comparison of Indigenous crown relations. This model will be applied through the lens of a rights-based paradigm that will establish the degree of change and partnership seen through Section 119’s amendment to the BC Cannabis Licensing and Control Act. Shortening the temporal timeline and focusing solely on the dialogue within British Columbia will allow me to establish to what degree these movements towards amnesty and inclusion are effectively addressing the concerns put forward by the BCAFN and FNLC. The incorporation of Indigenous perspectives will ultimately aim to highlight the ongoing persecutions of racialized exclusion and inequitable policy implementation that has been evident through prior cannabis policy enactment.
4. Methodology:

Through scholarly research Canadian cannabis policy was determined to be implemented in a colonial fashion, which undermined Indigenous participation. Prior academic literature has established that federal frameworks had no intention of honoring prior laws of Section 35 \(^{19}\) of the Canadian constitution (Crosby, 2019). Through the implementation of Bill C-45 Indigenous cannabis players have made it explicitly clear that their rights were usurped. This has sparked movement from British Columbia’s provincial government to adapt their legislation, facilitating opportunities for rectifying such grievances. This paper’s research analyzes if British Columbia has effectively addressed Indigenous grievances, the degree of variation and appropriate solutions that Section 119’s hybrid models produced relating to recommendations of BCAFN literature, and the gaps that require further rectification and negotiation. This research will prioritize Indigenous produced literature at the center of the argument being supplemented to existing governmental policy and documents.

The area of specialized study will fall within cultural anthropological theory and approach. The aim is to assess contemporary and ongoing discourse encompassing cannabis policy to surmise the degree of exclusion of Indigenous actors and the subsequent ratification models produced since legalization in 2018. The majority of the focus will be placed on documents relating to Section 119 government-to-government agreements and contrasted with individual Indigenous voiced outcomes. The overall analysis of the government-government agreements is supplemented by the established background context of exclusionary injustice produced by Bill C-45’s enactment, the cross examination of how each agreement is received by

\(^{19}\) A proclamation that establishes First Nation treaty rights are protected and asserted under Canadian law.
respective nation representatives, and the change in discourse after the enactment of Section 119 from Indigenous cannabis actors.

The lack of previous anthropological research that focuses on the Section 119 agreements proves challenging to adopt a rigid analytical framework. To ensure that this research is effective in evaluating the emerging agreements between Indigenous nations and the British Columbia government the criteria of analysis must aim to underscore the complex landscape that is being built upon. This research asserts that whether the focus be literary sources analyzed, contrasting comparisons of agreements, or the future recommendations the results will exclusively speak to the confines of Section 119 agreements, which are incorporated into the recreational system. The results and extrapolations of this research all fall outside the guise of fully sovereign based models, as well as recommendations that call for complete exertion of sovereignty requiring operation outside of a regulatory framework (Ivers, 2022). This is crucial to establishing that this research does not silence many Indigenous cannabis actors that aim to contest colonial law, remaining outside of a regulatory framework. The methodologies for this research specifically aim to focus on the degree of fluidity and growth Indigenous cannabis actors can exert within a regulatory framework, while not completely conforming to the assimilatory based systems established prior to the Section 119 amendment.

To effectively address the complexities of these agreements this research adopted a similar analytical framework to academics that have previously researched these spaces, specifically Aaron Ivers and their use of a rights-based paradigm. Ivers’ describes this as an approach which recognizes treaty, status, and entitlement that encompasses the inherent and established rights that embody Indigeneity (Ivers, 2022). Ivers continues by asserting that the rights listed are “derived from various sources including the creator, treaties, and international
law.” which contain high levels of credence when establishing initial positionality prior to entering government-to-government negotiations (Ivers, 2022, p.9). This research asserts that Ivers’ approach provides an in-depth understanding of self-determination within a settler-Canadian framework. It is the belief that this was the most effective way to analyze the level of success from these agreements while also evaluating the inherent rights that are still not being addressed through the current regulatory framework.

The methodological approach for this research specifically involves the application of a historiographical secondary source analysis, which evaluates Indigenous-settler relations in regards to cannabis policy. The use of this research method to summarize, critique and conduct overall evaluation the ongoing negotiations and discourse surrounding the emergence of Section 119 agreements, offers a synthesized analysis that incorporates varying perspectives surrounding the topic (University of Guelph, 2024). The aim of the historiographical secondary source analysis will be to highlight the current rhetoric and stances from varying cannabis actors that permeate the government-to-government agreement spaces of Section 119, whether that be those included or excluded from the regulatory framework. The documents addressed in this research study consist of gray literature and governmental documents, academic resources specifically pertaining to Canadian cannabis legalization and policy, as well as new articles and Indigenous publications that give credence to the varying voices from Indigenous cannabis actors in British Columbia. This information will be accessed through publicly available resources, Indigenous owned and operated websites, as well as the University of Victoria’s library resources.
5. Results:

A) Negotiated Government-to-Government Agreement Models:

I) Williams Lake First Nation: (September, 20, 2020)

The Williams Lake First Nation (WLFN) agreement of September 2020 is considered to be one of the cornerstones in the success of section 119 agreements. Their agreement has ensured the growth of both a retail and production model that have shown success within British Columbia’s cannabis market. Under their government-to-government agreement the WLFN have established both retail and production licensing, specifically looking to work independently and “together with other Indigenous Nations” within British Columbia (British Columbia Provincial Government, 2020). First Nation Chief Willie Sellars asserts that the WLFN craft cannabis farm-gate facility that is currently under construction which will create jobs and stimulate tourism and represents a significant boost for the region's economy. The key elements of their deal is the solidification of a farm-gate model allowing for products produced by the WLFN to be sold in their respective retail stores uninhibited from having to carry external cannabis brands and products. This directly excludes them from the tied-house rule and supports Indigenous micro producers to help shape the localized cannabis economy (Doerges, 2023). With the intuition of a farm-to-gate model and production facility the provincial government provided a $500,000 support package to aid in the development of the micro-facilities, with the agreement also allowing for an additional seven retail stores (Brown, 2021). Another key element of this agreement is the permitting of the WLFN cannabis retail stores to sell traditional artwork and crafts, exempting them “from the limitations in the CCLA that cannabis retail stores may only sell cannabis, cannabis accessories and shopping bags.” (Doerges, 2023).
II) Cowichan tribes: (December 21, 2020) & (November 29, 2021)

The Cowichan nation’s agreement can be viewed a successful model for those wishing to participate within the Section 119 model. Initially starting with a temporary agreement spanning one year (2020), and moving into a permanent agreement in 2021, they have been able to grow their localized cannabis economy through a production, processing, and retail model (Doerges, 2023). Their government-to-government agreement exempts them from what is referred to as the tied house rule, allowing them to produce and sell their products exclusively through their retail stores. Under the umbrella of the cannabis production company United Greenies, and the four retail stores through the Costa Canna brand they have been able to grow their business into a flourishing brand that is carried on the shelves of private and government run cannabis stores (Clarke, 2023). The significance of their agreement enables them to have “some variation from provincial cannabis framework”, ensuring that the unique interests are upheld while operating within a provincial regulatory framework (Public Safety and Solicitor General, 2021).

Squtxulenuhw Chief William Seymour of the Cowichan nation states that the negotiated agreement “will support new economic development opportunities and advance our interest in jurisdiction and right to self-determination” (Public Safety and Solicitor General, 2021).

Provincial MLA Murray Rankin concurs with these sentiments concluding that DRIPA20 allows for a monumental shift in relations between Indigenous nations and the provincial government. The importance behind this correspondence is that this agreement does not solidify a stagnant conclusion, rather it facilitates further discussion towards attaining mutually desired outcomes. A facet of carving out autonomy is through their on-reserve cannabis stores which exclusively

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20 Declaration on the Rights of Indigenous Peoples Act.
carry Cowichan Nation produced products that do not have to compete with private recreational cannabis brands (Doerges, 2023).

III) Snuneymuxw First Nation: (November 24, 2021)

The Snuneymuxw First nation’s government-to-government agreement was solidified in November 2021, aiming to support the vested interest within the recreational cannabis industry. Their agreements include the establishment of a cannabis retail outfit that opened January 2022, also allowing for the future opportunities to enter the production and processing space if desired (British Columbia Provincial Government, 2021). The agreement's intention is to ensure the opportunity for changing desires from the Snuneymuxw nation, ensuring a growing future participation within the recreational market. Chief Mike Wyse of the Snuneymuxw nation stated that this government-to-government agreement “creates career opportunities for our people, income for our government and, most importantly, an opportunity for further advance in economic reconciliation.” (British Columbia Provincial Government, 2021). This assertion of joint commitment is solidified by MLA Sheila Malcolmson who believes that the movement towards growing Indigenous inclusion within the recreational cannabis space will “strengthen our relationships and find new and innovative ways to work together.” (British Columbia Provincial Government, 2021). The intention of the Snuneymuxw nation is to open multiple cannabis retail stores across British Columbia, and have expressed the desire to enact future policy in regards to cultivation and processing (Lieutenant Governor in Council, 2021).
IV) Lhtako Dene Nation: (April 12, 2022)

The Lhtako Dene Nation signed their government-to-government agreement in April of 2022, allowing them to operate cannabis retail and production facilities on their respective lands. This marks the fourth government-to-government agreement under the Section 119 model. This agreement ensures that the Lhtako Dene Nations and provincial government’s work in collaboration to meet mutually agreed upon objectives (British Columbia Provincial Government, 2022a). Chief Clifford Lebrun of the Lhtako Dene Nation expressed that this agreement “give us the freedom and flexibility to enter the cannabis economy on a level playfield”, this demonstrates an active movement to support Indigenous cannabis actors to equitably compete within the recreational cannabis market (British Columbia Provincial Government, 2022a). The Lhtako Dene Nation expressed that they will be proceeding to open cannabis retail stores that will employ nation members within the Quesnel region, noting that the future revenue produced from their cannabis economy will aid in moving towards “self-sufficiency and freedom to plan our own journey forward” (British Columbia Provincial Government, 2022a).

V) Kispiox First Nation: (July, 15, 2022)

The Kispiox First Nation is the fifth agreement reached between governing bodies, being solidified in July of 2022. It supports Kispiox interests within the cannabis industry with Chief Councilor Cameron Stevens stating that the agreement will bring “new economic development and employment opportunities to the Gitxsan Territories”, concluding that the section 119 agreement is a “positive step in the right direction.” (Adwan, 2022). The significance behind Chief Councilor Cameron Stevens’ statement is the positive rhetoric about future relationships
being formed with the provincial government. This sentiment signals that the cannabis industry can pose new avenues for mending relationships with settler-colonial governments.

VI) Tsleil-Waututh Nation: (November 16, 2022)

The Tsleil-Waututh Nation agreement signed in November of 2022 marks another successful negotiation towards a collaborative model of recreational cannabis. The goals of their agreement were to meet both parties' vested interests, desiring to operate within the recreational and production space (British Columbia Provincial Government, 2022c). Key elements of their agreement focus on community health and safety, while aligning with desires to bolster economic development and employment opportunities for their nation. Chief Jen Thomas of the Tsleil-Waututh nation asserts that this is an example of “reconciliation in action”, believing that results will yield stable employment, growing relationships with the provincial government, and demonstration of provincial governing bodies to act in good faith to honor UNDRIP (British Columbia Provincial Government, 2022c). It’s important to note that the growing belief of participating nations that movement to rectify the cultural and economic disruption caused by colonial policy lies within hybrid models such as these. Chief Thomas concludes by explaining that current and future agreements will ensure that Indigenous economic will “grow and thrive” (British Columbia Provincial Government, 2022c).

VII) Shxwha:y Village Nation (July, 22, 2023):

The Shxwha:y nation entered into their section 119 agreement in July of 2022, taking almost three years to finalize it. This marks the seventh agreement under the new government-to-government agreements, and marks the “flexible” movement towards both parties
meeting their desired objectives within the recreational sphere (British Columbia Provincial Government, 2022d). With this agreement’s degree of recency it can be expected to change as the Shxwha:y Village Nation’s cannabis economy expands. Currently, the Shxwha:y Nation’s has partnered with cannabis brand All Nations which has cemented itself as a premium cannabis brand within the retail and production spheres. The Shxwha:y Nation possesses multiple retail stores and an expanding production facilities on the nation (Brown, 2022). Chief Robert Gladstone expressed that the government-to-government agreement “sets a strong foundation for ongoing government-to-government collaboration”, believing that “this is reconciliation in action” but asserts that reconciliation in itself does not have an end and continually collaboration is key to maintaining growing relationships with the province (British Columbia Provincial Government, 2022d). The nation itself is considered a top employer of the region, with All Nations boasting over 90% of their staff being band members (Shxwhá:y Village Nation, 2022). This ability for All Nations to achieve a high level of success has also resulted in their ability to help fellow brand FN Canna attain a production license as well, which employs an additional 20-30 community members (Brown, 2021). Due to its recency in establishment this hybrid model also stands as one of the first to begin the process of direct delivery, allowing for direct sales to privatized retails and more importantly nation-to-nation trade within the recreational sphere.

**B) Section 119 comparisons:**

1) **Commonalities**

The conditions negotiated between the provincial government and respective First Nations through the Section 119 agreements present many commonalities which define a larger framework for future participants. These specifically agreed upon terms fall exclusively within
the government-to-government model, which are normally not attainable to privatized or
government-based cannabis retail and production facilities. The significance of this is that the
provincial government is ensuring that exclusionary regulations are adapted to express localized
needs of each respective nation, allowing a higher degree of sovereignty to be exerted. The way
in which negotiations have resulted in prioritizing each nation's movement towards
self-governance within the cannabis industry demonstrates a degree of economic reconciliation
and collaboration, which contains an element of Indigenous stewardship. These actions taken
from both parties ensure the development of an ongoing positive relationship, amending
historically reductive approaches settler government entities have assumed when implementing
regulatory laws. The commonalities that are apparent within each agreement are:

1) Owning and operating a minimum of one retail store on or off reserve-land.

2) Possessing the opportunity to own and operate a cultivation facility, with the ability to
   process or subcontract processing out to a licensed third party.

3) The removal of the tied house rule, increasing economic opportunity for micro
   cultivators.

4) An increased ability to employ nation members, facilitating wider economic
   opportunities for participants from said nation.

5) Participate within direct delivery programs, increasing direct relationships with privatized
   recreational retail stores.

6) Ensuring businesses under the Section 119 model are protected through a non-conditional
   majority shareholder stake.

7) Increased nation-to-nation trade through excess surplus from direct delivery programs
   being traded with other section 119 nation cannabis stores.
8) Having a Indigenous cannabis designation for products sold through government
operated wholesalers (BCICP).

II) Differences:

It is assumed that through each unique agreement that difference within
government-to-government agreements will be present. These differences do not reflect a bias or
favoritism of specific participants but allude to the localized needs of each respective nation,
which they set out through their agreements. It is important to establish that these differences do
not allow one nation to supersede another in priority but ensure the heterogeneous elements are
present. Establishing a degree of heterogeneity between section 119 agreements sets groundwork
for diverse ways future nations can negotiate their respective conditions through this model. The
notable variation between Section 119 agreements are:

1) The extent of participation and active ownership of the business, running between 51%
and 100% ownership.

2) The varying degree of hired employees based on connection to each respective nation.

3) The participation within the production-based aspects of the section 119 program.

4) Having third party companies handle packaging and distribution.

5) Including sales of Indigenous arts and crafts that fall outside the bounds of the CCLA
regulations.

6) The degree of financial support from the government based on the nation's economic
goals and needs.

To demonstrate the heterogeneity of the Section 119 agreements, a brief cross comparison
between the Cowichan Nation and Williams Lake First Nation will act as a demonstration. The
Cowichan and Williams Lake agreements are two of the major success models within the section 119 agreements that show dramatically different approaches to their government-government agreements. The main difference between the two lies in their overall model of inclusion and direct involvement within their respective business. The WLFN agreement encompasses “entities that are wholly owned by WLFN”, whereas the Cowichan Tribes agreement relies on a business model that includes external participation, with the Cowichan nation maintaining “only a 51% interest.” (Province of British Columbia, 2022). The Devlin Gailus Watson law firm deduces that Cowichan Nation’s holding of a 51% stake likely explains the rigidity of their agreement, which contains “more narrow exemptions” due in part to external private involvement outside of the Cowichan Nation (Doerges, 2023). Variation can be seen in more recent Section 119 agreements between the Snuneymuxw First nation and the Lhtako Dene Nation, with Snuneymuxw currently running a retail store and the Lhtako Dene planning to conduct “both retail and production” operations (Doerges, 2023).

C) Section 119 Absences from Indigenous Perspectives:

To address the absences within the current section 119 agreements in contrast to guidelines established by the BCAFN, new amendment revisions must be conducted with the incorporation of Indigenous voiced perspectives outside of the government-to-government model. This is to ensure that confirmation biases deduced from the positive rhetoric presented in Section 119 agreements do not usurp larger negative experiences felt by non-confirmative First Nation cannabis actors (StratCann, 2023). The First Nation Leadership Council asserts after five years of recreational cannabis legalization that the legislation within Canada still isn’t providing “appropriate avenues for coordination between jurisdictions”, with absences of fiscal relationship
opportunities “that reflect the recognition of First Nations Jurisdiction over cannabis” (First Nation Leadership Council, 2023). Noticeable grievances regarding the section 119 agreements directly relate to the lack of tax-sharing programs and the rigid regulatory framework, which constricts Indigenous nations from choosing a more diverse means to participate within the market. Through four engagement sessions with Indigenous Nations and the provincial government in 2023, ongoing criticism for a lack of tax sharing measures ultimately hinders Indigenous cannabis players from feeling economic reconciliation in being acted upon (Clarke, 2023). In comparing all seven section 119 agreements, it is apparent that none of the agreements have any means to facilitate a tax sharing program. The inability to incorporate tax sharing measures allowing for Indigenous nations to retain profitability from their governance becomes a main focal point of grievances expressed by those aiming to assert a high degree of autonomy within the regulatory system.

What becomes a common statement between varying Indigenous voices is how excessive taxation and lack of tax-sharing programs within the current legalized market. Current regulatory frameworks divide tax sharing between the provincial and federal government, with the former assuming 75% and the latter receiving 25% of profitable tax revenue (Crosby, 2019). The First Nation Leadership Council asserts that to attain equitable partnerships taxation and revenue sharing must be established to ensure a “meaningful addressing” of the amendment to the provincial and federal cannabis acts (First Nation Leadership Council, 2023). The BCAFN’s Cannabis Toolkit establishes that Indigenous oriented taxation methods and profit-sharing programs will serve to bolster the current disparaging gap in “resources for enforcement or implementation of safety oversight” (Cannabis Toolkit, p.56). The significance of fiscally supporting Indigenous nations to bolster safety and regulatory enforcement measures, through
tax sharing programs, ultimately serves to reduce illicit channels and underage consumption, both of which are highlighted as main concern by the federal and provincial governments. The desire to amend Section 119 agreements to contain tax revenue sharing frameworks is evidently voiced, through Nations such as Cowichan, who have explicitly expressed interest in asserting some form of taxation and revenue sharing models to allow for a higher degree of self-determination (Cannabis Toolkit, p.35, 2022).

It is apparent that carving space out for Indigenous nations to participate within both the recreational and regulatory spheres of the cannabis industry is a feasible path to solving barriers within initial cannabis policy. In comparison, case studies highlighted in the Cannabis Toolkit demonstrate tax-based model solutions which can be adopted within section 119 agreements. Two key models are highlighted and currently active, the first being the First Nations Sales Tax (FNST), which “applies to on-reserve sales of alcohol, fuel, and tobacco products” that coincide with GST rates (Cannabis Tool kit, p 52). The second Indigenous tax model is the “point of sale royalty” that enables their Nations to redeem a “percentage of sales revenues from dispensaries licensed pursuant to such laws”, allowing for revenue to be attained by filling gaps where provincial and federal taxes are excluded for on-reserve sales (British Columbia Assembly of First Nations, 2021, p. 57). These varying regulatory models created from Indigenous leaders must be looked at as equitable and attainable solutions to resolving ongoing conflictions to self-governance within cannabis policy. The mutual sharing of tax profits would play into the growth and development of the Indigenous cannabis industry that operates within the provincial and federal regulatory framework, emulating a higher degree of a rights-based paradigm being met.
The second emerging shortcoming of Section 119 is its strict minimum requirements for participation. This has led to additional barriers of accessing resources and forming government-to-government that the amendment sets out to rectify. What’s made clear from Indigenous cannabis actors is that the 51% requirement of ownership is often considered a structural barrier that deters nations, such as the Songhees Nation, from participating in the regulated market (Clarke, 2023). As a result, some Nations opt out of participating with the regulated industries as a whole, while others opt into a solely regulatory partnership, such as the Songhees Cannabis Store, which partners with licensed retailers for profit sharing opportunities (Greater Victoria News, 2021). The absence of jurisdictional space that nations can utilize to enter these agreements leaves a higher degree of susceptibility to conforming to an assimilatory regulatory framework or remaining autonomous through unregulated economic channels. Clarke asserts that the minimum threshold for participation compound on other regulatory facets such as “licensing processes”, which are rigidly inaccessible and bureaucratic, posing barriers for economic viability (Clarke, 2023). What can be deduced from the perspectives of nations left outside of government-to-government agreements are that a larger degree of opportunities to opt into Section 119 would aid in nations participating in a regulatory framework. The results from assessing these barriers determine that to honor both UNDRIP recommendations and move towards a right-based policy approach the provincial government of British Columbia must show willingness to allow for minority partnership stakes in cannabis business.

The need for greater degree of economic opportunity has become a focal point for Indigenous nations participating within Section 119 agreements. Clarke establishes that the “restrictive nature” of the current provincial cannabis framework and subsequent government-to-government agreements poses “a barrier to First Nation’s economic success”
It is apparent that the emerging agreements, like the Shxwha:y Village negotiations, require years of negotiations to finalize, which have resulted in challenges to determine the long term success of their agreements. Darwin Douglas, the CEO of Shxwha:y Village company All Nations Cannabis, stated that those being excluded or abstaining from section 119 agreements are losing “out on the advantages” that come from being a part of the regulated market (Lamers, 2023). Douglas asserts that aspects such as sourcing traditional banking opportunities, potential financial capital, and national or international business opportunities all come from integrating into the regulated market. Though these aspects are important to retaining involvement from prospective Indigenous cannabis actors it is also refuted by Clarke, who states that most investors are “looking for asset-based mortgage instruments” in which many First Nations cannabis actors do not have access to on-reserve (Clarke, 2023). The diametrically opposed statements evoke an understanding that the provincial government must look at potential Section 119 agreements participants as coming from a diverse array of economic backgrounds, which could affect their ability to become involved in the recreational cannabis industry. This harkens back to the overarching issue of Section 119’s rigidity posed by Clarke and varying Indigenous governance entities.

7) Discussion:

Rights-based Application:

Within the scope of the rights-based paradigm it is important to establish that these agreements exclude nations desiring to assert full autonomy to self-govern their objectives within the cannabis industry, with the use of this methodology being solely applied to the nations participating within the section 119 agreements. The models highlighted in this section
demonstrate that British Columbia's movement towards economic reconciliation and partnership is evident. The collective voices of each Nation's respective Chief who have participated within the Section 119 agreements contains positive rhetoric, demonstrating movement by the provincial government to ratify grievances of economic exclusion put forward in initial cannabis legalization. It is established through Clarke and FNLC representatives that Section 119 agreements currently do not address many of the concerns put forward by the BCAFN. However, it is important to acknowledge that there are attempts to restructure how colonial governments work with Indigenous Nations to support their vested interests and future success within the cannabis industry. Though these models specifically encompass the recreational cannabis market, they nevertheless represent new ways in which emerging industries can mend settler-colonial policies that have infringed on the ability for Indigenous nations in British Columbia to negotiate collaborative heterogeneous legislation.

Under the rights-based paradigm there are key aspects still missing from fully attaining equitable relations that assert Indigenous sovereignty and self-determination within a regulated framework. This approach, established in a cannabis context by Aaron Ivers, recognizes inherent treaty, status and entitlement rights need to be considered when determining the degree of self-determination within the constraints of a regulated market (Ivers, 2022). Applying this paradigm to prior grievances from the BCAFN against provincial and federal policy demonstrates confliction with UNDRIP recommendations which assert that there is still much work to be done. The collective voiced concerns of BCAFN through the Cannabis Toolkit offers a relevant way to perceive what’s absent and what has been addressed through the Section 119 amendments, in relation to UNDRIP and DRIPA recommendations. The Cannabis Toolkit clearly
defines article 3,4,5,20, 21 and 23 as significant recommendations that must be upheld to ensure equitable movement towards economic reconciliation (BCAFN, 2021, p.25).

(a) The right to autonomy or self-government in internal affairs (Articles 3 and 4);
(b) The right to freely pursue their economic, social and cultural development (Article 3);
(c) The right to maintain and strengthen distinct political, legal, economic, social and cultural institutions (Article 5);
(d) The right to engage freely in all their traditional and other economic activities (Article 20.1);
(e) The right to be actively involved in developing and determining health, housing and other economic and social programs affecting them and, as far as possible, to administer such programs through their own institutions (Article 23).

The evaluation of the provincial government’s ability to meet requirements, put forward by the BCAFN’s AGM in 2019, under UNDRIP framework demonstrates that section 119 fails in ratifying Article 4, 20(1), and 26(1) (See Appendix B). These failed criteria fall under the guise of self-determination, autonomy to a nation’s land rights use, and the ability to “engage freely in all their traditional and other economic activities” (British Columbia Assembly of First Nations, 2019). What is relevant within the criteria put forward by the British Columbia Assembly of First Nations AGM is the ongoing movement to actively rectify cannabis policy to ensure Article 21 and Article 23 are present (See Appendix B). The significance of this relates specifically to the growing opportunities for participating Indigenous nations to improve their economic and social conditions within the context of education, employment and social security. Additionally, the expanding space in which participating nations have the ability to “determine
and develop priorities and strategies for exercising their right to development” are apparent through the voices of those entering into section 119 agreements (British Columbia Assembly of First Nations, 2021, p.24).

What this research suggests is that a degree of movement is being made to bolster Indigenous representation through the Section 119 agreements, but this amendment is yet to demonstrate meeting UNDRIP requirements due in part to its early stages of implementation. It is clear that incorporating Indigenous policy suggestions to complement the existing supportive programs available will effectively aid in bridging the gap within Indigenous-Crown relations of the cannabis industry. In comparison, British Columbia’s collaborative provincial programs such as the BC Indigenous Cannabis Business Fund (ICBF), Section 119 agreements, and ongoing correspondence between Indigenous cannabis actors and the provincial government demonstrate that movement towards ratifying initial grievances is apparent, proving to benefit those who are involved. The significance of honoring the recommendations of the BCAFN’s Cannabis Toolkit is a contextualized demonstration of working with Indigenous cannabis communities to build long term sustainable partnerships and relations. It is noted by Christina Clarke that the concerns relating to the limitations within current models of Section 119 requiring a majority partnership creates barriers for Indigenous nations wanting to maintain minority stake (Clarke, 2023). This is imminent in the relationship between the Songhees Nation and Seed and Stone Cannabis, where the Songhees Nation has voiced their desire to enter into a government-to-government agreement by carrying a minor stake partnership.

The significance of pushing for more Indigenous cannabis players being involved within the industry is it aids in adapting rigid and infringing policy. It must be acknowledged that the work and persistence by Section 119 participants is resulting in movement toward a higher
degree of accessible and in turn economic success for future Indigenous cannabis actors. Through the continued involvement from Indigenous cannabis actors in the recreational industry, growth towards more heterogeneous models that incorporate direct delivery and farm-to-gate aspects have facilitated new ways of viewing economic success within the industry as a whole. What is important to note is that these government-to-government agreements are only the foundation of an equitable industry that reflects the pre-legalization paradigm of inclusivity and economic prosperity. With this in mind, small scale producers across British Columbia should consider showing support for future remediation of laws that allow for equitable partnership with First Nation cannabis actors. Pushing for tax sharing and more political autonomy for these Nations solidify narratives that move beyond simple reconciliation, rather shifting focus onto building relations and making kin with fellow cannabis business actors. This research asserts that it is the collective duty of the industry to unite and move forward with the aid of the provincial government to facilitate a thriving and profitable market for all who occupy the space.

8) Limitations

Engaging with the material through this study has proven to be fruitful and challenging in multiple ways. Understanding one’s own positionality within this body of research is paramount to producing objective and effective results. It must be asserted that this body of knowledge was produced from a settler-based understanding and background. The aim of this study was to highlight direct voices and perspectives of those who rightfully occupy the Indigenous cannabis sphere, using settler-based research and publications as a means to support these varying understandings. A result to arise from the policy based anthropological research is that settler knowledge producers and government representatives must acknowledge that their position of
power in respect to policy affects Indigenous cannabis actors desiring to assert sovereignty in the newly formed economy.

The synthesis from this body of research is also hindered through the explicit use of a secondary source analysis. Though the use of this methodological approach aims to incorporate direct voices and quotations, it also does not address the many perspectives and lived experiences that are often left out of the ongoing discourse. Whether that be from entities that are asserting sovereign based models of cannabis policy implementation or those who are left to the periphery of the exclusionary barriers Section 119 produces, it must be acknowledged that the resources that are currently available are often echoing one side of the ongoing conversation regarding Indigenous cannabis policy reform. This single facet focus also alludes to the fact that this research aims to focus solely on models produced through the Section 119 government-government agreements. This research does not speak to Indigenous cannabis actors that are operating outside of the Section 119 agreements, specifically those asserting a sovereignty-based cannabis regulatory framework. Although this model has demonstrated that a degree of success can come from the reshaping of Indigenous-Crown relations within the cannabis industry it is still localized exclusively to the province of British Columbia, and does not speak for many Indigenous cannabis actors that are being excluded from the cannabis economy federally and external provinces.

It is highly recommended that future research must come from a collaborative lens that incorporates multitude of perspectives, most importantly those who occupy the liminal space of exclusion from the rigidity of Section 119 model. Supporting Indigenous produced cannabis policy literature in British Columbia will be paramount to moving towards a properly represented topic. Research documenting the experience of Indigenous Nations through the
transition from Red Market\textsuperscript{21} to the recreational arena is seminal in understanding the apparent
gaps and how these industries successfully operated prior to external governmental intervention.
Acknowledging the fact that colonial research institutions have hindered Indigenous peoples and
communities from contributing to fill the apparent gap within institutional knowledge systems is
also an at play factor. This research recommends that educational institutions must act now in
addressing the overarching disparity in documenting cannabis legalization in all its facets.

A final and overarching challenge of this research was the lack of time academics have
had to work within and research recreational cannabis from a socio-political standpoint. With
legalization only being enacted in 2018, time and resources must be allotted to allow for the
collective academic record to catch up to the complex economic landscape cannabis legalization
has created. It is clear that there is a lack of recreational cannabis policy publication within
anthropological record, making it difficult to build on existing literature that incorporates
Indigenous perspectives. This newly emerging facet of research will be a subsequent hurdle that
future academics will be tasked with resolving and expanding on. To better understand
alternative solutions to rigid and imposing policy frameworks, more representation from
Indigenous academics should be prioritized as a means to facilitate effective
government-to-government agreements.

\textsuperscript{21} The Red market represents a quasi-regulated retail section of the cannabis industry that supplemented the lack of
access and infrastructure for Indigenous communities to obtain cannabis products (Canada Newswire, 2019).
9) Conclusion

In conclusion, it is clear that the federal government actively excluded and usurped Indigenous cannabis economies. Within this rigid imposing system, British Columbia has been able to adapt their legal framework to ensure Indigenous needs are being heard, through government-to-government agreements. It is clear that the agreements formed between each respective nation and the provincial government have received a degree of warm reception. The varying responses from representing Chiefs involved in the Section 119 agreements demonstrate a commonality that these agreements have addressed concerns from the participating nations in respect to their involvement within the regulated cannabis economy. When comparing what is absent in current British Columbian cannabis policy to what resources have been created through Section 119 it is clear that there is much work to be done, specifically ensuring more movement towards a higher degree of a rights-based model being implemented. Aspects such as tax sharing programs and a fluid system to allow for a higher degree of nations to participate are absent from the policy framework. Certain financial incentive programs such as the New Relationship Trust have facilitated a higher degree of financial support for emerging Indigenous cannabis entities, though contested due to its hindering mortgage-based investment models. Many outside of these Section 119 models are expressing that the current framework and laws are still too rigid, being unable to address larger concerns regarding self-governance and assertions of autonomy. It is paramount that future research should be conducted through Indigenous led perspectives.
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Appendix A
Indigenous-Crown Government-to-Government Agreements


Appendix B:
BCAFN AGM 2019 - BC FIRST NATIONS CANNABIS FRAMEWORK AND ACTION PLAN

D. the *United Nations Declaration on the Rights of Indigenous Peoples*, which the government of Canada has adopted without qualification, and has, alongside the government of BC, committed to implement, affirms:

*Article 4*: Indigenous peoples, in exercising their right to self-determination, have the right to autonomy or self-government in matters relating to their internal and local affairs, as well as ways and means for financing their autonomous functions.

*Article 20 (1)*: 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 21*: Indigenous peoples have the right, without discrimination, to the improvement of their economic and social conditions, including, inter alia, in the area of education, employment vocational training and retraining, housing, sanitation, health and social security.

*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 26 (1)*: Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired.

*Article 32 (1)*: Indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources;
Appendix C: UNDRIP Sections asserted through AFN publishings

Article 4 Indigenous peoples, in exercising their right to self-determination, have the right to autonomy or self-government in matters relating to their internal and local affairs, as well as ways and means for financing their autonomous functions.

Article 18 Indigenous peoples have the right to participate in decision-making in matters which would affect 16 their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own indigenous decision-making institutions.

Article 21-1. Indigenous peoples have the right, without discrimination, to the improvement of their economic and social conditions, including, interalia, in the areas of education, employment, vocational training and retraining, housing, sanitation, health and social security.

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 26-1. Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired.

Article 32
1. Indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources.
2. States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources.