Kasabonika Lake First Nation
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BAND COUNCIL RESOLUTION

NAPS BORDER CONTROL - DECEMBER 12, 2025

WHEREAS Kasabonika Lake First Nation (the "Nation") asserts title over the whole of our territory, rooted in the pre-colonization occupation of land by our people, and in our pre-existing systems of law and governance;

AND WHEREAS the Nation relies upon the inherent jurisdiction to create law, and our inherent right to self-determination, including the authority to make orders for the protection of the health and safety of the members of our Nation;

AND WHEREAS the United Nations Declaration on the Rights of Indigenous Peoples ("UNDRIP"), endorsed by Canada and enshrined in Canadian law through the *United Nations Declaration on the Rights of Indigenous Peoples Act* (S.C. 2021, c. 14), affirms and recognizes the right of self-determination of Indigenous peoples, including the right to adopt measures protecting and promoting health and safety (see, in particular, Articles 4, 7, 10, 18, 20-24, 26, 33-37);

AND WHEREAS the authority to make law necessarily includes the authority to enforce same;

AND WHEREAS there is a pressing and substantial need to combat the illegal drug crisis facing our Nation;

AND WHEREAS this severe health and community safety crisis is linked to illegal drug smuggling at border entry points into our Nation, including airports;

AND WHEREAS the Ontario Superior Court, in the decision *R. v. Winter*, 2008 CanLII 66155, confirmed that First Nations have the authority to enact laws authorizing searches for prohibited substances at border entry points, provided there is public notice of such laws, including the expectation of being searched when entering into a community, therefore considerably lessening the reasonable expectation of privacy compared to other communities;

AND WHEREAS at the direction of the Chiefs, the Nishnawbe Aski Police Service ("NAPS") has developed a NAPS Border Control Strategy ("NBC") to tackle this urgent crisis, based on searches for illegal drugs, paraphernalia, weapons, and contraband, at border entry points;

AND WHEREAS on August 11, 2022, the Chiefs of Nishnawbe Aski Nation ("NAN") adopted Resolution 22/16: *Support for the NAPS Border Control Strategy*;

AND WHEREAS on December 10, 2024, NAPS became the first ever legislated First Nation police service under the *Community Safety and Policing Act*, 2019, S.O. 2019, c. 1, Sched. 1 ("*CSPA*"), with a duty to deliver "adequate and effective" policing pursuant to O. Reg. 392/23: *Adequate and Effective Policing*;

AND WHEREAS on October 9, 2025, the NAN Chiefs declared a State of Emergency ("*Declaration of a State of Emergency and Public Safety Crisis Over Illegal Drugs and Drug-Related Violence in NAN First Nations*, Oct. 9, 2025") over the escalating drug crisis affecting our communities, including increasing rates of violence and drug smuggling;

AND WHEREAS our Nation has agreed to participate as a "pilot" community for NBC;

AND WHEREAS the primary drug-related cause of death in our communities is opioids, including fentanyl and its analogues such as carfentanyl, which are classified as "Schedule I" prohibited substances under the *Controlled Drugs and Substances Act* (S.C. 1996, c. 19);

THEREFORE, BE IT RESOLVED that Kasabonika Lake First Nation:

- Authorizes and instructs NAPS to implement search and seizures at border entry points for illegal substances, as prohibited under the *Controlled Drugs and Substances Act* (S.C. 1996, c. 19), and the *Criminal Code* (R.S.C., 1985, c. C-46), and pursuant to NAPS's existing policing powers under relevant statutes, including authority under the Ontario *Trespass to Property Act*, R.S.O. 1990, c. T.21;
- Directs that notice be provided at all points of entry – including, but not limited to, connecting airports, winter roads, regular roads, bodies of water, other ports of entry – that:
    - all travellers shall, prior to entry into the Nation, be subject to a search of their person, as well as having their belongings searched – including carry-on baggage, checked baggage, and any freight shipped by them – for illegal drugs, paraphernalia, weapons, and contraband; and,
    - further, that if a traveller does not wish to be searched, they will have the option to not enter the territory; and,
    - that the purpose of this search is to enforce a Border Control program, authorized by Band Council Resolution, Treaties, and/or other expressions of the First Nation's self-determination and the will of the community, prohibiting controlled drugs from being taken into the community;

AND FURTHER BE IT RESOLVED that, while the police, using all lawful means, will assist in the enforcement of the NBC measures, the Police Service must remain independent of all political leadership;

AND FINALLY BE IT RESOLVED that the First Nation acknowledges that the NAPS Chief of Police will have final independent authority over law enforcement actions, and that such authority is to be exercised independent of any political direction, pressure, or interference.

DULY PASSED AND APPROVED BY THE CHIEF AND COUNCIL OF THE KASABONIKA LAKE FIRST NATION COUNCIL DATED THIS 12th, DAY IN THE MONTH OF DECEMBER IN THE YEAR 2025 AT THE KASABONIKA LAKE FIRST NATION BAND OFFICE.

Quorum (4)

Chief Tom Semple

Deputy Chief Matthias Anderson

Head Councillor Rachel Mamakwa

Councillor Terry Stoney

Councillor Mike Morris

Councillor Josie Anderson Sr.

Councillor Blade Anderson

Councillor Simon Semple

KASABONIKA LAKE FIRST NATION