RESOLUTION
Nishnawbe Aski Nation

(807) 623-8228
[FAX] 807-623-7730
nan.ca
100 Back Street, Unit 200
Thunder Bay, ON P7J 1L2

22/16 SUPPORT FOR NAPS BORDER CONTROL STRATEGY

WHEREAS the Nishnawbe Aski Police Service (NAPS) was established in 1994 to provide effective, efficient, and culturally appropriate policing to the people in the territory of Nishnawbe Aski Nation (NAN);

WHEREAS NAN Chiefs-in-Assembly have adopted numerous resolutions related to mental health and addictions in the territory served by NAPS, including:

- Resolution 09/92: *Prescription Drug Abuse State of Emergency;*
- Resolution 11/20: *Restoring Our Nation, Action Plan for Community Recovery from Opioid Addiction;*
- Resolution 16/04: *Call for Declaration of Public Health Emergency;*
- Resolution 16/05: *NAN Suicide Crisis Response and Need for Comprehensive Mental Health and Addictions Funding;*
- Resolution 16/06: *Special Emergency Task Force on Suicide;*
- Resolution 16/40: *Strategies on Youth Suicide;*
- Resolution 17/04: *NAN-Wide Life Promotion Strategy;*
- Resolution 17/16: *Comprehensive Review of Mental Health Service for NAN Children and Youth;*
- Resolution 21/11: *Declaration of Mental Health and Addictions Crisis in NAN Territory;*

WHEREAS Chiefs-in-Assembly, in their capacity as representatives of the communities served by NAPS, reaffirm their commitment to addressing the addictions and mental health crisis in their communities;

WHEREAS Chiefs-in-Assembly have repeatedly emphasized the need to address the flow of illegal drugs into communities by enacting search and enforcement measures at community entry points;

WHEREAS at the direction of the Chiefs-in-Assembly, NAPS has developed a NAPS Border Control (NBC) Strategy, and related business and legal case, directed at deploying officers to border entry points, including airports, waterways, winter roads, and any other points of entry;

WHEREAS Chiefs-in-Assembly assert the authority to partner with NAPS to ensure enforcement of Indigenous laws with respect to access to communities, including by way of screening incoming travellers for possession of illegal drugs at border entry points;

WHEREAS the Chiefs-in-Assembly anticipate further discussion of the NBC Strategy at the upcoming NAPS Annual General Meeting and NAN Justice Conference in September 2022, during which NBC will be canvassed and developed in greater depth among the NAPS Board, NAPS Chief of Police, NAN Chiefs, and other relevant stakeholders;

WHEREAS Chiefs-in-Assembly recognize the importance of NBC as a practical and immediate strategy to tackle the pressing mental health and addictions crisis;

WHEREAS Chiefs-in-Assembly recognize that NAPS is already engaged in assisting with the development of an anti-intoxicant enforcement framework and related strategies for the Windigo First Nations Council to address immediate drug crisis concerns and longer-term solutions;

WHEREAS Chiefs-in-Assembly note that, under the existing framework for airport screening across Canada, domestic travel is routinely governed by both machine and body searches for travellers entering into non-Indigenous communities;

WHEREAS Chiefs-in-Assembly note that such security protections are not provided for Indigenous communities at the airports serving their communities, in particular, remote communities relying on regional hubs and/or remote airports;

WHEREAS the communities assert jurisdiction over the whole of our traditional territory, rooted in the pre-colonization occupation of land by our ancestors, and in our pre-existing systems of law and governance;

WHEREAS the right of Aboriginal title is both a right of possession and a right to govern the communal lands of Aboriginal titleholders in accordance with our own systems of law and governance;

WHEREAS the communities of NAN have the authority and jurisdiction to adopt measures to address public health and safety crises;

WHEREAS this authority and jurisdiction extends to the authority to adopt measures restricting access to our communities for the health and safety of our citizens and residents, in line with Indigenous laws and ss. 2(1)(b) and 9(1) of the provincial *Trespass to Property Act, R.S.O. 1990;*

WHEREAS the Ministry of Transportation of Ontario (MTO) has a legal obligation to ensure that airports in Ontario are designed, structured, and staffed to ensure safe and secure travel for all individuals travelling in Ontario;

THEREFORE BE IT RESOLVED that NAN Chiefs-in-Assembly call upon the federal government of Canada and the provincial government of Ontario to provide their support to the NAPS Border Control Strategy, including through funding and resourcing of the NBC Strategy, which is an important endeavour for addressing a long-standing crisis;

FURTHER BE IT RESOLVED that Chiefs-in-Assembly call upon MTO to work with NAN communities to ensure that airports serving our communities have the necessary tools such as X-ray machines and other essential infrastructure, including private search rooms, so that searches can be conducted safely, and that these airports no longer serve as reliable hubs for transport/trafficking of illegal drugs;

FURTHER BE IT RESOLVED that MTO shall be required to upgrade general airport infrastructure in NAN communities to conform with Canadian standards;

FURTHER BE IT RESOLVED that Chiefs-in-Assembly invite Canada and Ontario to participate in a collaborative table, comprised of representatives from NAPS, NAN, Canada, and Ontario, to further develop the NBC Strategy, with a goal to implementation of NBC measures on an urgent basis;

FURTHER BE IT RESOLVED that while the police, using all lawful means, will assist in the enforcement of Indigenous laws, including those related to drug enforcement and search measures, NAPS must remain independent of all political leadership, as required by the relevant laws and funding agreements;

FURTHER BE IT RESOLVED that the NAPS Chief of Police will have final independent authority over operational enforcement actions and that such authority is to be exercised independent of any political direction, pressure, or interference;

FINALLY BE IT RESOLVED that Chiefs-in-Assembly encourage the NAPS Board to continue its ongoing work with communities to establish the formal authorities, by way of Indigenous laws, duly authorizing NAPS officers to support community drug prevention, enforcement initiatives and education initiatives.

DATED AT TIMMINS, ONTARIO, THIS 11TH DAY OF AUGUST 2022.

MOVED BY: Chief Russell Wesley, Cat Lake First Nation
SECONDED BY: Chief Lefty Kamenawatamin, Bearskin Lake First Nation
ABSTENTION: Proxy Doug Beardy, Muskrat Dam First Nation
DECISION: **CARRIED**

Grand Chief Derek Fox

Deputy Grand Chief