

Penwaaq L'nu'k Identification and Border Control Policy

1. Purpose

The purpose of this policy is to protect the safety, health, and well-being of the citizens of Penwaaq L'nu'k and all lawful visitors by establishing clear procedures for identification, access control, and community border monitoring. This policy is intended to stem the flow of illegal drugs, organized crime, and other harmful activities, while respecting inherent Indigenous rights, Canadian law, and human dignity.

2. Assertion of Sovereignty and Guiding Principles

Penwaaq L'nu'k has formally declared itself a **sovereign Mi'kmaw self-governing entity**, exercising inherent Indigenous jurisdiction over its lands, people, and internal affairs. This sovereignty predates and exists independently of municipal and provincial governments and is grounded in Mi'kmaw law, tradition, treaty relationships, and Mi'kmaw customary law.

Penwaaq L'nu'k affirms that its authority is protected and affirmed by **section 35 of the Constitution Act, 1982**, relevant treaties, and is consistent with the **United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)**, including the right to self-determination, self-government, and control over lands and resources.

While Penwaaq L'nu'k may coordinate or cooperate with federal, provincial, or municipal authorities where it serves the best interests of the community, such cooperation does **not** constitute submission to, or subordination under, municipal or provincial law, nor does it diminish Mi'kmaw sovereignty or jurisdiction.

The following guiding principles inform this policy:

- **Community Safety First:** The protection of children, Elders, families, and vulnerable persons is paramount.
- **Inherent Rights & Jurisdiction:** Penwaaq L'nu'k asserts its inherent right to govern access to its lands consistent with treaties, customary law, and applicable federal and provincial law.
- **Respect & Non-Discrimination:** All interactions must be respectful, culturally appropriate, and free from discrimination.
- **Least Intrusive Means:** Identification and access controls will be applied in a manner proportionate to risk.
- **Collaboration:** Cooperation with neighbouring communities and law enforcement will be pursued where appropriate.

3. Scope of Application

This policy applies to:

- All entry points to Benoit First Nation lands (road, water, and other access routes).
- All non-residents entering or transiting through the lands.
- Residents and citizens of Penwaaq L'nu'k when identification is required for security purposes.

4. Definitions

- **Citizen/Member:** A registered member of Penwaaq L'nu'k.
- **Resident:** A person lawfully residing on Benoit First Nation lands.
- **Visitor:** Any non-resident entering the lands for work, service delivery, social, cultural, or commercial purposes.
- **Authorized Personnel:** Community safety officers, peacekeepers, or other individuals formally designated by Chief and Council.
- **Prohibited Items:** Illegal drugs, weapons (except where lawfully possessed), stolen property, or other items defined by law or community regulation.

5. Identification Requirements

5.1 Citizens and Residents

- Citizens and residents may be requested to present valid identification upon entry or during security checks.
- Acceptable identification includes Band-issued ID, provincial/territorial ID, or other government-issued photo identification.

5.2 Visitors

- Visitors must present valid government-issued photo identification upon request.
- Visitors may be required to state the purpose of their visit, duration of stay, and point of contact within the community.
- Visitors without valid identification may be denied entry unless authorized under exceptional circumstances.

6. Access Control and Border Monitoring

- Designated access points may be established and clearly marked.
- Authorized personnel may conduct:
 - Visual inspections
 - Identification checks
 - Vehicle observation (no searches without legal authority or consent)
- Temporary checkpoints may be implemented during heightened risk periods (e.g., known drug trafficking activity, emergencies, community events).

7. Denial or Restriction of Entry

Entry may be denied or restricted when:

- An individual refuses to provide identification when reasonably requested.
- There are reasonable grounds to believe the individual is involved in illegal activity.
- The individual is subject to a community ban, exclusion order, or court order.
- The individual poses a credible threat to community safety.

All denials of entry must be documented and communicated respectfully.

8. Unwanted Individuals and Community Exclusion

- Chief and Council, or a delegated authority, may issue **Community Exclusion Notices** for individuals involved in:
 - Drug trafficking or distribution
 - Organized crime
 - Violence or intimidation
 - Repeated criminal or disruptive behaviour
- Exclusion notices shall be:
 - Issued in writing where practicable
 - Time-limited or subject to review
 - Recorded in a confidential community registry

9. Seizure and Law Enforcement Cooperation

- Authorized personnel are **not** police and will not seize property except where legally authorized.
- Suspected illegal drugs, weapons, or criminal activity shall be reported immediately to appropriate law enforcement agencies.
- Memoranda of Understanding (MOUs) may be established with RCMP or other agencies to support enforcement while respecting community jurisdiction.

10. Privacy and Information Protection

- Identification information shall be collected only as necessary.
- All personal information will be handled in accordance with applicable privacy laws and community policies.
- Records shall be securely stored and accessed only by authorized personnel.

11. Training and Accountability

- Authorized personnel shall receive training in:
 - De-escalation and conflict resolution

- Cultural safety and trauma-informed approaches
- Legal limits of authority
- Complaints regarding conduct may be filed with the Band Administration and will be reviewed promptly.

12. Community Awareness

- This policy shall be communicated to citizens and residents through meetings, notices, and community media.
- Clear signage will be posted at entry points indicating identification and access requirements.

13. Review and Amendment

- This policy shall be reviewed annually or as required.
- Amendments may be made by Chief and Council following community consultation.

14. Effective Date

This policy comes into force upon approval by Chief and Council of Penwaaq L'nu'k.

Appendix A: Jurisdiction and Legal Authority

Penwaaq L'nu'k exercises inherent Mi'kmaw jurisdiction over access to and activities within Benoit First Nation lands. This jurisdiction includes, but is not limited to:

- Regulating entry onto community lands
- Establishing community safety measures and checkpoints
- Issuing community exclusion or banishment orders
- Protecting citizens from illegal drugs, violence, and organized crime

Nothing in this policy shall be interpreted as a surrender, extinguishment, or limitation of Aboriginal or Treaty rights. Any ambiguity shall be resolved in favour of Penwaaq L'nu'k's inherent jurisdiction.

Appendix B: Chief and Council Resolution (Template)

Attached.

Appendix C: Community Checkpoint & Identification Script

Opening Statement (Respectful and Calm):

"Kwe'. You are entering Penwaaq L'nu'k territory, a sovereign Mi'kmaw community. For community safety, we are conducting identification and access checks. Thank you for your cooperation."

Identification Request:

"May I please see a valid photo ID and ask the purpose of your visit today?"

If ID Is Refused:

"Identification is required for entry onto these lands. Without it, entry may be denied. You are free to turn around at this point."

If Entry Is Denied:

"At this time, entry onto Penwaaq L'nu'k lands is not authorized. This decision is being documented. You may contact Band Administration for further information."

De-escalation Reminder for Officers:

- Maintain respectful tone
- Do not argue jurisdiction on site
- Do not conduct searches without consent or lawful authority
- Contact supervisory personnel or law enforcement if a situation escalates

Approved by:

Band Council, Penwaaq L'nu'k

Date: January 14, 2026