TITLE:	Support for the Mohawks of Akwesasne in Opposing the Arming of the Border
SUBJECT:	Border Issues
MOVED BY:	Chief Christopher Plain, Aamijiwnang First Nation, ON
SECONDED BY:	Chief Bill Montour, Six Nations, ON
DECISION:	Passed provisionally by AFN Executive Committee on September 10, 2009

WHEREAS:

A. The Mohawks of Akwesasne have the existing and inherent right of self-determination, which includes the inherent jurisdiction over their lands, peoples and territory.

B. The Mohawks of Akwesasne have Aboriginal and Treaty rights, and other rights and freedoms that are recognized and affirmed in the Constitution of Canada, which include the inherent right of self-determination and jurisdiction over their lands, peoples and territory.

C. The British Crown has recognized the right of Akwesasne and Aboriginal people to cross their territories freely including the borders that were later imposed between Canada and the United States.

D. Border crossing of Akwesasne peoples has been recognized by the Treaty of Utrecht of 1714, Jay's Treaty of Amity and Commerce of 1793 and the Treaty of Ghent of 1814.

E. The Mohawks of Akwesasne reside within their ancestral territory at Akwesasne, which is a single community that has been artificially divided by boundaries between Canada, the United States, Quebec, Ontario and New York.

F. The Mohawk Council of Akwesasne is the community government within the Territory of Akwesasne that has inherent jurisdiction to make laws, regulations, and policies to meet the needs and concerns of the Mohawks of Akwesasne.

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G. The Mohawks of Akwesasne have historically opposed the expropriation of Akwesasne lands, including the placing of a customs facility on Cornwall Island (Resolution # 6 St. Regis Council, December 8, 1956), and have continually asserted their continuing legal interest in all the lands of Kawehnoke and oppose Canada's claim to ownership of lands on Kawehnoke for Canada Border Services Agency (CBSA) purposes.

H. The Canadian Port of Entry at Kawehnoke is the only land customs facility situated on First Nations Territory.

I. The Customs Port is located in a residential area, next to a community store, recreation area for youth and a school bus pick up area.

J. Akwesasne has continuously had issues with CBSA and their failure to recognize the Aboriginal border crossing, treaty and inherent rights of the Mohawks of Akwesasne.

K. The Mohawks of Akwesasne in 1990 established a political protocol with Canada to address the special issues relating to Akwesasne's unique geographical location and circumstances, which would allow for meaningful dialogue to occur between Akwesasne and Canada.

L. There have been numerous complaints of harassment and racial profiling over the years reported by Akwesasne community members against certain CBSA officers.

M. These numerous complaints of Human Rights violations have failed to be satisfactorily addressed by the Canadian Human Rights Commission.

N. CBSA notified Akwesasne of Canada's national policy to arm its officers across Canada by 2016, and that Akwesasne would be among the first.

O. The Mohawks of Akwesasne were not in agreement with the arming of CBSA Officers at the Port of Entry on Kawehnoke, Mohawk Council of Akwesasne (MCA) ratified Mohawk Council Resolution [MCR] 2007/2008 - #318, on February 28, 2008, as formal documentation of their decision to condemn the arming of CBSA Officers and then placed a ban on the carrying of firearms within the Akwesasne corridor where the CBSA is located, which was sent to the Government of Canada and proclaimed that the Mohawk Council of Akwesasne will not allow firearms to be carried by CBSA officers on the Mohawk Territory of Akwesasne.

P. MCA expressed to CBSA that there was no need for arming of CBSA Officers at Kawehnoke due to the safety and security provided by Mohawk Security Guards which have provided safety for their officers since the mid 1970's and the recent sub-station of the Akwesasne Mohawk Police which is at the CBSA Port at Kawehnoke.

Q. Canada and CBSA have failed to engage the Mohawks of Akwesasne in any meaningful consultation as required by the Supreme Court's "Duty of Consultation and Accommodation" regarding the arming of CBSA Officers within the Mohawk Territory of Akwesasne.

R. Canada failed to communicate with Akwesasne and engage in meaningful discussion with Akwesasne regarding the arming of CBSA Officers which resulted in Akwesasne Community protests, and CBSA continued to proceed with the arming of its Officers and enforced the arming of the CBSA Officers by June 1st, 2009, resulting in protesting by the people of Akwesasne.

S. CBSA, in reaction to the protests of the Akwesasne people, abandoned their customs post around 11:55pm on May 31, 2009, thereby closing the Customs Port, the Three Nations Bridge and the International Bridge, which are the only over land transportation routes available to the Mohawks of Akwesasne.

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T. CBSA closed the Port of Entry on Kawehnoke and deprived Akwesasne people of safe and secure access to their territory by land route due to the closure of the bridge, impacting the delivery of goods and services including the disruption of medical supplies, essential services.

U. The Mohawk Council of Akwesasne had to set up an emergency operation center on Kawehnoke to manage the response to the bridge closure, whereby all available MCA resources were diverted to the response.

V. Only Akwesasne residents were allowed past the police roadblock at the Cornwall entrance to the bridge and access to the traffic from the south span were denied, causing the Akwesasne community to be physically divided except for transportation by boat or long distance travel to another bridge crossing.

W. The CBSA and Minister of Public Safety would not allow the reopening of this bridge crossing unless the CBSA Officers were armed.

X. The Akwesasne Community would not allow the arming of CBSA Officers under the current situation.

Y. CBSA jeopardized the health safety of the Akwesasne people and put them in tremendous hardship for 45 days.

Z. The Mohawks of Akwesasne filed a court application for a judicial review of the situation.

THEREFORE BE IT RESOLVED that the Chiefs-in-Assembly:

1. Support and endorse the actions of the Mohawks of Akwesasne in their stand against the arming of CBSA Officers in the Mohawk Territory of Akwesasne.

2. Support the Mohawks of Akwesasne in their continued quest to fight for their right to freely cross the U.S-Canada International Border as sovereign Indigenous Nations guaranteed and affirmed by treaties between the United States and Great Britain under the Jay Treaty of 1794 and the Treaty of Ghent 1814.

3. Support a peaceful resolution to the conflict that has forced the Mohawk Community of Akwesasne to act and defend their rights in their Territory.

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