

June 10, 2009

Stephen Harper, Prime Minister
Peter Van Loan, Minister of Public Safety
House of Commons
Ottawa ON K1A 1A6

Dear Prime Minister Harper and Minister Van Loan:

We the undersigned, jointly urge the Canadian government to reconsider its unilateral decision to arm Canadian Border Services Agency (CBSA) employees at the Three Nations Bridge Crossing. The Canada Customs facility is located in a residential district on the Akwesasne Mohawk Territory.

The federal government is aware of the many complaints from Akwesasne residents of intimidation, harassment, discrimination and provocation by CBSA employees. These and other concerns related to border crossing must be addressed with sensitivity and respect, in conjunction with mandated representatives of the Mohawk people. The decision to provide CBSA employees with weapons on Akwesasne Mohawk Territory exacerbates the existing human rights and security concerns of the Mohawk people and its citizens.

It is universally recognized that the principles relating to peace and security and human rights are interlinked and mutually reinforcing. This has been reaffirmed by consensus by the international community, including Canada. In addition, Indigenous peoples – especially those whose territories are divided by international borders – have a wide range of cross-border rights. The *UN Declaration on the Rights of Indigenous Peoples* requires States to facilitate such rights in consultation and cooperation with Indigenous peoples.

Our organizations share the concerns expressed by Akwesasne residents regarding the potential dangers of providing CBSA employees with guns may pose to children and other residents. The land-border crossing, the only one of 119 border-crossings which is located in First Nations territory, is situated at a major crossroad on Kawehnoke in a residential part of the Akwesasne Mohawk Territory. The site includes a bus stop where children gather, recreational fields and a play area, a large number of homes, a district convenient store and several small businesses.

According to the Mohawk Council of Akwesasne, Mohawk residents account for as much as 70 percent of those crossing the border at the Three Nations Bridge Crossing. Under the terms of Jay's Treaty signed in 1794, Aboriginal peoples and Native Americans are permitted to travel freely across the Canada-United States border for the purpose of employment, study, retirement, investing, and/or immigration. The United States has codified this obligation in the provisions of Section 289 of the Immigration and Nationality Act (INA) as amended.

The Canadian government generally devotes a great deal of time and resources to facilitating border crossings by Canadians into the United States. Yet, in the case of the Akwesasne

Mohawk people, the same government has shut down the Three Nations Bridge Crossing in order to penalize them for not agreeing to CBSA employees having guns.

The Supreme Court of Canada has made clear that the rule of law is “highly textured” and has many dimensions. As stated by the Ontario Court of Appeal, the rule of law includes “reconciliation of Aboriginal and non-Aboriginal interests through negotiations”.

The Canadian government often speaks of “partnership” when addressing issues relating to Indigenous peoples. Yet, when crucial matters arise, the government appears to act in narrow self-interest. Arming of CBSA employees without consultation and negotiation is an unnecessary provocation on the part of the federal government. This virtually ignores the broader concerns and rights of the Mohawk people.

Our organizations call upon the government of Canada to respect its obligations to consult the Mohawk Nation and accommodate its concerns. In a spirit of peace and cooperation, the federal government should immediately negotiate a resolution to this whole issue that respects the treaty and other human rights of the Akwesasne Mohawk people and their citizens. We also strongly recommend that an impartial inquiry be held into the reports of racial profiling, acts of intimidation, harassment and provocation by CBSA employees.

Respectfully submitted by:

Quebec Native Women

Ellen Gabriel, President
Business Complex River Road
P.O. Box 1989
Kahnawake, QC J0L 1B0

**Canadian Friends Service Committee
(Quakers)**

Merrill Stewart, Clerk
60 Lowther Avenue
Toronto, ON M5R 1C7

Chiefs of Ontario

Regional Chief Angus Toulouse
111 Peter St. Suite 804
Toronto, Ontario
M5V 2H1

**KAIROS: Canadian Ecumenical Justice
Initiatives**

Mary Corkery, Executive Director
310 Dupont Street, Suite 200
Toronto, Ontario M5R 1V

First Peoples Human Rights Coalition

Suzanne Jasper, President
515 5th Street #3
Brooklyn, NY 11215
USA

cc. Minister of Indian Affairs and Northern Development Chuck Strahl
Minister of Justice Rob Nicolson
Michael Ignatieff, Leader of the Opposition
Jack Layton, Leader of the New Democratic Party
Gilles Duceppe, Leader of the Bloc Québécois