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Presented by the Grand Council of the Haudenosaunee to the 12<sup>th</sup>  
Session of  
The United Nations Permanent Forum on Indigenous Issues, May 20-31,  
2013

Special Theme: Review Year

Agenda Item 3: (c) Culture

### **Intervention on USA-Canadian Border Issues**

May 21, 2013

Greeting from the Chiefs, Clanmothers, Faithkeepers, and people of the Haudenosaunee Six Nations Confederacy, the People of the Longhouse.

The Haudenosaunee are a constitutional democracy that has existed long before the creation of Canada and the United States of America. The Haudenosaunee are governed by an ancient constitution known as *Gayanashagona* – the Great Law of Peace. Pursuant to this constitution, the Haudenosaunee Grand Council of Chiefs are designated as the central governing authority of the Haudenosaunee and the custodians of its sovereignty; an authority that transcends the USA and Canadian borders.

Straddling both sides of the St. Lawrence River in North America, the Akwesasne Mohawk Territory exists within the ancestral homeland of the Kanien'kehá:ka Mohawk Nation, which has never been ceded by any legitimate authority of the Haudenosaunee.

The 45th and 49th parallels to the north stretch across North America extending 200 miles east into the Atlantic Ocean and 200 miles into the Pacific Ocean through the traditional territories of the Haudenosaunee as well as other indigenous peoples' lands. The 26th and 37th parallels stretch through the traditional territories of our relatives to the south. These dividing lines detrimentally affect on a daily basis not only the Haudenosaunee, but all Indigenous peoples of Turtle Island. We extend our hand in support to our relatives who also experience the same restrictive movements.

The Haudenosaunee lands and territories are acknowledged and protected by the international treaties of 1794 Jay Treaty, Treaty of Canandaigua 1794 and the 1814 Treaty of Ghent.

Canada and the United States have drawn their national boundaries directly through our traditional and ancestral territory and now limit and disrupt our free and unobstructed movement within our own territory without our **Free, Prior, and Informed Consent**. This is in direct violation of Article 32 of the UN Declaration on the Rights of Indigenous Peoples- UNDRIP.

Community is the center of Haudenosaunee law and that drawn boundary line that bisects the Mohawk Nation fundamentally challenges that law and the cultural integrity of community. This process has divided families, has divided leadership, and has challenged the very cultural foundation of the Mohawk Nation.

The attempts to engage the Canadian government by the Mohawk Nation and the Haudenosaunee in meaningful dialogue have been met with silence and indifference. The Haudenosaunee, on behalf of the Mohawk Nation, brought the USA-Canadian border issue before the 9<sup>th</sup> Session UN Permanent Forum of Indigenous Issues in 2010, after the imposition of the Customs Act upon the Mohawk Nation in 2009.

The Final Report of the 9<sup>th</sup> Session of the UN Permanent Forum on Indigenous Issues, E/2010/43-E/C.19.2010.15, recommended in Article 98 *"that the governments of Canada and the United States address to the border issues related to the Mohawk Nation and the Haudenosaunee Confederacy to take effective measures to implement article 36 of the UN Declaration on the Rights of Indigenous Peoples, which states that indigenous peoples divided by international borders have the right to maintain contacts, relations and cooperation with their own members as well as other peoples."*

#### Article 32- UNDRIP

1. Indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources.
2. States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources.
3. States shall provide effective mechanisms for just and fair redress for any such activities, and appropriate measures shall be taken to mitigate adverse environmental, economic, social, cultural or spiritual impact.

Despite this challenge to the integrity of the Mohawk Nation territory, the Kanien'kehá:ka of the Mohawk Nation continues to retain and assert its cultural, inherent, sovereign and indigenous right to maintain community in all Haudenosaunee territories as asserted in Article 36 of UNDRIP.

## Article 36

1. Indigenous peoples, in particular those divided by international borders, have the right to maintain and develop contacts, relations and cooperation, including activities for spiritual, cultural, political, economic and social purposes, with their own citizens as well as other peoples across borders.
2. States, in consultation and cooperation with Indigenous peoples, shall take effective measures to facilitate the exercise and ensure the implementation of this right.

The imposition of the Canadian Port of Entry within the Akwesasne Mohawk Territory, the Kanien'kehá:ka have experienced and endured racial harassment and mistreatment, the denial of their Haudenosaunee citizenship, arrest, and the constant confiscation of property by the Canadian Border Service Agency (CBSA). The Port of Entry was relocated to Cornwall four years ago and since that time, the mistreatment and abuse has intensified.

Reaffirming the recommendation made by the UN Permanent Forum on Indigenous Issues in its final report of its 9<sup>th</sup> Session in 2010 the Haudenosaunee respectfully recommends the following:

1. The governments of Canada and the United States address the USA-Canadian Border Issues and to take effective measures to implement Article 36 of the UNDRIP which affirms that: "Indigenous peoples... divided by international borders, have the right to maintain... contacts, relations and cooperation...with their own citizens as well as other peoples..."
2. To begin the process to rectify this longstanding conflict, the Mohawk Nation requests a meeting between the highest levels of the governments of Canada and the United States with the traditional leadership of the Haudenosaunee.
3. In keeping with the principles of coexistence, non-<sup>interference</sup>~~inference~~ and the right to self-determination as embodied in the Guswenta 1613, the Two Row Wampum which is the grandfather of all treaties, the Haudenosaunee requires the acknowledgment of the governments of Canada and the United States to continue the nation-to-nation relationship with the Haudenosaunee, without the daily interference and disruption of the peace and tranquility of the Mohawk people.

4. To preserve and maintain the distinct identity of the Haudenosaunee as a sovereign peoples, we require the governments of Canada and the United States to respect Haudenosaunee citizenship, and by virtue of that acknowledgment, recognize and respect all identification documents issued by the Haudenosaunee on behalf of their Nations.

Dane'tho (I am finished.)

Chief Oren R. Lyons  
Onondaga Nation, Faith Keeper Turtle Clan  
Haudenosaunee