



Amnesty International

CANADA

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The Honourable Peter Van Loan,
Minister of Public Safety
House of Commons
Ottawa Ontario
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By fax: 613 954 1586

Dear Minister:

Amnesty International is deeply concerned about the situation that has resulted from the arming of Canadian Border Services Agency (CBSA) employees at the land-border crossing in the Akwesasne Mohawk Territory. We urge your government to make every effort to reach a resolution of this dispute which fully respects the Treaty rights and other rights of the Mohawk people.

The Mohawk Council of Akwesasne has estimated that Mohawk people account for as much as 70 percent of those using the land-border crossing at Akwesasne. The border-crossing rights of First Nations are protected in the 1794 Jay Treaty. For many of the people of Akwesasne, the exercise of these border-crossing rights is necessary for jobs, education, access to health care and the enjoyment of other universally protected human rights.

Our organization is aware that the Mohawk Council of Akwesasne has long raised concerns about the possible public safety implications of arming border guards at the Akwesasne crossing, which is located in a residential district of the community. We note that the Mohawk Council of Akwesasne has said that there has been no meaningful consultation on this decision and has further stated that its letters to government on this issue have gone unanswered for months.

We are further concerned by your suggestion on a recent televised interview that the border-crossing might be permanently closed if the Mohawk Council continues to oppose the decision to arm the border guards.

As you will be aware, Canadian courts have determined conclusively that Constitutional protection for Treaty and Aboriginal Rights requires meaningful consultation and a good faith effort to accommodate Indigenous peoples' concerns any time that the government considers actions that could impact on Indigenous peoples' rights and interests. Just this week, your government reported to the United Nations Human Rights Council that it was committed to upholding this Constitutional obligation through the implementation of the 2008 interim federal guidelines on consultation and consent.

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