SPECIAL CHIEFS ASSEMBLY
DECEMBER 6, 7 & 8, 2011, OTTAWA, ON

Resolution no.52/2011

TITLE:	First Nations Right to Travel Freely
SUBJECT:	Border Crossing and Citizenship Identification
MOVED BY:	Chief Dean Sayers, Batchewana First Nation, ON
SECONDED BY:	Grand Chief Michael Kanentakeron Mitchell, Akwesasne Mohawk Nation, ON
DECISION:	Carried by Consensus

WHEREAS:

A. Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired (UNDRIP Article 26:1) and; Indigenous peoples have the right to own, use, develop and control the lands, territories and resources that they posses by reason of traditional ownership or other traditional occupation or use, as well as those which they have otherwise acquired(Article 26:2) and; States shall give legal recognition and protection to these lands, territories and resources. Such recognition shall be conducted with due respect to the customs, traditions and land tenure systems of the indigenous peoples concerned (Article 26:3).

B. First Nations have inherent and unextinguished jurisdiction to travel freely, across our traditional land known as Turtle Island without harassment.

C. Article III of the Jay Treaty of 1794 states: "It is agreed that it shall at all times be free to His Majesty's subjects and to the Citizens of the United States. And also to the Indians dwelling on with side of the said boundary line freely to pass and repass by Land or Inland Navigation, in the respective Territories and Countries of the Two Parties on the Continent of America (the country within the Hudson's bay company only excepted) And to navigate all the Lakes, Rivers and waters thereof, and freely to carry on trade and commerce with each other…".

D. First Nations and what is now Canada maintain a Nation-to-Nation relationship, based on historic treaties and agreements.

Certified copy of a resolution adopted on the 7th day of December, 2011 in Ottawa, Ontario

SHAWN A-IN-CHUT ATLEO, NATIONAL CHIEF

E. The United States Western Hemisphere Travel Initiative (WHTI) requirements for border crossing by land and water have no authority on First Nations.

F. Protection of the Canada/United States of America border is a shared responsibility and it is our intention to be involved in a positive way.

G. It is the intent of our respective First Nations across Canada to proceed with the creation of an enhanced identification card for entrance to the United States that honour our nationhood and is compliant with the highest security standard.

H. First Nations reserve the right to create, circulate, and maintain said identification cards.

I. First Nations must be directly involved in the protection of our territories (now recognized by Canada and the United States) for the security of our Nation's lands and peoples.

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

1. Reaffirm our sovereignty as Nations as reflected in our treaty relationships with the Crown and our responsibility to protect the resources of First Nation lands and the rights of our citizens.
2. Recognize the jurisdiction and sovereignty of each distinct Nation to develop, create, and circulate their identification cards which accurately reflect the needs of their respective Nations.

Certified copy of a resolution adopted on the 7th day of December, 2011 in Ottawa, Ontario

SHAWN A-IN-CHUT ATLEO, NATIONAL CHIEF