

RESOLUTION # _____

Resolution to Join the Jay Treaty Border Alliance

WHEREAS, [Insert ...Tribe's Standard authorizing clauses]

WHEREAS, in 1794, the United States and Great Britain entered into the Treaty of Amity, Commerce, and Navigation (also known as the "Jay Treaty") to resolve outstanding issues between the two countries after the Revolutionary War; and

WHEREAS, Article III of the Jay Treaty recognized the right of Native Americans to travel freely across the border by land or water, stating that "the Indians dwelling on either side of the [U.S.-Canadian border], [are] free to pass and repass into the respective territories and countries of the two parties on the continent of America;" and

WHEREAS, the American Indian free passage right was initially codified in the Act of April 2, 1928, 8 U.S.C. § 226a (1928), which stated that American Indians born in Canada, and whose membership in Indian Tribes or families was not created through adoption, would be exempted from the restrictions imposed by the Immigration Act of 1924; and

WHEREAS, during the termination era in 1952, the United States recodified the American Indian free passage right, adding a new restriction that American Indians born in Canada must possess a minimum of 50% Indian blood quantum to qualify for exemption from the Immigration and Nationality Act (Section 289 of Immigration and Nationality Act, 8 U.S.C. § 1359); and

WHEREAS, 8 U.S.C. § 1359 is an outdated regulation inconsistent with federal Indian law and undermines the sovereign rights of Tribal Governments to determine their own membership requirements; and

WHEREAS, Canada does not recognize the Jay Treaty and does not acknowledge a "right of entry" for U.S.-born Indians, but recently enacted the United Nations Declaration on the Rights of Indigenous Peoples Act (UNDRIP Act) (SC 2021, c.14, June 21, 2021); and

WHEREAS, Article 36 of the UNDRIP Act provides that—

- 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 members as well as other peoples across borders; and
- States, in consultation and cooperation with indigenous peoples, shall take effective measures to facilitate the exercise and ensure the implementation of this right; and

WHEREAS, Article 20 of the UNDRIP Act provides that indigenous peoples have the right to maintain and develop their political, economic and social systems or institutions, to be secure in the enjoyment of their own means of subsistence and development, and to engage freely in all their traditional and other economic activities; and

WHEREAS, the Jay Treaty Border Alliance (JTBA) is a coalition of sovereign Tribal Governments established in 2015 to uphold the inherent rights recognized by the Jay Treaty and UNDRIP Act; and

WHEREAS, the JTBA engages with U.S. and Canadian border agencies and governments to build and maintain effective working relationships, enhance cultural awareness of border agents, address concerns of Tribal communities, and advance legislation to improve border crossing and security issues; and

WHEREAS, the JTBA's Articles of Association and By-Laws permit Tribal Governments to join the JTBA Executive Committee for an annual membership fee of \$5,000 USD; and

WHEREAS, Executive Committee Members may participate in high-level discussions with U.S. and Canadian federal government officials, consider and adopt resolutions to be signed by the JTBA Co-Chairs, vote on matters presented before them, and advise the JTBA Co-Chairs; and

WHEREAS, the (Tribe/Nation/Village) strongly supports the JTBA's efforts and seeks to join the JTBA's Executive Committee to advocate for our inherent rights and to promote the culture, general welfare, economic activities, and social advancement of the (x People).

THEREFORE BE IT RESOLVED, the (Tribe/Nation/Village) hereby pledges \$5,000 USD to join the JTBA Executive Committee and hereby supports the JTBA's efforts to advocate for the inherent rights of Tribal Nations.

THEREFORE BE IT FURTHER RESOLVED, the (Chairman/Secretary/Speaker) is authorized and directed to execute this resolution and provide payment to the JTBA.

CERTIFICATION