



NAVAJO NATION HUMAN RIGHTS COMMISSION

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FOR IMMEDIATE RELEASE:
February 8, 2012

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MEDIA ADVISORY

Navajo Nation opposes H.R. 1904; supports San Carlos at U.S. Senate Energy & Natural Resources Committee Hearing on February 9, 2012

ST. MICHAELS, Ariz.— The Navajo Nation President, the 22nd Navajo Nation Council, and the **Navajo Nation Human Rights Commission** oppose U.S. Congressional bill H.R. 1904 and endorse and support the efforts of San Carlos Apache Nation to oppose U.S. Congressional bill H.R. 1904. The bill will be heard by the full U.S. Senate Committee on Energy & Natural Resources on **Thursday, February 9, 2012 at 9:30 a.m.** – Eastern Standard Time in Washington, D.C.

- WHO:** Inter-tribal Council of Arizona President Shan Lewis will present testimony in opposition to U.S. Congressional bill H.R. 1904.
- WHAT:** The full U.S. Senate Committee on Energy & Natural Resources to receive testimony on H.R. 1904, the Southeast Arizona Land Exchange and Conservation Act of 2011. The Committee will also receive testimony on the text of S. 409, the Southeast Arizona Land Exchange and Conservation Act of 2009, as reported by the Committee during the 111th Congress.
- WHEN:** **THURSDAY, FEBRUARY 9, 2012**
9:30 A.M. EST (7:30 MST)
- WHERE:** U.S. Senate Committee on Energy & Natural Resources
Energy Committee Hearing Room - SD-366
Washington, D.C.
OPEN PRESS
- LIVE WEBCAST:**
<http://energy.senate.gov/public/index.cfm?FuseAction=Hearings.NoWebcast>
- URL:** <http://energy.senate.gov/public/>

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RESOLUTION OF THE
NAVAJO NATION COUNCIL

22ND NAVAJO NATION COUNCIL - Second Year 2012

AN ACTION

RELATING TO THE NÁABIKI'YÁTI COMMITTEE: IN OPPOSITION TO CONGRESSIONAL LEGISLATION H.R. 1904, PROPOSING A LAND EXCHANGE IN SOUTHEASTERN ARIZONA FOR THE PURPOSE OF MINING OPERATIONS

BE IT ENACTED:

1. The Navajo Nation finds the following with respect to this legislation:

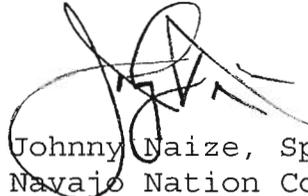
- a) The Navajo Nation believes in supporting the sovereign rights of Indian nations, tribes, and communities on matters affecting them upon request; and
- b) The traditional tribal life is rooted in a deep and personal understanding of the natural world and the forces that govern it; the source of tribal health, happiness, strength, and balance is the natural work, making our relationship with the natural world sacred; and
- c) Congressional Legislation H.R. 1904, entitled "Southeast Arizona Land Exchange and Conservation Act of 2011", as further explained in Exhibit "A" as attached would approve a federal land exchange to transfer to the ownership of Resolution Copper over 2,400 acres of federal lands located within the Tonto National Forest for purposes of an unprecedented block cave copper mine; and
- d) The federal lands which are proposed to be exchanged, which are generally known as Oak Flat, are within the San Carlos Apache Tribe ancestral lands, and these lands are of unique religious, cultural, and archeological significance; and

- e) Congressional Legislation H.R. 1904 would require Congress to lift the decades old ban against mining within the 760 acres of the Oak Flat Withdrawal which was expressly set aside from mining by President Eisenhower in 1955 due to the lands value for recreation and other important purposes; and
- f) The mining proposed for Oak Flat will destroy the religious, cultural and traditional integrity of Oak Flat for American Indian tribes affiliated with the area, and it will cause serious and highly damaging environmental consequences to the water, wildlife, plants, and other natural ecosystems of the area; and
- g) The block cave mining method to be employed at Oak Flat will also cause the collapse of the surface of the earth and endanger the religious and historic terrain at Apache Leap, Oka Flat, and Gaan Canyon, as well as the in surrounding country side; and
- h) The mining activity would deplete and contaminate water resources from nearby watersheds and aquifers leaving in its wake long term and in some cases permanent religious, cultural and environmental damages; and
- i) The National Congress of American Indians, the Inter-Tribal-Council of Arizona, the United South and Eastern Tribes, Arizona tribes, New Mexico tribes, and other tribes across the country oppose this land exchange due to the harm of religious, cultural, archeological, and historic resources, as well as the environmental consequences to the land from the proposed mining activities; and
- j) It is in the best interest of the Navajo Nation to oppose such legislation.

2. The Navajo Nation hereby adopts as the Official position of the Navajo Nation its strong opposition to H.R. 1904: Southeast Arizona Land Exchange and Conservation Act of 2011, and any companion legislation that may be introduced in the U.S. Senate in support of this exchange and the Resolution Copper mining project.

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Navajo Nation Council at a duly called meeting in Window Rock, Navajo Nation (Arizona) at which a quorum was present and that the same was passed by a vote of 17 in favor and 0 opposed, this 26th day of January 2012.

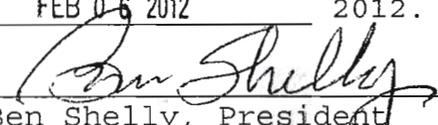

Johnny Naize, Speaker
Navajo Nation Council

Feb. 03, 2012
Date

Motion: Dwight Witherspoon
Second: Leonard Pete

ACTION BY THE NAVAJO NATION PRESIDENT:

1. I hereby sign into law the foregoing legislation, pursuant to 2 N.N.C. §1005 (C)(10), on this _____ day of FEB 06 2012.



Ben Shelly, President
Navajo Nation

2. I hereby veto the foregoing legislation, pursuant to 2 N.N.C. §1005 (C) (11), this _____ day of _____ 2012 for the reason(s) expressed in the attached letter to the Speaker.

Ben Shelly, President
Navajo Nation

Resolution of the
Navajo Nation Human Rights Commission

Endorsing and Supporting the Efforts of San Carlos Apache Nation to Oppose U.S.
Congressional Bill H.R. 1904 and Recommending the Navajo Nation Council
Oppose H.R. 1904

WHEREAS:

1. Pursuant to 2 N.N.C. § 920, the Navajo Nation Human Rights Commission (herein referred to as the "Commission") is established in the Legislative Branch as an entity of the Navajo Nation government; and
2. Pursuant to 2 N.N.C. § 921, the Commission is organized to operate as a clearinghouse entity to administratively address discriminatory actions against citizens of the Navajo Nation, and to interface with the local, state, federal governments and with national and international human rights organizations in accordance with its plan of operation and applicable laws and regulations of the Navajo Nation; and
3. Recognizing that the United States of America is a member of the United Nations since October 24, 1945, and made the commitment to the world community, in part, "to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small" to which end will "employ international machinery for the promotion of the economic and social advancement of all peoples"; and
4. Recognizing that the United States of America is a party to many international human rights obligations enacted by the United Nations including, but not limited, to the Covenant on Civil and Political Rights (G.A. res. 2200A (XXI)), Convention on the Elimination of forms of Racial Discrimination, Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflicts (G.A. Res. 54/263), Convention for the Suppression of Terrorist Bombing (G.A. Res. 164), and the Declaration on the Rights of Indigenous Peoples (G.A. Res. 61/295); and
5. By Resolution NNHRCSEPT-08-11, the Commission acknowledged the report by the United Nations Special Rapporteur on the Rights of Indigenous Peoples, S. James Anaya. Special Rapporteur Anaya's report, entitled *Report by the Special Rapporteur on the [R]ights of [I]ndigenous [P]eoples*, Rep. of Human Rights Council, 18th Sess, Aug. 22, 2011, U.N. Doc. A/HRC/18/35/Add.1; UN. GAOR, 65th Sess., (Sept. 14, 2011), stated that stake holders human rights to free, prior and informed consent were violated as the United States did not comply with the requirements under the International Covenant on Civil and Political Rights and International Convention on the Elimination of All Forms of Racial Discrimination; and
6. United Nations Special Rapporteur on the Rights of Indigenous Peoples also reported in U.N. Doc. A/HRC/18/35/Add.1; UN. GAOR, 65th Sess., (Sept. 14, 2011) that "[s]imply providing indigenous peoples with information about a proposed decision and gathering and taking into account their points of view is not sufficient in (the context of free, prior and

informed consent)." Consultation must occur through procedures of dialogue aimed at arriving at a consensus. Id. At 48; and

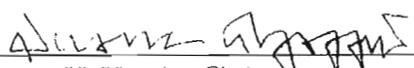
7. Recognizing that the United States of America is party to various international human rights standards and treaties, the Commission determines that H.R. 1904 represents on-going efforts to ignore the human rights of indigenous peoples as they pertain to their innate relationships with their traditional lands, territories, sacred sites and environment. Moreover, H.R. 1904 represents another effort to ignore the international human rights standards that United States must secure the free, prior and informed consent of indigenous peoples when proposed decisions affecting indigenous peoples' religion, culture, lands, territories and resources are entertained by the United States government; and
8. Indigenous nations, including the San Carlos Apache Nation, Yavapai-Apache Nation, White Mountain Apache Nation, Fort McDowell Yavapai Nation, Pascua Yaqui Nation, Mescalero Apache Nation, Jicarilla Apache Nation, Pueblo of Tesuque, Pueblo of Zuni, and Susanville Indian Rancheria of California, have passed resolutions or sent letters opposing H.B. 1904. A number of indigenous organizations have also adopted resolutions opposing H.B. 1904, including the National Congress of American Indians, Inter-Tribal Council of Arizona, Inc., All Indian Pueblo Council, the Eight Northern Indian Pueblo Council, and United South and Eastern Tribes, Inc.; and
9. The Commission determines that it is prudent and necessary to support the efforts of the San Carlos Apache Nation to oppose U.S. congressional bill H.R. 1904 and finds it in the best interest of the Navajo people's human rights to recommend that the Navajo Nation Council adopt legislation to support the San Carlos Apache Nation.

NOW THEREFORE BE IT RESOLVED THAT:

1. The Commission hereby opposes U.S. Congressional bill H.R. 1904 and endorses and supports the efforts of San Carlos Apache Nation to oppose U.S. congressional bill H.R. 1904.
2. The Commission further recommends that the Navajo Nation Council adopt legislation supporting the San Carlos Apache Nation in their efforts to protect their sacred site located at Oak Flats near Superior, AZ.

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Navajo Nation Human Rights Commission at a duly called meeting in St. Michaels, Navajo Nation (Arizona), at which time a quorum was present and was passed by a vote of 3 in favor and 0 opposed, this 4th day of November 2011.


 Duane H. Yazzie, *Chairperson*