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Navajo human rights official testifies how the UNDRIP fills gaps in U.S. Policy

ST. MICHAELS, Ariz.— In a U.S. legislative hearing to address a global declaration on the rights of indigenous people, a Navajo human rights official echoed a prepared statement about how American jurisprudence and policies have failed Navajo people in protecting sacred sites.

Navajo Nation Human Rights Commission Chairperson Duane “Chili” H. Yazzie provided testimony before the United States Senate Committee on Indian Affairs at the oversight hearing on “Setting the Standard: Domestic Policy Implications of the U.N. Declaration of the Rights of Indigenous Peoples,” on June 9, 2011.

“Hopefully today’s testimonies will resonate in a substantial way to help define the strategy that the federal government can embark on and implement the U.N. Declaration,” said Yazzie.

Yazzie received an invitation to provide testimony from the U.S. Senate Committee on Indian Affairs Chairman Daniel K. Akaka on June 3, 2011.

“The hearing [explored] the U.N. Declaration on the Rights of Indigenous Peoples as an international policy goal to which the United States is signatory, the current ways existing domestic policy achieves the UNDRIP goals, and additional domestic policy considerations to make the United States a world leader in indigenous rights and implementation of the UNDRIP,” according to the U.S. Senate Committee of Indian Affairs website.

“We’ve convinced the international community based on who we are as Navajo people and they understand and that’s [partly] why the U.N. Declaration on the Rights of Indigenous People exists,” said NNHRC Executive Director Leonard Gorman, who watched the oversight hearing LIVE via webcast from St. Michaels, Navajo Nation (AZ). “They believe in our human rights and they agree, and now we will need to take the same approach with the U.S. government.”

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The U.N. Declaration on the Rights of Indigenous Peoples was endorsed by President Obama in December 2010.

“The hearing is the beginning of recognition that changes must be made in federal agencies,” said Gorman. “Hopefully, with our continued input and recognition.”

U.N. Special Rapporteur on the Rights of Indigenous Peoples S. James Anaya, who testified at the oversight hearing, said that the U.S. has been a leader for human rights in the world but has been somewhat slow in any leadership role for indigenous peoples.

Yazzie said, “There is a notion in the federal government that they know best for Native America.” He continued and said, “That is not the case.”

The government’s “not knowing” was reiterated by the U.N. Special Rapporteur on the Rights of Indigenous Peoples S. James Anaya, Executive Director for the Indian Law Resource Center Robert “Tim” Coulter, President of the Quinault Indian Nation Honorable Fawn Sharp and others.

Ensuring that indigenous human rights are respected, protected and fulfilled is part of that explained Cherokee Nation Secretary of State Melanie Knight.

“The domestic policy of the United States should support the ability of tribal nations to make the decisions that’s best suited for their own specific needs,” said Knight.

Like the specific needs to revitalize the language for the Cherokee Nation of Oklahoma of over 300,000 people, Knight said, “The revitalization of culture and language is the primary purpose of several articles in the Declaration most prominently being in Article 13. ... We ask this committee to ensure and protect our rights through facilitating the inclusion of Native language, history and culture throughout all programs and activities that effect Indian country. For instance, policy changes to enable both public and private school to further language preservation efforts. ... Access to resources is needed to allow language preservation efforts for those who do not attend the lone immersion school.”

Yazzie said, “It is critical that the federal government truly understands the input of Native America and translate that into improvements in federal law and policy.”

“Legal amnesia,” was a term that filmmaker Ryan Red Corn used during his testimony about the U.S. Supreme Court.

Further, “Indians and other Native Nations in this country live in a system of federal laws today that is unconstitutional,” said Coulter. “It’s discriminatory and it’s unworkable.”

Coulter said, “Congress believes that it can terminate Indian nations ... and can violate treaties normally without any liability and so on,” and the U.N. Declaration calls for an end to that legal doctrine and that type of unconstitutional treatment he explained.

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Yazzie said, “The Declaration sets the standard to guarantee Native Americans the rights to sacred sites,” and it “fills the gaps where U.S. domestic law and policy fail to protect sacred sites. ... The Declaration recognizes Native Americans possession of distinct rights to sacred sites since time immemorial, whereas the U.S. recognizes a few rights post-colonization.”

On May 24, 2011, the Arizona Snowbowl ski resort began construction to install a water pipeline to transport reclaimed wastewater to manufacture artificial snow, desecrating a sacred mountain, Dook’o’osliid, the San Francisco Peaks, in Arizona. Litigation has failed to protect Dook’o’osliid. Concerns about the health impacts are now being addressed.

Yazzie said, “Western Science is not enough. We must be at the table. It is our earth and life too.” He said,

“We have something to say, we have something to offer, the key we have may not avert the impending demise of the Earth but we believe we can help to heal some of the hurt and give hope for a future.”

Gorman said, “What the chairperson [for NNHRC] said is absolutely legitimate.”

Visit www.indian.senate.gov to view the webcast.

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