



NAVAJO NATION HUMAN RIGHTS COMMISSION

P.O. Box 1689

Window Rock, Navajo Nation (Arizona) 86515

Phone: (928)871-7436 Fax: (928)871-7437

www.nnhrc.navajo-nsn.gov

 facebook.com/nnhrc

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Media Contact: Rachele Todea

rtodea@navajo-nsn.gov

NNHRC meets with NNWRC and requests adopting the United Nations Declaration on the Rights of Indigenous Peoples as their standard of achievement

SAINT MICHAELS, Ariz.—Navajo Nation Human Rights Commissioners met with the Navajo Nation Water Rights Commission on April 6, 2012, and Navajo human rights officials requested the NNWRC to learn more about the United Nations Declaration on the Rights of Indigenous Peoples and to adopt the Declaration as the NNWRC standard of achievement in addressing water issues like the Navajo Hopi Little Colorado River Water Rights Settlement Act. The settlement act is also known as U.S. Senate Bill 2109. The House Bill is known as H.R. 4067.

NNHRC learned NNWRC must ensure “that the water rights of the Navajo Nation are vigorously pursued, effectively coordinated, and to enhance the communications between all entities engaged in water rights efforts on behalf of the Navajo Nation,” according to 2 N.N.C § 1552. Because the Declaration outlines indigenous peoples rights in regards to their resources, NNHRC requested the meeting to communicate international human rights standards for citizens of the Navajo Nation. NNHRC request for a presentation was made on March 30, 2012 in a memo.

In preparation for the meeting, NNHRC staff members examined the United Nations Declaration on the Rights of Indigenous Peoples, and applied several articles that apply which include but not limited to Article 25, 26, 27, 28, 29 and 32. These articles in sum recognize Navajo peoples’ right to participate in the process, implement in conjunction in an impartial and open transparent process, a right to redress and the right to conservation and protection of their environmental resource. Also, Navajo people have the right to free, prior and informed consent to the approval of any project that affects land, territories and other resources for development, utilization, exploration, according to the Declaration.

“No other people has that recognition but indigenous people,” said NNHRC Executive Director Leonard Gorman about free, prior and informed consent.

The meeting was part of the preliminary process of free, prior and informed consent to gain information.

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NNHRC Associate Attorney Naomi L. White then presented what free, prior and informed consent entails.

Free, *t'aa'jiik'e*, means no coercion, no bribery, no cost, no tricks, no blackmail, no deceit, no deception, no misrepresentation, no manipulation, no misleading information with full responsible disclosure, availability, accessibility, transparency, and integrity of information.

Prior, *t'aa bee tseedi*, means well in advance before approval with enough time to hear all information showing timelines of entities involved.

Informed, *shil hoo/diniigo*, means to use all visual and audio media formats of relevant information in Navajo and English weighing pros and cons. And, to convey what it means to consent and not to consent. NNHRC did recognize that formally and traditionally the process of information was coordinated door to door, person to person. Media formats included radio broadcasts, public speaking engagements, public hearings, e-audio clips, newspapers advertisements, flyers, posters, brochures, video including silent films, PowerPoint presentations, illustrations, 3-D models, press releases, and press statements and social networking event pages, fan pages, to share audio and video.

Consent, *bee láh adeesh/eel*, is the result of either yes or no and by defining who consents and how they consent.

Free, prior and informed consent is different from the federal tribal consultation policy. One, it is an international standard. Two, it also identifies that people have a voice.

At the end of the discussion, NNWRC presentation and after hearing from about 17 Navajo citizens, NNHRC made two requests to NNWRC, and made one recommendation for the people in attendance. NNHRC requested that NNWRC place NNHRC on their next meeting agenda for NNHRC to present the Declaration. NNHRC also requested that NNWRC adopt the Declaration as its standard of achievement.

NNHRC formally adopted the Declaration as their standard of achievement in February 2009.

Lastly, for Navajo citizens in attendance, Navajo human rights officials recommended that Navajo citizens form an initiative—a petition, to provide an opportunity for all Navajo people to have a say so in this natural resource issue or to discuss this matter one on one with their council delegate. For any initiative on the Navajo Nation, Navajo citizens should visit the Navajo Election Administration for training and a petition template.

Further, to gain more information from NNWRC, attend the public forums regarding SB2109.

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