



## NAVAJO NATION HUMAN RIGHTS COMMISSION

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### **NNHRCs 2011 Year End Review**

*by Chairperson Duane H. Yazzie for the Navajo Nation Human Rights Commission*

The primary objective of the Navajo Nation Council in establishing the Navajo Human Rights Commission was to have an entity that would respond to the incidence of racial discrimination experienced by Navajos in the bordertowns. When the Commission was seated in July of 2008, it was directed to hold public hearings in the bordertowns and in regional metropolitan areas where there are concentrations of Navajo citizens to assess the extent of racial discrimination. Numerous situations were reported on, thus the work of the Commission was expanded beyond its initial mandate.

The Commission was a persistent advocate for President Obama to reconsider the position of the United States on the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP). The Commission testified before the U.S. State Department and the U.S. Senate Indian Affairs Committee in this advocacy. The Obama Administration is currently assessing the impact on Federal Indian policy with the U.S. decision to finally endorse the UNDRIP. The Commission is working with a national Indian advocacy group that is focused on how to implement UNDRIP throughout Indian Country and closer to home there is consideration on how to incorporate UNDRIP provisions into the Navajo body of law.

In addressing the racial discrimination concerns, the Commission established dialogue with the bordertown leaderships and proposed formal partnerships intended to address racial discrimination through Memorandums of Agreement/Understanding. The Commission has entered into MOAs with Gallup, Grants, Farmington, Cortez and a MOU with Bloomfield. Proposed MOUs are under discussion with other bordertown governments. These MOUs are intended to provide a framework for the Navajo Nation and the bordertowns to address race discrimination and improve race relations. Implementation of MOAs includes a Mayor's Summit, a conference with San Juan College, developing a report on recommendations made by other civil rights entities and working with a Grants' judge.

In spite of these positive efforts, incidents of aggravated racial discrimination continue like the "flashlight beating" and the alleged rape of a Navajo woman by an Anglo police officer much like in 2010, the "swastika branding" and in 2009, the "Grants beatings."

The Navajo Nation Human Rights Commission Office has a prominent presence in these cases and others, supporting the Navajo victims and pressing the justice system to assure that justice is done.

The Commission was requested by the Diné Hatahli Association, the Diné Medicineman Association and the Azee Bee Nahagha Association to engage the processes of the United Nations in the effort to protect the San Francisco Peaks from desecration with the proposed use of wastewater to make artificial snow. The Commission requested Professor S. James Anaya, Special Rapporteur for the U.N. Human Rights Council, to investigate this case. Professor Anaya accepted the request; his office investigated the San Francisco Peaks desecration issue and submitted his report to the U.N. Human Rights Council in September, 2011.

In his report Professor Anaya validated the concerns of the traditional spiritual leader groups and the Commission. He recommended that the U.S. compel the U.S. Forest Service to withdraw the permit to make artificial snow using wastewater and recommended that the U.S. conduct meaningful consultation with the 13 Arizona tribes in the spirit of the free, prior and informed consent provisions of the UNDRIP. The Naabik'iyati' Committee of the Navajo Nation Council then accepted Professor Anaya's report and the committee directed the Commission, the President, Vice-President and the Speaker to do all things necessary to protect the San Francisco Peaks.

President Shelley testified before the U.N. Human Rights Council in Geneva, Switzerland in support of Professor Anaya's report. The U.S. has not responded to Professor Anaya's recommendations.

The Navajo Nation and the Navajo Nation Human Rights Commission are active participants at the international level in the United Nations and its organizations and the Organization of American States advocating on human rights issues of Navajo as well as Indigenous Peoples of the world. The Commission gave a presentation on the Navajo Perspective on Human Dignity at an international Conference on Human Dignity in Oslo, Norway.

With the ten year census count comes the task of redistricting Congressional and state electoral districts and the Navajo Nation is involved with the redistricting work. The Naabik'iyati' Committee directed the Navajo Nation Human Rights Commission to be the focal point of representing the Navajo Nation in this regard. The Commission's office staff along with the Navajo Election Office, the Navajo Department of Justice worked with entities from Arizona, New Mexico and Utah in the formulation of proposed new electoral districts, protecting optimum Navajo participation in the "outside" election process. This work involved developing various proposed maps that considered population shifts, political party trends, communities of interest and the contiguousness of Native tribal interest. The work is technically challenging, however, the Navajo Nation vigorously participated through every step of the process principally through the intense

work of Leonard Gorman, the Executive Director of the Commission's office, who fast became the Navajo expert in this important work.

The Commission and staff will continue to work into the new year on the myriad issues required to advocate and protect the human rights of the Navajo people and to defend the land.