



THE  
NAVAJO  
NATION

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Agenda Item #7  
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PETERSON ZAH  
PRESIDENT

MARSHALL PLUMMER  
VICE PRESIDENT

WGIP 91 / NAM-USA/1

STATEMENT OF THE NAVAJO NATION, NAVAJO-HOPI LAND COMMISSION OFFICE  
TO THE  
WORKING GROUP ON INDIGENOUS POPULATIONS OF THE SUB-COMMISSION ON  
PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES  
UNITED NATIONS, GENEVA, SWITZERLAND, AUGUST 2, 1991

Madame Chair, Expert and Observer Delegates, assembled represent-  
atives of indigenous peoples, thank you for the opportunity to  
speak. I represent the Navajo Nation of the United States.

I would like to address the issue of the use of the voluntary  
fund for advisory services, and by implication the role of the  
Working Group and Sub-Commission. I will do this through a case  
study of the so-called Navajo-Hopi "land dispute", which I  
believe shows how these bodies can take constructive and effect-  
ive actions on behalf of indigenous peoples.

As you know, the Navajo-Hopi land issue was first raised here by  
traditional Navajo and Hopi elders. It is through their efforts  
and at their request that the Navajo Nation and Hopi Tribe have  
joined the dialogue here. Participation here by tribal govern-  
ments has in turn raised the level of concern felt by the United  
States government.

Your actions here elicited a statement by the U.S. government  
that relocation was voluntary, and by implication that no forced  
relocation of Navajo people from the "disputed lands" was con-  
templated. This clarification was most useful in the debate  
which led to the overturning of the Secretary of Interior's  
October 6, 1989 policy of total, and if necessary forcible  
relocation.

Another positive step was achieved through the passage of Sub-  
Commission Resolution 1990/34, which encouraged the Navajo  
Nation and Hopi Tribe to negotiate the land issue in full  
consultation with their respective traditional communities.

During the winter of 1991, as we informed Mme. Chair by letter,  
the situation deteriorated dangerously. Sacred ground was

deseccrated and a medicine man was jailed. On April 25th of this year Sub-Commission Chair Danilo Türk sent a most welcome letter to all parties reminding them of their obligations incurred under resolution 1990/34.

On May 1, 1991 United States House Interior Appropriations Subcommittee Chairman Sidney Yates invited Navajo President Zah and Hopi Chairman Masayesva to submit proposals for mediation. The Navajo Nation responded promptly with a full and constructive mediation proposal. Unfortunately other parties were not as cooperative and this initiative failed. Even so, we would like to thank Congressman Yates for his effort.

On May 10, 1991, the U.S. 9th Circuit Court of Appeals ordered mediated negotiations in the case of Manybeads v. United States. The negotiations are among four parties: the defendant, the United States; the plaintiffs, a group of traditional Navajos; and the Hopi and Navajo Tribes. The goal of these negotiations is to find a way by which traditional Navajo people can live and survive on lands awarded to the Hopi Tribe.

The mediator has requested confidentiality. However I can state that there have been four mediation sessions so far. The positions of all parties have been made clear, and all parties are still at the table. The Navajo Nation and the traditional communities are working in close consultation, and we have great hopes. Through these negotiations, the Navajo Nation and, if I may speak for them the Hopi Tribe are acting in accord with resolution 1990/34.

In spite of our efforts and optimism, Mme. Chair, mediation may fail. If that happens, the situation could deteriorate rapidly and drastically. This is where the Voluntary Fund for Advisory Services could well be put to use. We suggest that the Voluntary fund be used in three ways in this and other cases:

- 1) To fund an observer who could provide neutral reports on the progress of talks, or alternately on the situation which might follow from the failure of mediation;
- 2) To provide a second, backup mediator who could step in to revive failed negotiations;
- 3) To develop independently a formula for a proposed settlement.

*Use of  
Voluntary  
Funds*

This case demonstrates that the Working Group and Sub-Commission can play a vital, constructive role in even the most difficult situations. We feel that the diplomatic and scholarly functions of these bodies must be supplemented by judicious, constructive action. I have recommended just such action to you for consideration by the Working Group and Sub-Commission

On behalf of the Navajo Nation I thank you Madame Chair and all assembled here. You are always in our prayers.