

9th Session of the United Nations Permanent Forum on Indigenous Issues
Submission under Agenda Item #3:

Indigenous Peoples are losing their lands to the over exploitation of natural resources – a clear violation of Article 32 of the United Nations Declaration on the Rights of Indigenous Peoples

Presented by

Guyrene Ben a NGO Representative to the organization “Fourth World Center for Indigenous Law and Politics, University of Colorado at Denver”

Ya'at'eeh (Greetings), my name is Guyrene Ben of the Dine (Navajo) Nation; and a representative from the Fourth World Center for Indigenous Law and Politics, University of Colorado at Denver. I am here on behalf of my people and other Indigenous Nations of North America who are affected socially, spiritually, culturally, economically and environmentally by the continued degradation of Indigenous Peoples lands for the sake of meeting the demands for more and more oil and electricity. I am here to speak for the little voices, who unfortunately one day will not have a place to call home on our traditional and sacred lands because it will be lost to the over exploitation of natural resources to the point of no return to its natural state. These little voices are our future generations of Indigenous Peoples whom we expect to continue the sanctity of our culture; but how will they continue as Indigenous Peoples when all of their sacred lands have been desecrated? As an Indigenous woman, I am a nurturer and teacher of traditions to be passed onto future generations and I find this task difficult when the land I call home and sacred is dying as I speak to you today.

Within my life span (which is minuscule in comparison to my elders who have seen and felt more destruction than I have), I have seen the degradation of my Dine (Navajo) homeland deteriorate every year. I have seen erosions intensify, air pollution get thicker, streams disappear, water tables drop and an increase in groundwater contamination. These environmental calamities stem from the over exploitation of minerals and natural resources – which are in high supply on most Indigenous Peoples lands in the United States, including my Dine homeland. The exploration of these natural resources are labeled as economic developments, but at what price is a deep rooted sacred area rich in culture worth the temporary energy fix these resources provide? While the industry gets richer, the Indigenous Peoples live in devastating environmental conditions, which affect their health, spirit, culture and ability to live in harmony with Mother Earth. Eventually Mother Earth will cleanse herself with or without us, but it is pivotal now to keep her sacred for the sake of our seventh generations.

Today, while we (Indigenous Peoples from around the world) submit interventions and recommendations concerning the staggering number of issues affecting us individually and/or globally, our homelands are being destroyed as we speak. Therefore, as a Dine woman, nurturer, educator, and student, I recommend the following:

- I request that the Permanent Forum and the U.N. Special Rapporteur for the Human Rights and Fundamental Freedoms of Indigenous People examine in detail the harms that have been visited on my reservation from energy corporations, often with the compliance of the United States government. I particularly ask for an investigation of the health and environmental impacts of uranium mining and waste disposal, coal production and water depletion in the traditional territories of the Navajo Nation.

- As an extension of my first recommendation, I further request that the Permanent Forum keep in mind that the effects of transnational corporate development on the territory of the Dine Nation are strikingly similar to those in the territories of the Western Shoshone Nation. I remind this Forum of Decision 1(68) of the UN Committee for the Elimination of Racial Discrimination (CERD) in the Western Shoshone case that “the rights of indigenous peoples, in particular their right to own, develop, control and use their communal lands, territories and resources,” are guaranteed in international law. Pursuant to those rights, I recommend that the Permanent Forum and the Special Rapporteur investigate the harms that the Navajo Nation has experienced at the hands of energy corporations, including U.S. government corporations. If this Forum and the Special Rapporteur concur that violations have occurred, I recommend that the United States and responsible extractive industries be ordered to reclaim the land to its condition prior to the destruction, and to adequately compensate the Dine people for any health, environmental, cultural, economic, or other harms that have been experienced as a result. Industry and governments need to understand and respect the fact that the preservation of Indigenous Peoples’ territories is crucial for the survival of the next seven generations, the little Indigenous voices that are not able to speak to this Forum today.