



3rd Session of Expert Mechanism on Rights of Indigenous Peoples
United Nations – Geneva, Switzerland
July 13, 2010

**STATEMENT TO THE EXPERT MECHANISM ON THE RIGHTS OF
INDIGENOUS PEOPLES ON THE UNITED NATIONS DECLARATION ON
THE RIGHTS OF INDIGENOUS PEOPLES**

Honorable Chairman, members of the Expert Mechanism on the Rights of Indigenous Peoples (“Expert Mechanism”), my indigenous brothers and sisters and respected representatives of the United Nations organs. My name is Duane H. Yazzie, Chairperson of the Navajo Nation Human Rights Commission (“Commission”).

I thank you, Mr. Chairman for this opportunity to speak on the United Nations’ Declaration on the Rights of Indigenous Peoples (“Declaration”). As we all know, in September 2007, the United States voted in opposition to the Declaration. It is unconscionable that a nation that proclaims to be the world’s leading advocate on protecting human rights, and who supported a majority of the text in the Declaration, votes against the Declaration.

This places the Navajo Nation and other Indigenous Nations, Tribes and Alaskan Natives throughout the United States in a dilemma. As we speak to the implementation of the Declaration in this 3rd session of the Expert Mechanism on the Rights of Indigenous Peoples and with the United States not having endorsed the Declaration, I speak somewhat in a vacuum, as there is nothing yet to implement.

Nevertheless, I wish to highlight areas where the Commission believes the United States is in violation of the tenets of the Declaration;

- A. While the United States has a nation-to-nation relationship with the Navajo Nation, the relationship is often impinged on with the imposition of statutes that restricts the Navajo Nation. This is in violation of Articles 3 and 4 of the Declaration, our right to self-determination. For instance, the Navajo Nation challenged the United States’ unfair dealings when it renegotiated mineral leases with transnational corporations. The United States Supreme Court, the highest court in the United States, declined to review the United States Court of Appeals’ decision that the Navajo Nation was treated fairly by a transnational corporation.

- B. The Navajo Nation, 11 other regional Indigenous Nations and the Commission raised stringent objections to the desecration of the San Francisco Peaks (“Peaks”) near Flagstaff, Arizona where there is a proposal to use recycled wastewater to produce artificial snow for economic profit and recreational use. This violates Articles 24 and 25 of the Declaration that speak to the protection of sacred sites and traditional medicine.
- C. Thousands of Navajos and Hopis were forcibly removed from our traditional home lands as a result of the United States’ Navajo-Hopi Settlement Act of 1974. This forced removal violated Articles 10, 11 and 12 of the Declaration that prohibits forced removal and the right to maintain, protect and develop the past, present and future manifestations of our culture.
- D. Finally the United States continually violates Article 29 of the Declaration on “free prior and informed consent” in these above cited examples and numerous other situations.

We would be remiss to not say that we are greatly encouraged by the United States’ re-considering of its stance on the Declaration under President Obama. The United States must fully endorse and implement the Declaration without placing reservations on any articles. I respectfully recommend in no uncertain terms that the Expert Mechanism, the United Nations Human Rights Council, my indigenous brothers and sisters and their affiliate organizations and governments to strongly recommend and encourage the United States to endorse and implement the Declaration in its entirety without reservations.