

NATIVE LAND: AN EXPLANATION

[ IT IS IMPORTANT TO EXPLAIN HOW WE RELATE TO THE LAND WE LIVE ON IN OUR TRADITIONAL WAY. THE WHITE MAN DOES NOT UNDERSTAND WHY OUR LAND IS SO IMPORTANT TO US, OR WHAT OUR LAND MEANS TO US.

OUR LAND IS MY FAMILY'S LAND. IN A PERSONAL SENSE IT IS "MY" LAND, YET IT DOES NOT "BELONG" TO ME. THE GREAT SPIRIT, OUR GOD, HAS GIVEN ME BY BIRTHRIGHT THE RESPONSIBILITY TO CARE FOR EVERY ASPECT OF THIS LAND FOR MY ANCESTORS AND MY LIVING FAMILY INTO THE FUTURE: FOR ALL MY RELATIONS.

THIS LAND ITSELF IS MY PLACE OF WORSHIP, MY PLACE OF SPIRIT. IT IS MY "CHURCH" ALTHOUGH IT IS NOT A BUILDING AND IT CANNOT BE MOVED. IT IS MY PLACE OF SHELTER, THE PLACE FOR MY SHEEP AND COWS, THE PLACE WHERE I WEAVE AND SEW, WHERE I COOK AND RAISE MY FAMILY. THIS LAND IS WHERE MY ANCESTORS ARE IN THE GROUND, AND WHERE WE HAVE OUR SACRED SHRINES. IT IS MY BREATH, MY SIGHT AND SMELL. IT IS THE PRESSURE ON MY FEET, A PART OF MY WHOLE BODY, MY ESSENCE. MY BEING. IT IS MY MOTHER, MOTHER EARTH. IT IS MY FATHER, FATHER SKY. THAT WHICH IS ABOVE AND THAT WHICH IS BELOW. THAT WHICH CAME BEFORE ME, THAT WHICH COMES AFTER ME.

THERE IS NO OTHER PLACE FOR ME AND MY FAMILY. NOT EVEN ANOTHER PLACE ON MY TRIBAL LANDS. THIS LAND CANNOT BE BOUGHT OR SOLD, NOR CAN ANY OTHER TAKE IT. THIS LAND IS MY UMBILICAL CONNECTION TO LIFE. THIS LAND IS MY PRESENCE IN TIME.

TO MOVE IS NOT OUR WAY.


TO BE ASKED TO MOVE IS DISRESPECTFUL.

TO BE FORCED TO MOVE IS A TOTAL VIOLATION OF MY BODY AND SPIRIT, MY ANCESTORS AND THE GREAT SPIRIT.

TO BE FORCED TO MOVE IS GENOCIDE: TO BE EXTERMINATED.  
TO DISAPPEAR. TO NOT EXIST FOREVER.]

WRITTEN FOR GRACE SMITH, DINEH BY SKY  
FOUR DIRECTIONS COUNCIL

(Navajo Indian  
Arizona)

 **four directions council**  
**conseil des points cardinaux**  
**consejo de los cuatro vientos**

press release:

27 February 1990

NAVAJO-HOPI RELOCATION

Geneva-- Grace Smith from Teesto, Arizona (U.S.A.) is attending the U.N. Commission on Human Rights' annual session in Geneva, Switzerland. She is here on behalf of the thousands of Dineh (Navajo) resisting relocation from their sacred homelands.

The Navajos have been resisting Government relocation from the Joint Use Area (JUA) of the Navajo-Hopi reservation since 1974. A misinformed U.S. Congress enacted Public Law 93-531, mandating division of the land clearly between Hopi and Navajo, and forced relocation for anyone, Hopi or Navajo, residing on the wrong side of the fence. They were led to believe they were settling a century-old land dispute between Hopi and Navajo Indians that was about to erupt into open warfare. Although the misnomer, "land dispute," stuck, it was a gross exaggeration and intentional misrepresentation of the facts, promoted by the public relations firm of Evans and Associates.

In actuality, Congress was duped into furthering a plan set in motion many years before, to gain access to huge deposits of high-grade coal beneath the soil where Navajo grazed their sheep. The coal was needed to provide power for the rapidly expanding southwestern region of the United States. The major players in this scheme have been non-Indian lawyers and representatives of energy and utility companies, aided by government officials.

Public Law 93-531, and the forced relocation it mandates, violates the human rights of thousands of traditional Navajo. Their close spiritual attachment to these specific lands makes removal extremely cruel, effectively destroying their religion and their culture--which are virtually synonymous. Noted anthropologists such as Thayer Scudder, one of the world's foremost authorities on relocations, told Congress that there has never been a successful relocation of land-based people and that a disaster was virtually certain. Years later, he confirmed this statement, saying that the Navajo situation was much worse than he had forecast.

The Fourth Russell Tribunal on the Rights of Indians in the Americas held in Rotterdam, The Netherlands, found that relocation violated several provisions of the International Convention on the Prevention and Punishment of the Crime of Genocide.

Yet the relocation continues, and the Government agencies continue to harass the people into moving through livestock impoundments, construction freezes, building fences, and other activities which intimidate them. The Navajo have gone to Congress and they have tried to use the U.S. legal system, to no avail. Their tribal council is handicapped in what it can do because it is a non-traditional institution created by the U.S. Government, and subject to U.S. government funding and approval--even payments for coal mining must pass through U.S. Government agencies first--and thus unable to represent traditional people without conflicts of interest.

Last summer the Sub-Commission on Prevention of Discrimination and Protection of Minorities heard reports on this situation and adopted resolution 1989/37, which expressed the hope that involuntary relocation would be suspended and that the people resisting relocation should be allowed to participate in resolving the problem. U.S. Government policy has gotten no better, however.

Navajo resisting relocation hope that the Commission on Human Rights will consider an even stronger resolution, and press the U.S. to accept a complete moratorium on all involuntary relocation activities, including stock impoundments, construction freezes, and fencing, until this issue can be resolved in a truly humane way.

for further information contact:

Grace Smith, Traditional Dineh (Navajo)  
Four Directions Council delegation  
Salle XVII (Commission on Human Rights)

COMMISSION ON HUMAN RIGHTS  
Sub-Commission on Prevention of  
Discrimination and Protection  
of Minorities  
Working Group on Indigenous Populations  
Eighth session (23 July-3 August 1990)  
Agenda item : review of developments

### ENVIRONMENT AND DEVELOPMENT

Since this agenda item was first taken up some eight years ago, at least one message has emerged clearly and consistently: *indigenous peoples' struggles are basically environmental struggles*—struggles over the use, and abuse, of land and resources. Throughout the world, indigenous peoples are concentrated along natural resource frontiers—areas which have been exploited intensively only since the 1940s, and are viewed by many countries as their own hope of industrialization.

Thus indigenous people are caught between two powerful, opposing modern forces: nationalism, and environmentalism. Nation-states want their lands to finance national independence, while the environmental movement regards indigenous lands as among the last remaining pristine ecosystems worth saving. Meanwhile, indigenous peoples themselves are struggling for the right to make these decisions for themselves.]

ILO Convention No. 169 for the first time recognizes the right of indigenous peoples to control their own development, manage their own territories, and demand State measures to protect their environment. But the convention is short on ratifications and, even if it is widely ratified, provides little in the way of real resources to exercise the rights it guarantees. A more systematic United Nations commitment to indigenous environments is needed.

Preparations are already underway for a United Nations Conference on Environment and Development to be held in Brazil in June 1992. The Conference poses a very special challenge for indigenous peoples, and for this Working Group. It could help place indigenous peoples in the mainstream of environmental rights and responsibility, or it could, in their absence, seal their fate. The extent to which indigenous people will be able to participate *formally* in the Conference will be decided in Nairobi over the next few weeks. In the meantime, there is a great deal the Working Group can do to ensure that the Conference addresses indigenous concerns, by forwarding proposals through its parent bodies to the Conference secretariat.

What kinds of proposals might usefully be brought forward? UNCED will consider drafting new conventions on the environment, as well as strengthening the mandates of relevant UN programmes such as UNEP. [We believe that the Final Document of the Conference, and any conventions adopted with respect to the fragile ecosystems inhabited by indigenous people, such as tropical rainforests, should recognize the following principles, based on the ILO Convention and our draft Declaration:

o the right of indigenous peoples to continue to occupy, manage, and use their traditional habitats;

o the responsibility of governments to protect indigenous peoples from environmental degradation, and to restore the productivity of damaged habitats;

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- o the right of indigenous peoples to participate directly in any national or international decisions which may affect their environments and resources;
- o the right of indigenous peoples, in their own territories, to control their economic, social and cultural development;
- o the paramount role of indigenous peoples as managers of their own lands and resources;
- o the value of traditional economies based on the harvesting of renewable resources; and
- o the duty of States to respect indigenous peoples' own land-tenure systems, and their traditional knowledge of ecosystems. ]

To give substance to these principles, UNCED should recommend the adoption of a U.N. Programme of Action for Indigenous Peoples and the Environment, in connexion with the International Year for the World's Indigenous Peoples. The Programme of Action should provide for direct involvement of indigenous peoples organizations in all U.N.-assisted projects affecting their territories, and provide authority for UNEP, FAO, UNESCO, and other relevant agencies to provide direct support and assistance to indigenous peoples for environmental management, for example:

- o community-based ecosystem research, including impact assessments, improving native food varieties, and combining traditional ecosystem knowledge with experimental methods;
- o community awareness and science education, including help in establishing community information systems offering broad public access to basic data and training in ecology;
- o evaluating and restoring native habitats, such as the rehabilitation of watershed and restoration of native soils and vegetation;
- o building on the traditional roles and knowledge of indigenous women as farmers and land managers;
- o exchanging experience and technology among indigenous peoples in different parts of the world that are facing similar ecological and economic challenges; and
- o protecting indigenous communities' control of traditional ecological knowledge, as well as the results of their present-day research.

Last year, the Working Group recommended that the U.N. organize, in 1991, a technical conference on achieving environmentally sound and sustainable self-development for indigenous peoples. The Commission on Human Rights has approved this recommendation, and it is now up to the Secretariat, with the continued support of the Working Group, to make it happen. We think this 1991 indigenous conference would provide an invaluable opportunity for indigenous organizations to work out, with experts from governments, some practical proposals for UNCED. We have submitted some written suggestions along these lines, and we hope the

Working Group will make recommendations for the conference agenda. In the meantime, we wonder whether the government of Brazil, which will host UNCED in 1992, would consider also hosting the 1991 conference, so that it can be held in Latin America rather than here in Geneva.

As we noted earlier, the next General Assembly is expected to act on the proposal for an International Year of the World's Indigenous Peoples. As a result, 1992 will be both the culmination of a two-year process of preparing for the UNCED, and the beginning of a full year of intensified U.N. action in the field of indigenous peoples' rights.

This, too, is a special opportunity for us and, to take advantage of it, we should begin to plan a programme of activities for the Year that focusses on strengthening indigenous peoples' role in environment and development. Coordination of preparations for the Year and UNCED over the next eighteen months could be our great opportunity since the establishment of this Working Group, to influence the operation of the U.N. system as a whole.

An important, related project is the preparation of a database on the impact of transnational investments and operations on the lands of indigenous peoples, which the Working Group last year recommended as a joint project with the UNCTC. We believe that a reliable standardized annual statistical report on indigenous lands will be invaluable, as a tool for understanding the nature of the problems being addressed here and as a means of measuring future progress in protecting the rights of indigenous peoples. We also believe that such a statistical report will help other U.N. bodies appreciate the close relationship between the protection of indigenous lands, and protection of the environment globally. As such, the UNCTC reports will be an essential part of the argument for including indigenous peoples directly in UNCED. Hence we welcome the steps already taken by UNCTC to launch the first annual survey of indigenous lands, look forward to contributing to this first survey, and encourage other indigenous peoples' organisations to take advantage of this opportunity to increase the attention given to land rights within the U.N. system.

As we approach 1992, we should likewise be considering what other information about the conditions and status of indigenous people ought to be included regularly in U.N. statistical reports. The World Social Survey, prepared annually by the U.N. Office in Vienna, is a principal source of comparative data on women, families, and children, but does not provide information on indigenous peoples or other distinct groups within states. Some relevant information is contained in state reports to U.N. human rights bodies, but it is not standardized and is nowhere compiled. Social and health statistics are indicators of environmental as well as economic conditions. The implementation of a declaration of indigenous rights will be aided immensely by this kind of information, and we would urge that, as in the UNCTC land survey, indigenous people themselves be directly involved in the reporting process.

Before concluding, we would like to return briefly to the issue of technical co-operation and assistance involving indigenous peoples. In 1988, and again in 1989, the Sub-Commission requested the Secretary General to make such assistance available to indigenous peoples, where appropriate, especially in the fields of environment, development and human rights. These requests were blocked, in the Commission on Human Rights, by opposition from among the Western Group of states. We were actively involved in these debates at the Commission, and we heard two arguments against opening existing technical programmes to indigenous peoples. One was, that these U.N. programmes are already overloaded. This is true, but our proposals did not require additional resources--they were aimed at using existing resources more effectively through a

participatory framework. The other argument was against setting a precedent for popular participation generally in U.N. programmes.

[All we can do is to remind our colleagues from the Western states that the consensus among development specialists is that participatory projects are not only more compatible with human rights, but more efficient, or cost-effective, as well. The Arusha Charter on People's Participation in Development (1990), endorsed by the ECA, is testimony to this view, as is the consistent support we have received in the Commission from both the Latin American and African groups of States. The Global Consultation on the Right to Development, convened here in Geneva last January, also supported the direct involvement of peoples' organisations in the planning and implementation of international aid and technical-assistance projects.

Especially in relation to development and the environment, then, we would like to urge the Working Group to continue to press the issue of direct technical assistance, and make this both the focus of the International Year, and of any indigenous programme recommended to the UNCED.]