Forgotten People
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Dated April 9, 2012
Topic: Land and Resources

Ya'ah'teeh Honorable Special Rapporteur James Anaya. Forgotten People on the Navajo Nation in Arizona respectfully requests emergency intervention and application of emergency measures to ensure our survival as a land-based Indigenous people.

Forgotten People wishes to address failures of the United States to remediate conditions in the Hopi Partition Land and the former Bennett Freeze – given the focus in the Declaration on remedies for violations of human rights.

Forgotten People is a Non Governmental Organization incorporated in the Navajo Nation that span over 2 million acres of remote desert terrain in northeastern Arizona. Most of our members do not speak, read, or write English and live a traditional subsistence lifestyle.

On Hopi Partition Land, the US government in collusion with the Navajo Nation and Hopi Tribe sacrificed us and expropriated our lands and water for energy resource exploitation. We are called trespassers on land we have continuously occupied for more than 10 generations before the Long Walk to Fort Sumner and creation of the Navajo and Hopi tribal governments.

For over 4 decades we have resisted forced relocation by the US government, dismantling of our water sources and federally funded confiscation of our animals. We have no civil rights and no representation under a foreign Hopi tribal government in which we are denied representation and the right to vote while President Ben Shelly of the Navajo Nation does nothing to help us and tells us our land is lawless.

In the former Bennett Freeze, we endured a 43-year US government imposed Freeze denying us the right to build and repair our homes that was lifted by President Obama in 2009 without funding and a plan for rehabilitation. Only 3 % of families have electricity. Over 90% of the

homes do not have access to piped water, requiring families to haul their water from other locations. Only 24 % of homes are habitable today.

We endured a forced march from Wupatki National Monument across the Little CO River where we drank contaminated water without being told. A lone holdout living in Wupatki was given special dispensation from Congress for lifetime occupancy with no rights for her family members to continue living there.

Currently US Senators Kyl and McCain introduced S.2109 to steal our water for corporate use and people living in far-away cities and grant a waiver without redress for past, present and future contamination of our water sources when the US EPA reports the presence of over 1,300 abandoned mines on the Navajo Nation and up to 25 % of the unregulated sources in the western Navajo Nation exceed drinking water standard for kidney toxicants including uranium.

The US EPA made a commitment at the 2002 United Nations World Summit on Sustainable Development held in Johannesburg, South Africa, in which the US pledged to reduce the number of its citizens lacking access to safe drinking water and sanitation by 50% by 2015. We believe the US government should remediate our lands, provide access to safe drinking water and be held accountable to commitments made internationally.

We believe President Obama should fulfill his pledge made on December 16, 2010 for the United States to sign a United Nations non-binding declaration on the rights of indigenous peoples. Given the focus of the Declaration on the rights of indigenous people, we support remedies for violations of human rights and reparations awarded to victimised groups and urge President Obama to sign a binding version to codify the declaration as law.

We support the addition of Article 31 to the Universal Declaration of Human Rights to include access to clean and potable water as a fundamental human right and a side-by-side reading of the right to development under the Declaration on the Rights of Indigenous People and the UN General Assembly resolution on the right to development to hold governments and corporations responsible.

We believe our community's land and water rights are essential to our physical survival and our cultural and spiritual survival as a distinct people. We believe an investigation of our case will help give content and effect to basic rights and a human rights-based approach to land and water rights to pressure the international community and governments, including the United States to satisfy basic human needs. We pray for your intervention and the application of emergency measures.

Ahe'hee
Mary Lane
Vice-President, Forgotten People
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