

“SCOTUS Rules Against Navajo Nation in Landmark Water Rights Case” -Native News Online, June 22, 2023

Tó éí iiná! Water Is Life!

By Lenny Foster

Praying with water this morning, thanking her for quenching the thirst of Mother Earth, five finger nation, plant nation, mineral nation, four-legged nation, winged nation and for quenching the thirst of the spirit for truth, peace and love. When you pray with the water, she responds if you listen, she speaks up!

I contemplated the decision of the SCOTUS- “Supreme” Court of the United States of America, ruling against my Diné. It is an abomination, and a supreme insult, and long-term mistake. The history books will forever reflect the most extreme belligerency of the state against Native Americans.

For five hundred years we have fought the scourge of colonial forces acting against the people, our Earth, ravaging resources with greed, avarice and malice. This decision is evidence that the United States is not considering reconciliation and healing, rather a desperate and aggressive bid for control and profit.

When we consider the alternative; a decision that respectfully recognizes the legacy of brutality and destruction of water herself- a decision to restore the water to Navajo Nation control and honoring the broken treaties; with such a decision, they would have created an opportunity whereby reconciliation and repatriation would have genuine and significant possibility.

Instead, their decision of 5-4 “justices,” against the Navajo Nation, they will continue contaminating our rivers with toxic waste from mining and other extraction practices that, devastate our communities with cancer and other pollution created diseases. And force the “begging bowl” model, of our past, empowering the corporations, to control what is already legally and rightfully ours, the natural resources, the water, they already squander and destroy.

The decision is in flagrant violation of our treaties, all broken, yet still relevant. The United States is now in greater jeopardy having with their decision to rule against water, and her first stewards, the indigenous people, who have NEVER polluted nor desecrated our precious resources. The United States government reinforces offenses in perpetuity: they have now violated their fiduciary responsibilities to the tribe.

Treaties ensured the land and water into trust within our sovereign nation, and they ignore their responsibility going forward: to hold more sacred the honor and legacy of our people, and our cultural inheritance, despite the sins of their conquering past.

The International Court and United Nations will be a next step to rectify the gross error, effacing, dishonorable attitudes and decisions of so-called “justices,” of a court that shows little to no signs of making conscious, honorable, or reconciliatory decisions that might create a more egalitarian and hopeful future, or a future at all for seven generations to come.

According to the United States Constitution, and the American Declaration on Indigenous Peoples Rights, from 1997, and the more recent decision, on June 15, 2016, by the Organization of States, guarantees and “affirms the right of self-determination, rights to education, health, self-government, culture, lands, territories and NATURAL RESOURCES, and it includes provisions that address the particular situation of indigenous peoples in the Americas.” (*Whiteface, 2013 and Indigenous Peoples Rights, online.*)

They told us to “lay our weapons down, and become an agrarian society, and culture of farmers.” That requires land, and water. That requires land and water resources to be managed, stewarded, and protected, within the jurisdiction of the Diné nation. The ones who decided against that on the SCOTUS, are being careless and short sighted, as well as disingenuous.

In fact, they are breaking the sacred covenant, the natural laws of the United States Constitution, as well as making grievous violations of the International Declaration of the Rights of Indigenous People. If there was any question as to whether the United States Government were still enacting war against our people, the answer lies in this egregious decision.

The final answer lies with water herself, who knows her caretakers and protectors. Her spirit is nourished and nurtured by those who continue to respect her, thank her and pray with her. Her strength and longevity should not be disregarded or underestimated. *Tó éí iiná! Mní W’Coní!*

reference

Indigenous Nations' Rights in the Balance; *An Analysis of the Declaration on the Rights of Indigenous Peoples*, Charmaine White Face, January 2013.