

From Water to Uranium, the US Government Continues to Fail the Navajo Nation

By Kianna Pete, February 02, 2024

<https://nativenewsonline.net/opinion/from-water-to-uranium-the-us-government-continues-to-fail-the-navajo-nation>



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Guest Opinion. *The Navajo Nation is the largest land reservation held by the Diné (Navajo People) in the United States—larger than ten states. Despite this, [30% of the families in the Navajo Nation live without running water](#), and the opening of a uranium mine poses more risks for Native communities surrounding the Grand Canyon area. The Navajo Nation, who experience the hardships of limited access to water and [uranium contamination](#), are advocating for change. Yet, the US government is doing little to help.*

In 2023, the US Supreme Court ruled in *Arizona v. Navajo Nation* that according to the 1868 treaty establishing the Navajo Nation reservation, the United States is not obligated to provide access to water for the tribe. According to the opinion of the court delivered by Justice Kavanaugh, “In the Tribe’s view, the 1868 treaty imposed a duty on the United States to take affirmative steps to secure water for the Navajos. With respect, the Tribe is incorrect. The 1868 treaty “set apart” a reservation for the “use and occupation of the Navajo tribe.” But it contained no “rights-creating or duty-imposing” language that imposed a duty on the United States to take affirmative steps to secure water for the Tribe.”

This decision was anything but respectful. It reversed the 9th Circuit Court of Appeals which sided with the Navajo Nation’s claim to urge the Secretary of the US Department of Interior, Deb Haaland, to develop a plan meeting the water needs of the Navajo Nation and ensure shared tribal water rights in the Colorado River.

Moreover, the ruling based its decision on the 1868 treaty but failed to acknowledge the centuries of settler colonialism and scorched earth campaigns that destroyed the water resources of the Navajo people. Instead, the treaty history accounted for by the court omits the violent acts committed by the US government and utilizes language from the treaty that blames the Diné peoples for their condition.

Arizona v. Navajo Nation is not just a case about the affirmative duty to provide water but also includes other resources destroyed by the US government. Ironically, the court declares this themselves saying that “under the treaty, the United States has no duty to farm the land, mine the minerals, or harvest the timber on the reservation—or, for that matter, to build roads and bridges on the reservation.” Regardless, uranium mining and transport are still in effect on the Navajo Nation.

On December 21, 2023, Energy Fuels, a lead producer of US uranium mining, announced the production of the Pinyon Plain Mine located near the Grand Canyon and Sacred Red Butte, also known as the sacred lands of the Havasupai and cultural property of the 11 Associated Tribes of the Grand Canyon. The mine poses a threat to the main water sources of these tribes yet Energy Fuels claims to be “the highest-grade uranium mine, with “state-of-the-art groundwater protections.” Only a few weeks after this announcement, the Havasupai Tribal Council [released a statement](#) on January 12, 2024, declaring that Energy Fuels contaminated one of two aquifers and sprayed toxic water that spread to surrounding plants and animals.

The tribe also raised concerns about the dangers of uranium transport. Haul No!, an Indigenous-led community organizing group leading efforts to halt the production of the mine, confirmed that Energy Fuels plans to “haul up to 12 trucks per day, each carrying 30 tons of uranium from the mine to the mill. This [violates Navajo Nation law](#) which prohibits the transport of new uranium across Diné lands.” This law is a result of previous US mining extraction, in which over 1,000 abandoned mines remain in the Navajo Nation that contaminated water resources and even caused deaths.

The violation of tribal law and reinterpretation of treaty rights is a unilateral power only acceptable to the US government. On one hand, the Supreme Court claimed the US couldn't break a treaty negotiation to provide water. On the other hand, the US mining industry disregards tribal law to transport uranium. What is the use of being the largest land reservation if two legal systems cannot protect you? From water to uranium, the US government ignores systems of governance that do not favor their interests. They fail to take accountability for destroying and extracting resources from the Navajo Nation. Unlike the Navajo Nation, the United States has the liberty to choose when it can or can't be held liable for its intervention with tribal communities.

In an election year where Native voters are pivotal to key races in states like Arizona, how are voters supposed to trust a government that disregards water rights and tribal law? Additionally, who are Native voters going to vote for when the Biden Administration is not keeping their promises to tribal communities after just signing a [proclamation](#) designating a million acres of land near the Grand Canyon as a national monument to protect the sacred lands of the Navajo Nation and Havasupai Indian Reservation. Should these tribal communities continue to put their hopes in the ballot box?

As a Diné citizen working with her community from afar, this is a tricky question to answer as I think of my relatives who are unaware of these legal barriers and will be directly affected by the Pinyon Plain Mine. I do know, however, that my hope for a more sustainable future for the Navajo Nation is in the Diné organizing groups who continue to resist and advocate for the connected right to life and water. Although the US government may fail us time and time again, what has remained since the 1868 treaty is the love for our home, Diné Bikéyah. My Diné relatives and all Indigenous communities should be living in harmony with their homelands, not having to fight for their existence inside it.

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