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Diné Community Members Express Concerns on the Proposal to Reform the Navajo Nation Government Advocated by the Office of Navajo Government Development

WINDOW ROCK, ARIZONA - As Diné community members, we express great concern with the proposed reforms to the Navajo Nation government contained within the Office of Navajo Government Development (ONGD) document entitled, "*Diyin Nahookáá Diné'é Bi Beehaz'áanii Bitsi Siléi Collective Will*."¹ Various sections are contrary to the best interests of the Navajo Nation; and do not align with contemporary indigenous human rights norms and standards, including but not limited to those found within the Diné Fundamental Law,² the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP),³ and the United Nations Guiding Principles on Business and Human Rights (UNGPs).⁴

Citation Note

In this document, we refer to and cite ONGD's proposal as "ONGD Proposal." We note that only 48 pages of the 108-page proposal are available on ONGD's website, and that these available pages seem to be undergoing continued revision without the underlines and overstrikes necessary to inform the public on what has been changed. Further, there are no dates, index, or page numbers within the current PDF of the ONGD proposal available online. This document, therefore, includes page numbers for referencing purposes to the current ONGD PDF, but these are subject to change as the ONGD proposal is not final or complete. The 48-page ONGD proposal is available [here](#).

Summary of Factsheet

¹ The full text of the Office of Navajo Government Development, (ONGD) proposal is available at <https://ongd.navajo-nsn.gov/>

² Title 1, 1 N.N.C. § 1001-1004 (2002).

³ The full text of the UN Declaration on the Rights of Indigenous Peoples is available at: http://www.un.org/esa/socdev/unpfii/documents/DRIPS_en.pdf.

⁴ The full text of the UN Guiding Principles on Business and Human Rights, is available at: https://www.ohchr.org/sites/default/files/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf

(17. In order to identify, prevent, mitigate and account for how they address their adverse human rights impacts, business enterprises should carry out human rights due diligence. The process should include assessing actual and potential human rights impacts, integrating and acting upon the findings, tracking responses, and communicating how impacts are addressed. Human rights due diligence: (a) Should cover adverse human rights impacts that the business enterprise may cause or contribute to through its own activities, or which may be directly linked to its operations, products or services by its business relationships; (b) Will vary in complexity with the size of the business enterprise, the risk of severe human rights impacts, and the nature and context of its operations; (c) Should be ongoing, recognizing that the human rights risks may change over time as the business enterprise's operations and operating context evolve.)18. In order to gauge human rights risks, business enterprises should identify and assess any actual or potential adverse human rights impacts with which they may be involved either through their own activities or as a result of their business relationships. This process should: (a) Draw on internal and/or independent external human rights expertise; (b) Involve meaningful consultation with potentially affected groups and other relevant stakeholders, as appropriate to the size of the business enterprise and the nature and context of the operation.)

- We reject proposed recognition of land rights “as a commodity for intra-Navajo trade and economic development.” *ONGD Proposal tbl. of contents art. IX [Page 16]* (retrieved Aug. 7, 2025)
- We reject proposed automatic waivers of sovereign immunity for lease agreements relating to Navajo trust or restricted lands. *ONGD Proposal art. X § 1016 (E) [Page 27]* (retrieved Aug. 7, 2025)
- We reject the proposal to exempt from the initiative process the “[d]irect use of trust funds, acquisition of property, acquisition of public utilities, modifications to the Uniform Commercial Codes and ordinances or comprehensive plans for Navajo Nation-wide land zoning,” which are all matters of fundamental public concern.” *ONGD Proposal art. VI § 605 (F) [Page 13]* (retrieved Aug. 7, 2025)
- We categorically reject the proposed “Investor Bill of Rights”—a framework that attempts to bypass the fundamental necessity of Navajo consent, treating our power, water, and lands as mere logistical appendages for investor gain rather than the sovereign assets of a self-sufficient nation. *ONGD Proposal art. VIII § 801 [Page 15]* (retrieved Aug. 7, 2025)
- We reject the proposed fee-simple land conversions found in Article IX. While the proposal correctly cites the Treaty of 1868 to affirm our exclusive right to these lands, it then performs a legal bait-and-switch: it proposes to “convert” our inherent right of use and occupancy into a fee-simple title. To dissolve communal trust land into individual fee-simple parcels is to invite the very “settlement” by non-Navajo persons the Treaty expressly forbids. *ONGD Proposal art. IX § 903 [Page 16]* (retrieved Aug. 7, 2025) (requiring the right to use and occupy be “converted to fee simple title and ownership as soon as possible.”)
- We reject the imposition of ‘boilerplate consent’—a legal fiction that presumes our agreement to a rigid hierarchy of land use before the people have spoken. Article IX attempts to codify a pre-packaged priority list that subordinates our cultural reserves and agricultural heritage to monetization and commercial development. True consent cannot be so-dictated; it must be an active, living expression of the Diné, not a numbered list designed for administrative convenience.” *ONGD Proposal art. IX § 904 [Page 16]* (retrieved Aug. 7, 2025) (presuming that the Diné have consented to land use priorities in a listed order that includes monetization of the land)
- We categorically reject the proposed Local Rule and Governance framework under Article XVIII. This provision offers a dangerous veneer of independence that is autonomous in name only. By mandating that these new municipalities operate “independently from the Navajo Nation Government” (Subsections A & B) while simultaneously stripping them of any right to “claim or own any lands” beyond a few building footprints (Subsection C), the proposal creates a sovereign vacuum. It severs the chapters from the support and sovereign immunity of the central government, yet

denies the local community the primary source of real power: land and resources. This is not true home rule; it is the creation of administrative shells that are legally isolated, fiscally vulnerable, and territorially disinherited. We refuse to accept such a phantom autonomy that grants us the responsibility to govern but denies us the land to sustain ourselves. *ONGD Proposal art. XVII § 1801 [Page 47] (retrieved Aug. 7, 2025)*

- We reject the contradictory and dangerous definition of a “Permanent Homeland” in § 210. While the provision pays lip service to securing our “lands, waters, and skies,” it immediately undermines that security by establishing a formal mechanism to alienate our territory. By specifically requiring a higher threshold for conveyances of more than 5,000 acres, the provision creates a negative implication—a legal backdoor that facilitates the conversion of smaller, yet cumulatively massive, tracts of trust land into non-Navajo fee ownership with far less oversight. A homeland is only permanent if it is inalienable. We refuse to accept a definition of sovereignty that treats our sacred land base as a divisible commodity or provides any pathway, regardless of acreage, for the permanent loss of our homelands. *ONGD Proposal art. II § 210 [Page 6] (retrieved Aug. 7, 2025)*
- We reject the rigid compartmentalization of our government under the oversight of a fourth “monitoring” house. By preventing checks and balances between the “houses” and vesting the *Beehaz’áanii Baa Áhoyááńjii Báhooghan* (Fiscal Stability House) with the power to monitor the Legislative, Executive, and Judicial branches, Article X, § 1002 strips these branches of their inherent autonomy and subordinates them to a non-democratic oversight body. This structure does not create “balance” but, instead, creates a hierarchical enclosure. Rigidly setting the branches apart under a centralized monitor destroys the collaborative governance required for both tribal resilience and integrated public services. It replaces the traditional checks and balances of a tripartite system with a “top-down” fiscal surveillance regime that can freeze government operations, veto judicial independence, and stifle the legislative will under the subjective mandate of stability. *ONGD Proposal art. X § 1002 [Page 24] (retrieved Aug. 7, 2025)*
- We reject this document’s appropriation of Diné terms and concepts to provide a veneer of cultural legitimacy to a framework that lacks the substance of our Fundamental Law. By labeling this proposal the *Diyin Nohookáá Diné’é Bi Beehaz’áanii Bitsí Siléí*, the authors attempt to cloak a Westernized, corporate-aligned restructuring in the language and instructions of our ancestors. True Fundamental Law is not a collection of labels used to decorate a municipal charter; it is the living, inalienable foundation of our sovereignty. This proposal uses sacred terminology to facilitate the very things—land alienation, corporate municipalization, and centralized fiscal monitoring—that our traditional laws were meant to prevent. We refuse to accept a ‘semantic enclosure’ where our language is weaponized to dismantle our actual rights and protections.” *ONGD Proposal art. X § 1002 [Page 24] (retrieved Aug. 7, 2025)*

Factsheet from Diné Grassroots Community members in response to the Office of Navajo Government Development (ONGD) “Diyin Nahookáá Diné’é Bi Beehaz’aanii Bitsí Siléí Collective Will” proposal to change and reform the Navajo Nation Government.

The ONGD proposal is incomplete, and there are crucial concerns regarding the unintended consequences that would impact the Diné if it were passed. The proposal invokes “new rights” that will impact the Navajo Nation. Some examples are the “Investor Bill of Rights”, “Chapters as Municipalities”, and the right “to convey lands for a fee to non-Natives, if voters approve” are just a few deeply concerning issues we reviewed in the document.

Language and Terminology

The ONGD reform proposal asserts Diné Fundamental Law (DFL)⁵ and Hoozhooji Bee Nahaz’aani as guiding principles to make large-scale changes to the Navajo government, yet there are serious issues with the usage of the Navajo language. The ONGD draft has a misleading title, appearing on the surface as though it is about the customary law of the Navajo Nation and supportive of customary law. However, elements contained within the contents of this complicated and dense document are provisions that would undermine, contradict, weaken, and/or make major changes to the usage of Navajo customary law and governance. The lack of clarity between the title and proposed contents of the proposal also remains an urgent concern for many Navajo traditional practitioners, Navajo leaders, and constituents. There are issues with respect to translating the ONGD government reform document in a way that will be linguistically correct, available, printed, and understood by Navajo elders whose primary language is the Navajo language.⁶

Despite the document’s use of holy Diné language and concepts, our analysis is that the proposed changes will adversely impact the Navajo people and reduce their ability to protect our homelands and resources. This document asserts, for example, “land as a commodity”, which allows for the exploitation and privatization of the Navajo collective land and resources.

Land and Resources

During the Trump era, we are deeply concerned that extractive industries would be able to operate within our Nation, bypassing the barest minimum of regulations to protect the health of our homelands, water, and air.

- The Rule of law outlines laws in three distinct and separate procedures and there is no mention of Diné Fundamental Law (DFL). **“The laws (Beehaz’áanii) of the Navajo Nation shall be enacted in three distinct and separate procedures which includes the legislative procedure, the referendum procedure and the**

⁵ The full text of the Diné Fundamental Law is available at: <https://static1.squarespace.com/static/61f18d0ee0605f4e06b817ca/t/62b49e9b8d0eb51983e0d957/1656004252179/Dine+Fundamental+Law.pdf>

⁶ Joey Tsosie, Letter to Editor, *Blindfolded Ballot*, Navajo Times (October 30, 2025). (“Elders fluent in Navajo are excluded by this language.... Complex English is simply reworded, not explained.... Western legal terms have no meaningful Navajo equivalent.... Voters are left to interpret unfamiliar legal concepts.”)

initiative procedure as provided therein.” ONGD Proposal art. III § 305 [Page 8] (retrieved Aug. 7, 2025)

- The Navajo Nation Chief Fiscal Officer established a trust fund where priority for expenditures has no remediation, reclamation, or restoration on environmentally contaminated land for disturbed subsurface minerals revenue in §608. **“Priority for the expenditure of such funds shall be for infrastructure development and construction, operation and maintenance of such infrastructure, demolition and removal of dilapidated facilities, removal and control of noxious and invasive weeds and trees and removal and control of invasive, feral and wild animals.” ONGD Proposal art. VI §608 [Page 11] (retrieved Aug. 7, 2025)**
- The Navajo Bill of Rights under Freedom prioritizes economic development over individual or community health or environmental risk. **“Every person has the right to independently procure clean air, safe drinking water, nourishment and a safe and sanitary shelter. Recognition of the right to life shall not be construed or interpreted as an individual entitlement or create a justification to oppose and prevent public or economic projects.” ONGD Proposal art. VI § 702 (A) [Page 12] (retrieved, Aug. 7, 2025)**
- A Land “Tenor” System allows business site leases that contaminate the environment to forfeit a bond for the lessee five years. **“Any business site lease with environmental contamination shall be remediated within a five year timeframe by the lessee and may be required to forfeit a bond securing the same.” ONGD Proposal art. IX § 922 [Page 18] (retrieved, Aug. 7, 2025)**

Lack of Transparency, Consultation, and Consent

The ONGD’s proposal and the process by which the proposal is being unveiled piecemeal to the Navajo people are also a serious concern, having not achieved meaningful participation. There has been a lack of consultation, consent, and transparency within the creation of the ONGD proposal and its contents, with one commenter stating, “[t]he people cannot give informed consent without understanding.”⁶ The document, therefore, does not reflect the “collective” will of the Navajo populace.

As of December 12, 2025, the process of the ONGD has not been transparent, with only 48 pages of the total 108-page proposal accessible and available for public discourse or review by impacted rights holders and stakeholders. Many Navajo people remain completely unaware of the ONGD’s proposal and the sweeping changes it makes to Navajo governing systems, especially those affecting the Chapter level, as affirmed by the Navajo Nation Local Governance Act (LGA)⁷.

⁷ Title 26 (26 N.N.C.) of the Navajo Nation Code, enacted by Resolution CAP-34-98, Navajo Nation Local Governance Act (1998), <https://omb.navajo-nsn.gov/Mandates/Local-Governance-Act>, (1. The purpose of the Local Governance Act is to recognize governance at the local level. Through adoption of this Act, the Navajo Nation Council delegates to Chapters governmental authority with respect to local matters consistent with Navajo law, including custom and tradition. This Act clearly defines the executive and legislative functions of the Chapter as well as the duties and responsibilities of Chapter officials and administrators consistent with the Navajo Nation’s policy of “separation of powers” and “checks and balances.” 2. Enactment of the Local Governance Act allows Chapters to make decisions over local matters. This authority, in the long run, will improve community decision making, allow communities to excel and flourish, enable Navajo leaders to lead towards a prosperous future, and improve the strength and sovereignty of the Navajo Nation. Through adoption of this Act, Chapters are compelled to govern with responsibility and accountability to the local citizens.)

Moving this proposal forward without their effective participation and their Free, Prior and Informed Consent (FPIC) is not in alignment with Articles 19 and 32 of the UN Declaration on the Rights of Indigenous Peoples (UNDRIP)⁸. The ONGD effort to get the Peoples' input on this document is appreciated, though we find the participation level seriously lacking. This document is not ready to be placed on the ballot for a referendum.

Investor Bill of Rights

The Investor Bill of Rights section of the ONGD proposal liberalizes the Navajo business environment while not requiring co-arising duties of businesses, such as corporate responsibility or human rights due diligence as required by Articles 17-18 of the UN Guiding Principles on Business and Human Rights (UNGPs).⁹

- The Investor Bill of Rights section of the ONGD proposes limitations on the right of Self-Determination, creating potential conflicts between the exercise of Navajo traditional governance practices and the usage of customary law and legal systems. *ONGD Proposal, art. VIII § 801-822 [Page 15] (retrieved, Aug. 7, 2025)*
- Investors are not required to seek Free, Prior and Informed Consent and Consultation throughout the Investor Bill of Rights section of the ONGD's proposal. *ONGD Proposal, art. VIII, § 801-822 [Page 15] (retrieved, Aug. 7, 2025)*
- The Investor Bill of Rights section forces the Navajo Nation to legalize commodities that are sold in three states; it would force the Navajo Nation to legalize the sale of items and/or substances to which the Navajo people do not approve, either through consent or vote. **“Commodities which are legal and in commerce in three of the**

⁸ United Nations Declaration on the Rights of Indigenous Peoples, A/RES/61/295 (2007), https://www.un.org/esa/socdev/unpfii/documents/DRIPS_en.pdf (Article 19 States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them. Article 32 1. Indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources. 2. States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources. 3. States shall provide effective mechanisms for just and fair redress for any such activities, and appropriate measures shall be taken to mitigate adverse environmental, economic, social, cultural or spiritual impact.)

⁹ United Nations Guiding Principles on Business and Human Rights, HR/PUB/11/04 (2011), (17. In order to identify, prevent, mitigate and account for how they address their adverse human rights impacts, business enterprises should carry out human rights due diligence. The process should include assessing actual and potential human rights impacts, integrating and acting upon the findings, tracking responses, and communicating how impacts are addressed. Human rights due diligence: (a) Should cover adverse human rights impacts that the business enterprise may cause or contribute to through its own activities, or which may be directly linked to its operations, products or services by its business relationships; (b) Will vary in complexity with the size of the business enterprise, the risk of severe human rights impacts, and the nature and context of its operations; (c) Should be ongoing, recognizing that the human rights risks may change over time as the business enterprise's operations and operating context evolve.)18. In order to gauge human rights risks, business enterprises should identify and assess any actual or potential adverse human rights impacts with which they may be involved either through their own activities or as a result of their business relationships. This process should: (a) Draw on internal and/or independent external human rights expertise; (b) Involve meaningful consultation with potentially affected groups and other relevant stakeholders, as appropriate to the size of the business enterprise and the nature and context of the operation.)

four corners states shall be legal on the Navajo Nation.” *ONGD Proposal, art. VIII § 807 [Page 15] retrieved Aug. 7, 2025)*

- The Investor Bill of Rights section provides investors and corporations over broad access to Navajo Nation resources, utilities, and infrastructure without requiring corporate responsibility, such as human rights and Indigenous human rights due diligence, consultation, Free, Prior and Informed Consent (FPIC), and grievance mechanisms from investors, corporations, and companies. **“Access to utilities and infrastructure including power, roads, water, gas, telecommunication lines and other works without undue delay to support the continued operation of a going business concern.”** *ONGD Proposal art. VIII § 816 [Page16] (retrieved, Aug. 7, 2025)*
- The section Investors Bill of Rights places limitations and constraints on Navajo elected officials and employees’ ability to oppose business activities occurring on lands and territories traditionally owned, used, and occupied by the Navajo people. **“No employee or official of the Navajo Nation, federal or state government shall obstruct, interfere with or control the management or functions of an investor or business instrumentality or attempt to influence such functions in any manner except through lawfully enacted Navajo Nation laws and regulations and their interpretations and orders by the courts.”***ONGD Proposal art. VIII § 822 [Page 16] (retrieved, Aug. 7, 2025)*
- The investor section does not include labor rights, such as protections for workers, cultural rights, or sacred site protections. *ONGD Proposal art. VIII § 801-822, [Page 15] (retrieved, Aug. 7, 2025)*

Navajo local communities do not consent to unfettered use and access of their lands and resources to outside parties, be they investors or corporations.

Creation of A New Branch of The Navajo Government and Changes To Local Governance

Government Reform should *improve* the lives of its citizens. The ONGD proposal, by way of creating new “Houses” within the Navajo governing system, increases the bureaucracy. The ONGD proposal seemingly gives power to the people through a ballot “initiative” process; however, the vote thresholds are inconsistent throughout the document. Also, the vote threshold for policy changes is very high, sometimes forcing a 20-year wait period before the “initiative” can be considered. The proposal also doesn’t explain where the financial resources would come from to do the ballot initiatives.

- Laws by initiative are amended 20 years, and the Elections and Representative Governance has a law created by the initiative process that may be amended twenty years following its effective date by the referendum procedure. **“Such laws enacted by an initiative may be amended twenty years, or thereafter, following its effective date by the referendum/initiative procedure or rescinded twenty years, or thereafter, following its effective date by the referendum/initiative procedure.”** *ONGD Proposal art. VII § 605 (A) [Page 10] and § 1107 [Page 23] (retrieved, Aug. 7, 2025)*

Conclusion

Our ancestors gave us a sacred and balanced way to guide our relationships and our communities with Traditional Law. This foundation reflects hózhó (harmony) and k'é (respectful relationship), which continue to guide the Navajo people today. This year, a new government model - based on Western systems - is being proposed to replace our traditional governance. The proposal is very long, contains unclear and misleading language about Traditional Law, and has not been widely distributed or discussed with the Navajo people. Decisions about how we govern ourselves must be made through open dialogue, community participation, and respect for our traditional values. True reform begins with the voice of the people, not with a document few have seen or understand. We call for a process that honors our ancestral governance and includes all Navajo who wish to speak, share, and decide together. In conclusion, we thus reject this document and do not recommend it for a referendum vote in 2026.

Vote NO on the ONGD's proposal!