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Government Reform, Diné Appropriate Government, Local Governance Projects The Office of Navajo Government Development Navajo Nation (Window Rock, Arizona)

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Recognizing the demand for a government that would respond to the unique needs of the Diné people, the Navajo Nation created the Commission on Navajo Government Development and its administrative arm, the Office of Navajo Government Development, in 1989. With the sole responsibility of undertaking government reform, the Commission and Office have educated the Navajo population on governmental issues and increased local participation in governance and the government reform process. These organizations are unique—and uniquely successful—in institutionalizing the process for undertaking on-going government reform in Indian Country.

With a population of approximately 225,000, the Navajo Nation is the largest Indian nation in the United States. It spans 17.5 million acres and stretches across northwest New Mexico, northeast Arizona, and southeast Utah. Traditionally, Navajo political decision making took place at a local level with bands of ten to forty families comprising political units. In the early 1920s, however, outside oil interests—eager to tap the Navajo Nation's potential energy riches—urged the US Department of the Interior to authorize the establishment of a centralized Navajo Tribal Council for the purpose of approving oil leases. In 1923, the Interior Department created the Navajo Tribal Council, the first body in Navajo history organized to act on behalf of the entire Nation. In 1989, the Nation endured a nationally publicized standoff between Council members supporting and opposing the Council's all-powerful chairman. In the aftermath of the turmoil and through a series of amendments to Title 2 of its Governing Code, the Nation reorganized its government into three branches and renamed the "Navajo Tribal Council" the "Navajo Nation Council." These amendments were viewed as a temporary measure intended to take place concurrently with a reform effort to reexamine the basic governing structure of the Nation. However, this reform did not take place, nor did the Navajo people have the opportunity to ratify the Title 2 amendments at a referendum. Because the Navajo people never consented to the establishment of the Council as the governing body in 1923 and did not have the opportunity to ratify the Title 2 amendments in 1989, there has long been a broad desire among the Navajo people to reform their government.

While additional reform was not forthcoming in 1989, the Navajo Nation Council did create the means for it by establishing the Commission on Navajo Government Development and its administrative arm, the Office of Navajo Government Development. The Commission and Office are the only permanent government entities in Indian Country specifically charged with developing and helping to implement government reform on an on-going basis. The Commission on Navajo Government Development, which by statute, includes representatives from the five Navajo agencies (political subdivisions of the Nation), the three central government branches (the executive, legislative, and judicial branches), the Women's Commission, and Diné College, as well as a medicine man and a graduate school student, is designed to solicit and address Navajo

attitudes towards government and government reform. All of the representatives are nominated by their respective entities and then confirmed by the Navajo Nation Council to serve a term of two years, with the exception of the medicine man and the five agency representatives, who serve terms of four years. The Office of Navajo Government Development, staffed by lawyers and policy professionals, is designed to implement the recommendations and advice of the Commission. Working with the Navajo people, the Commission and Office review and evaluate existing Navajo Nation government institutions and develop recommendations for government reforms for consideration and adoption by the Nation. Much of the Commission and Office's work is driven by grassroots outreach and information gathering efforts. To date, the groups' work has included reforms in executive branch policy, a review of the Navajo Nation Council's organization and procedure, a review of aspects of the Local Governance Act, and a Nation-wide convention and referendum on further changes to the Nation's Code. The comprehensiveness of this approach is unique in Indian Country.

Notably, the Commission and Office have been successful in working with the Navajo people to develop culturally appropriate government reforms. The Commission and Office were significantly involved in conceptualizing and drafting the Local Governance Act (LGA) of 1998, which devolves powers from the central Navajo Nation Council to local government units, the 110 chapters. The LGA allows chapters that are governance-certified by the Navajo Nation Council to acquire, sell, and lease property and issue property-use permits; enter into contracts for the provision of goods and services; enter into intergovernmental agreements with federal, state, and tribal entities; and adopt ordinances relating to land use planning, taxing, alternative governance models, and zoning. The Commission and Office's determination to return power to local government units as the Navajo people desired means not only that they worked for the passage of the LGA, but that they have assisted chapters in obtaining governance certification. Recognizing that many chapters had applied for certification but that several years after the Act's passage only a few had gained full LGA status, the Commission and Office sought and obtained grant funds to initiate the Land Use Planning component of the Act. The Land Use Planning Project allows chapters to hire Navajo consultants to develop land use plans, which will move them closer to governance certification. A majority of the plans will be complete by the end of fiscal year 2002.

While working with local chapters to implement the LGA, the Commission and Office discovered pervasive discontent with the Nation's central government, especially the Navajo Nation Council. Determined to transform this discontent into proposed amendments for central governmental reform, the Commission and Office initiated the Government Reform Project. Throughout 2001, the Commission and Office conducted a series of regional summits in order to solicit the input of the Navajo people on governmental reform. These summits were crucial in clarifying Navajo citizens' demands for a government consistent with their culture and tradition. In 2002, the Commission and Office organized this input into proposed amendments to the Navajo Nation Code and organized a convention to vote on the proposed amendments. Having formalized a process by which to elect convention delegates, the Commission and Office held the Statutory Reform Convention in May 2002. Delegates from 109 of the 110 chapters attended the Convention and approved twenty-nine proposed amendments. If adopted by the Navajo Nation Council, the amendments will result in a more effective and culturally appropriate Navajo government.

Two strategies have enabled the Commission on Navajo Government Development and the Office of Navajo Government Development to work towards a more culturally appropriate form of Navajo government that is free from federally imposed structures and regulations. First, the Commission and Office have actively involved the Navajo people in government reform. The Commission and Office continually work to educate the Navajo citizenry about the history, structure, and purpose of their government. They have published a highly readable and readily available brochure on tribal governance, Handbook on Navajo Nation Government, as well as a report, Engaging the Navajo People in the Process of Government Reform, which details the

strengths and weaknesses of the existing Navajo government and recommends strategies for individual involvement in the reform effort. The Commission and Office also have gone to great lengths to hear the voice of the people on government reform. Their Government Reform Project began with a series of public hearings, workshops, and agency summits designed to solicit the opinions of Navajo citizens. While a reform effort rarely reaches all people, the Government Reform Project's public hearings have set a very high standard, and the Commission and Office continue to meet regularly with schools, youth and elder groups, business leaders, veterans, and current US military personnel. To close the circle of communication and outreach, the Commission and Office keep citizens informed of progress on the Government Reform Project through the regular publication of newspaper-like updates on summit and convention issues and findings.

Second, the Commission and Office have established a helpful web of working relationships within the Navajo Nation government. The Commission and Office maintain strong ties to the Navajo Nation Executive Branch, the Navajo Nation Council, the five regional agencies, and the 110 local chapters. These relationships highlight the Commission and Office's unique model of leveraging the legal authority and funding of a government to turn grassroots citizens' concerns into government reforms. Critically, while the Office is technically a part of the legislative branch, the Commission and Office's careful attention to their relationship with the Navajo Nation Council has increased their ability to independently promote government reform. For example, in 2001, the Navajo Nation Council asked the Commission and Office to review the Council's organization. The resulting report led to many proposals to improve Council efficiency, and convinced many delegates of the Commission and Office's non-political agenda. Although the Commission and Office might benefit from even greater independence, their skill in maintaining working relationships with the government institutions on which they depend results in deliberate, productive reform that makes the Navajo government increasingly responsive to the Navajo people.

While many Indian Nations are making great strides in government reform by means of constitutional change, the Commission on Navajo Government Development and the Office of Navajo Government Development exemplify an innovative and different means of reform—a permanent government institution to work on fundamental, grassroots-driven governmental change. The comprehensiveness of this approach to producing a culturally appropriate form of government is unique in Indian Country.

Lessons:

- Replacing imposed governing structures with tribally designed institutions is a difficult and long-term undertaking. Creating an office or commission that focuses solely on improving government performance can be an excellent way for Indian nations to motivate, inform, and manage constitutional and governmental reform.
- Like other nations, Indian nations are challenged to create or reform governing institutions to match their unique political cultures. Tribal traditions are resources that tribal governments can tap in their efforts to develop institutions of self-government – ones that are both legitimate and able to advance a tribe's strategic goals.
- Public hearings, workshops, and summits can be useful means of soliciting citizens' input and opinions about necessary governmental reforms. Providing regular updates to the tribal citizenry – via mailings, radio, television, etc. – can also sustain public support for reform efforts.