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Bears Ears National Monument: A Case Study on Procedural Justice

Introduction

Located in San Juan County in southeastern Utah, Bears Ears National Monument has been a stepping stone in the progress and discussion regarding land conservation and protection of public land. Bears Ears National Monument has undergone various changes in its area size, level of federal support, and the treatment of the land – leading to numerous protests and conversations about the value of the monument.

In addition, the area has been utilized as a valuable piece of land for uranium mining and other types of oil extraction, which has caused controversy among the government, the Indigenous People, and the public. By protesting and fighting for the preservation of Bears Ears National Monument, the Indigenous People limited the federal government's unilateral decision-making, and continued to advocate for inclusion in decision-making spaces.

Case Overview

The land of Bears Ears was established as a national monument at the end of 2016, proclaimed by President Barack Obama. A declaration like this was monumental because it finally meant the federal government was acknowledging the land of Indigenous People – and Bears Ears National Monument was simply a first step of many. However, this excitement was short-lived for only one year due to President Donald Trump and his reduction of the monument during his first term. President Trump reduced the national monument by almost 85% of its original size, hoping to grow and support the booming business of oil exploitation and mining. Many were deeply disturbed by this proclamation because “Neither company mentioned the drilling’s proximity to the national monument in their announcements”, as well, there was

immense concern regarding the environmental contamination that the mining would result in (Hufham, 2024). Once word was spread about the reduction of the National Monument, many immediately began organizing protests and rallies in order to try to prevent President Trump's proclamation from coming true. After Bears Ears National Monument was ignored for the majority of Trump's first term, the Indigenous People finally received the moment of hope they had been waiting for. In 2021, President Joe Biden restored the national monument to its original size, eliminating the work of President Trump, and working to repair the damage of the uranium mining and contamination at Bears Ears National Monument.

Procedural Justice

The case of the Bears Ears monument illustrates how procedural justice can fail entire communities, and negatively impact environmental governance. Without the proper participation and civic engagement from the Indigenous communities, decisions were made that ultimately harmed a group of individuals who were given no meaningful opportunity to include their opinion in the matter.

For Bears Ears, the decision by President Trump to reduce the natural area and allow oil extraction is representative of a failure of procedural justice. By being a national monument, Bears Ears is considered public land, which means that government officials can make decisions on behalf of the land. More specifically, the president of the United States is given the legal authority to make decisions that may affect the communities that depend on it. As discussed above, the Indigenous People did not receive an opportunity to directly participate in the government procedure. Rather, the people took initiative and began protesting all around the country, hoping that the pressure from them would lead the government officials to stop and reconsider.

Regardless of the hundreds of protesters, President Trump ultimately reduced the size of the monument, failing not only the Indigenous People, but the procedural justice that the United States is expected to follow. This exclusion and elimination of American land and resources undermines the public trust that must be present for future decisions by the same administration.

Recommendations

In 2024, Bears Ears National Monument still remains at its original size following President Biden's proclamation and is fighting to reclaim its natural land and resources. After the Indigenous People worked hard to protest and advocate for their land, there wasn't much left for the community to engage with – resulting in the frustration of Bears Ears to eventually wither away. Although their protests and rallies were a success, the Indigenous People of Bears Ears should continue the fight and work towards the distribution of public land to become an invited space, rather than a closed one. An invited space could create new opportunities for involvement and consultation that did not previously exist. By pushing for invited spaces, the federal government would be forced to incorporate equal representation from Indigenous communities and allow further participation from the marginalized community.

Summary

The case study of Bears Ears National Monument is a perfect example of how government agents at a federal level can diminish and disregard marginalized communities, such as the Indigenous People, and essentially make life-changing decisions for a community. The Indigenous People that belong to Bears Ears fought exceptionally hard to restore their land through protests and rallies that finally earned President Biden's attention. Although a victory, the Indigenous People should continue to strive for protection of their land and push the government to create invited spaces for decisions to be made as a whole.