

International Indian Treaty Council



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Tribes File Human rights Complaint on San Francisco Peaks Desecration

August 24, 2011

The Havasupai Tribe, Klee Benally, an activist Dineh (Navajo) youth, and the International Indian Treaty Council, filed an Urgent Action / Early Warning Complaint with the United Nations (UN) CERD Committee, on the desecration of Sacred San Francisco Peaks, Arizona. The complaint, filed late Wednesday, August 17, 2011, focuses on recent actions by the Arizona Snowbowl's clear-cutting of 40 acres of pristine forest and the laying of over 5 miles of a waste water pipeline in furtherance of a US Forest Service and City of Flagstaff project to spray artificial snow made of waste water effluent on San Francisco Peaks. On Thursday, August 18th, the Inter Tribal Council of Arizona, in representation of 20 recognized Indian Tribes and Nations¹ filed a letter asking that they also be named in the complaint as co-petitioners.

The Committee on the Elimination of Racial Discrimination, known internationally as the CERD Committee is charged with monitoring compliance with the International Convention on the Elimination of all forms of Racial Discrimination (ICERD).

The United States ratified the ICERD on 21 October 1994, and has an internationally legally binding obligation to respect and not violate the human rights recognized in the ICERD, and to ensure that it is not violated by third parties, including its agency the US Forest Service, the City of Flagstaff, and private interests such as the Arizona Snowbowl.

Up to 1.5 million gallons of treated sewage effluent would be sprayed on Holy San Francisco Peaks every day or more than 100 million gallons over the course of the winter ski season. And the city of Flagstaff, Arizona, would profit by selling 180,000,000 gallons of its treated sewage to Arizona Snowbowl for this purpose.

“Neither the courts nor the public fully understand our spiritual ceremonies and practices and our spiritual relationship to the Earth,” said Klee Benally, the Navajo youth petitioner. “We have no guaranteed protection for our religious freedom as Indigenous Peoples in the US. The Holy San Francisco Peaks have been sacred to us since time immemorial, thousands of years before there was a Columbus or a United States. The desecration of this Holy site is an act of cultural genocide.”

¹ AK-Chin Indian Community, Cocopah Tribe, Colorado River Indian Tribes, Fr. McDowell Yavapai Nation, Ft. Mojave Tribe, Gila River Indian Community, Havasupai Tribe, Hopi Tribe, Hualapai Tribe, Kaibab-Paiute Tribe, Pasqua Yaqui Tribe, Pueblo of Zuni, Quechan Tribe, Salt River Pima – Maricopa Indian Community, San Carlos Apache Tribe, Tohono O’odham Nation, Tonto Apache Tribe, White Mountain Apache Tribe, Yavapai Apache Nation, and the Yavapai Prescott Indian Nation.

“The actions committed by the Arizona Snowbowl Inc., and the USFS reflect a perpetual disregard and disrespect, as well as a gross violation of Indigenous peoples First Nations fundamental human rights to live in accordance to their traditional and sovereign ways of life,” said Shannon Rivers, a Gila River Native Community activist. “The Indigenous Nations who deem this sacred land and place a sacred site will not sit idly by while Sacred San Francisco Peaks and our cultural and spiritual practices are violated. All remedies, international as well as national must be used.”

“The international community and international law do not discriminate between religions; all are to be respected equally under international law,” said Andrea Carmen of the International Indian Treaty Council, an Indigenous Non-Governmental Organization with consultative status at the United Nations and one of the petitioners. “For every skier enjoying the fake, sewage effluent snow, there is a Native American who feels the desecration of this Sacred Place.”

The CERD Committee is expected to formally communicate the complaint to the United States and ask for a response as to its position on the matter and make a decision soon thereafter.

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