



NAVAJO NATION HUMAN RIGHTS COMMISSION

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NNHRC responds to Arizona Snowbowl's renewed contract with the City of Flagstaff for reclaimed water usage

ST. MICHAELS, Ariz.—Yesterday, the Navajo Nation Human Rights Commission learned the City of Flagstaff had signed and renewed the contract with Arizona Snowbowl which enables Arizona Snowbowl access to reclaimed water. The news was met with grave concerns by Navajo human rights officials in improving race relations with the communities surrounding the Navajo Nation.

On March 5, 2012, NNHRC learned the contract might be up for renewal on March 12, 2012, and attempted to verify the information with City officials to no avail. The following day, a City official explained that the renewal was tentatively scheduled for review and discussion for the March 20, 2012, Flagstaff City Council meeting.

Not true.

When NNHRC learned the contract had been signed yesterday, the City withheld the contract from NNHRC until a press conference had been conducted.

“Information exchange is a barrier between the City and the Navajo Nation, one we both must overcome,” said NNHRC Executive Director Leonard Gorman.

Information sharing is critical in improving race relations. As an endeavor to improve race relations after hearing about 175 testimonies from Navajo citizens in 2008, NNHRC determined to negotiate non-binding agreements like a Memorandum of Understanding between the Navajo Nation and surrounding communities of the Navajo Nation to improve race relations.

For the 21th Navajo Nation Council non-binding agreements were known as Memorandum of Agreements. With the current 22nd Navajo Nation Council as part of mass governmental restructuring a non-binding ‘agreement is known as a Memorandum of Understanding.

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Only five towns including Grants, N.M.; Gallup, N.M.; Farmington, N.M.; Cortez, Colo.; and Bloomfield, N.M. have signed onto improving race relations. The City of Flagstaff is next.

Typically, once a city is engaged to initiate the MOU process, the process entails negotiations between the NNHRC and the City staff members who seek their counsel's expert opinion to determine the language unique to the particular city. The language is then considered by the city's legislative council and if approved the MOU is returned to NNHRC for its Commissioners to approve. The MOU then is directed to NNHRCs governing body, the Naab'ik'iyati' Committee of the 22nd Navajo Nation Council to approve. A signing ceremony finally takes place at a press conference with the intent to openly address race relations, improving race relations within the City government for its citizens.

For citizens of Flagstaff, the Flagstaff City Council approved the MOU, 6-0, in favor, on February 2, 2012, to improve race relations between Navajos and non-Navajos in the City of Flagstaff.

On March 2, 2012, NNHRC Commissioners approved the MOU, 2-0, in favor. Next, the MOU will be considered by the NNHRC oversight committee, the Naab'ik'iyati' Committee of the 22nd Navajo Nation Council, at a date to be determined. At that time, if the Navajo Nation committee favors the MOU, it will be fully executed.

Though, on February 28, 2012, a **City official had begun to act in the spirit of the MOU** and stated so about an unrelated matter pertaining to the death of a Navajo citizen in Flagstaff, Ariz.

It seemed the MOU had had some impact in the City government despite its unofficial status.

However, it appears it was ignored in the matter of indigenous peoples and indigenous nations' opposition to reclaimed water on Dook'o'osliid, the San Francisco Peaks, to make artificial snow. The City of Flagstaff sits to the south at the base of Dook'o'osliid. If there are claims of ignorance about current events in the City government that indigenous peoples' and indigenous nations' oppose reclaimed water on the San Francisco Peaks then that may be a poor excuse. The media has provided coverage about indigenous peoples' and indigenous nations' opposition.

“This is well known in the epicenter of Arizona,” said Gorman about Flagstaff.

As for the MOU, Gorman said, “The MOU negotiated with the City of Flagstaff provides for,” and he referenced the MOU specifically, “Together the **COMMISSION** and the **CITY** intend to move forward acknowledging and respecting our mutual histories, and in order to build upon the past and improve the future; this **UNDERSTANDING** is entered into with a spirit of Hózhóogo.”

Gorman further stated, “The contract was renewed without the benefit of input from NNHRC and is certainly contrary to what the MOU states, Hózhóogo.”

With that same sentiment aimed at achieving Hózhóogo, NNHRC had filed a complaint last August with the United Nations Human Rights Council’s Committee on the Elimination of Racial Discrimination. The CERD body has convened for its 80th session, and is now in a closed session about discriminatory actions, including NNHRC discriminatory complaint.

The CERD complaint delivers the advice and recommendation from Navajo medicine men and Navajo medicine woman. It is as follows:

Navajo Elders teach that manmade snow is a manipulation of nature which should not be mimicked by man. The deities control the nature cycle of the weather and seasons, and should not be mocked. Navajos and non-Navajos share a responsibility to care for these sacred places. Even if governments do not demonstrate responsibility towards the Peaks, the Navajo government and people and others will continue to honor this scared place to preserve the Navajo Life Way.

The sacred mountains serve as the foundation of the Navajo Life Way. Among the six mountains, the Peaks to the West, Mount Hesperus to the North, Mount Taylor to the South and Mount Blanca to the East represent the sacred elements of earth, fire, water and air. Also, each element symbolizes freedom, cultural integrity and dignity, language, and spirituality and ceremony. Moreover, the mountains serve as the original lands of the Navajo when first man and first woman emerged into this world. Each element of the mountains is inextricably linked to a person’s mental, physical, and spiritual health. When one of these elements is harmed it throws the Navajo Life Way out of balance.

In addition to the CERD complaint, NNHRC will also address the United Nations Special Rapporteur on the Rights of Indigenous Peoples S. James Anaya during his official visit to the United States scheduled from April 23, 2012 to May 4, 2012.

Anaya had reported to the U.N. Human Rights Council on September 21, 2011 about the “United States of America: Situation of the Native Americans in relation to artificial snowmaking from recycled wastewater in the San Francisco Peaks,” as a violation on Navajo human rights.

Lastly, as proof stating other indigenous nations' opposition, a month prior to Anaya's report to the United Nations, “[t]he Hopi Tribe filed a complaint in Arizona state court challenging the City of Flagstaff's plan to allow wastewater to be used for snowmaking on the San Francisco Peaks,” according to the Hopi Tribe's official press statement issued on January 26, 2012.

About yesterday, Gorman said, “This act clarifies the need to be part of these discussions and we cannot hope that city officials will hear the cries of our people, instead we need to be at the table and open the discussion.”

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