



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS  
PALAIS DES NATIONS • 1211 GENEVA 10, SWITZERLAND

www.ohchr.org • TEL: +41 22 917 9000 • FAX: +41 22 917 9008 • E-MAIL: registry@ohchr.org

REFERENCE:GH/SP

9 March 2012

Excellency,

I write to inform you that in the course of its 80th session, the Committee considered, on a preliminary basis, under its early warning and urgent action procedure, information submitted by non-governmental organisations concerning the Ski Resort project in San Francisco Peaks. The Committee has also considered the situation of Western Shoshone and particularly the implementation of its 2006 Decision 1 (68) taken under the same procedure.

The Committee recalls its recommendations to the State party (CERD/C/USA/CO/6 of March 2008), particularly paragraph 29 which urges the State party to take all appropriate measures, in consultation with indigenous peoples concerned and their representatives chosen in accordance with their own procedure, to ensure that activities carried out in areas of spiritual and cultural significance to Native Americans do not have a negative impact on the enjoyment of their rights under the Convention. The Committee has further recommended that the State party recognize the right of Native Americans to participate in decisions affecting them, and consult and cooperate in good faith with the indigenous peoples concerned before adopting and implementing any activity in areas of spiritual and cultural significance to Native Americans.

In light of the information at its disposal, the Committee remains concerned at the potential impact of the Ski Resort Project on indigenous peoples' spiritual and cultural beliefs. The Committee requests information about the process by the State party to obtain the free, prior and informed consent of indigenous peoples with regard to the project.

The Committee requests information on concrete measures taken to ensure that the sacred character of this site for indigenous peoples is respected, including the possibility of suspending the permit granted to the Arizona Snowbowl in order to further consult with indigenous peoples and take into account their concerns and religious traditions.

Her Excellency Mrs. Betty E. King  
Ambassador, Permanent Representative  
Permanent Mission of United States of America  
to the United Nations Office and other international organizations in Geneva  
Route de Pregny 11  
1292 Chambésy  
Fax: +41 22 749 48 80



Regarding traditional rights to land of Western Shoshone, the Committee requests updated information on the implementation of its 2006 Decision 1 (68) and its request to the State party to send high-level representatives to meet with Shoshone peoples.

The Committee urges the State party to take urgent action to find a solution acceptable to all in accordance with its obligations under the Convention. It recalls its general recommendation No. 23 (1997) on the rights of indigenous peoples, in particular their right to own, develop, control and use their communal lands, territories and resources as well as the duty of the State party to ensure that indigenous communities can exercise their rights to practise and revitalize their cultural traditions and customs.

In accordance with Article 9(1) of the Convention and article 65 of its Rules of Procedure, the Committee would be grateful to urgently receive information on the issues and concerns as outlined above before **31 July 2012** or in its next periodic report overdue since 20 November 2011 in case the report is finalized before that date.

Allow me, Excellency, to reiterate the wish of the Committee to continue to engage in a constructive dialogue with the Government of the United States of America, with a view to promoting the effective implementation of the Convention.

Yours sincerely,

Alexei Avtonomov  
Chairperson of the Committee  
on the Elimination of Racial Discrimination