

**Parallel Information:**  
**Discrimination against indigenous minority peoples of the North,  
Siberia and the Far East of the Russian Federation**

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# Executive Summary

- In the 23<sup>rd</sup>-24<sup>th</sup> periodic report, the State Party has again not provided disaggregated data on the indigenous minority peoples of the North. The indigenous people constitute small minorities in their home regions, and census results for the regions are not disaggregated by ethnicity. Very little information on the state of indigenous communities can therefore be discerned from census results and no systematic data collection is taking place on the indigenous peoples, despite earlier policy decisions to do so.
- During the reporting period, many indigenous organisations have been labelled foreign agents and eventually closed down. Others have lost their independence and are no longer able to intervene on behalf of indigenous communities involved in local conflicts.
- The reporting period has seen a surge in criminalisation and harassment of indigenous activists, ranging from the seizure of passports to threats of imprisonment. Some activists have fled the country to avoid harassment. Overall, surveillance, pressure and harassment of indigenous activists has risen to unprecedented levels.
- The federal government has failed to create any federal-level Territories of Traditional Nature Use (TTNU) or to confirm any of the more than 500 TTNU created by local or regional administrations. Meanwhile, several amendments have further weakened the protective function of the TTNU, and courts and regional governments in various regions have taken steps to reduce the size of TTNU and remove areas which are key to indigenous peoples' subsistence activities and culture from them, to the benefit of extractive industries and other third parties.
- The State-party is now promoting a draft amendment to the law on TTNU which explicitly permits their industrial exploitation.
- Large-scale third-party operations on land customarily occupied or used by indigenous peoples, such as the Yamal LNG project, have evidently been approved without good-faith consultation with the affected indigenous land users and without their free and informed consent.
- Federal and regional policies and administrative practices are discriminatory in that they impose strong restrictions on indigenous fishers and indigenous peoples' cooperatives (obshchinas), while the same restrictions do not apply to commercial or recreational fishing.
- The State Party has not revoked the mining license of the Yuzhnaya coal-mining company, Kemorovo region, despite the irregularities found in audits and despite the lack of an orderly resettlement plan, as demanded in the license. Kazas village has ceased to exist rather than being rebuilt at a new suitable location. Perpetrators of the arson attacks in which all remaining houses in Kazas were destroyed have not been identified. The former inhabitants have not been compensated, and some of them are now homeless. Other Shor settlements are currently at risk of a similar fate. All of these developments have been made possible by the 1992 abolition of the Shor national rural councils and the transfer of their territories to neighbouring municipalities, which eventually approved the mining operations.

# Introduction

1. This submission focuses on the situation of the 41 indigenous minority<sup>1</sup> peoples of the North, Siberia and the Far East, who number approximately 260,000 individuals. They inhabit around two-thirds of Russia's territory, from the Kola peninsula in the European North to the Chukchi peninsula on the Bering Strait. They are politically, economically and socially highly marginalised. Some two-thirds live in remote rural communities and remain dependent for their food supply and income on their traditional subsistence activities, such as fishing, hunting, gathering and nomadic reindeer herding.

2. At the same time, most of the resources, such as timber, oil, gas, gold, diamonds and coal, which account for most of the country's export revenues, are extracted from indigenous peoples' territories, often with a catastrophic impact on the local communities. Due to their marginalisation, it is particularly difficult for indigenous peoples to address this situation and defend their rights. As a State Party to the ICERD, Russia is therefore duty-bound to take special targeted measures to ensure that their rights are properly protected, respected and fulfilled. Measures have to be enforced in a timely manner and continuously tracked with regard to their effectiveness on the ground.

3. Unfortunately, as the following observations demonstrate, the State Party has failed to take such steps during the reporting period. It has largely ignored previous recommendations from CERD, CESCR, CRC and HRC pertaining to indigenous peoples, as well as from the UPR and the UN Special Rapporteur on the rights of indigenous peoples. As in previous periodic reports, the current report from the Russian Federation contains no disaggregated data on the state of indigenous communities. The indigenous peoples' own capacity to track and document their situation has been severely affected by repressive measures taken against civil society during the reporting period. At the same time, new vast extractive projects such as the multi-billion Yamal LNG projects have been launched, directly affecting the very means of existence of indigenous communities, in an environment where civic oversight is virtually impossible and where good-faith consultations and FPIC processes are very unlikely to have taken place.

4. This report also follows up on a submission made to the 83<sup>rd</sup> session of CERD in 2013 requesting that the Committee activate its Early Warning Mechanism with regard to the situation of the indigenous Shor community in Myski municipal district,<sup>2</sup> Kemerovo Oblast, Russian Federation. Since the submission, the community has still not been compensated, the village has not been rebuilt at a new location, and the perpetrators of the arson attacks have not been identified. Several former inhabitants are now reported homeless. Activists have been subjected to threats and harassment and observers are worried that neighbouring Shor villages are at risk of suffering a similar fate.

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<sup>1</sup> A literal translation of the Russian word "malochislenny" would be "small-numbered". As this is not a common term in English, the word "minority" is used here.

<sup>2</sup> Also translated as "Myski Municipal Area" in the periodic report

# Review of compliance with the 2013 Concluding Observations

## Paragraph 8 (Lack of disaggregated data)

5. Despite the Committee's concluding observation, the report again fails to provide disaggregated data on the socio-economic state of the indigenous peoples. In Para 137, the periodic report says "*In particular, information is available on educational attainment, sources of income, employment, including information disaggregated by the different areas where the indigenous minorities of the Russian Federation have their habitat.*". However, in these regions, indigenous minority peoples constitute between 1 and 20 percent of the population, and so average figures for these regions say nothing about the situation of indigenous minorities living within them. In Khanty-Mansi Autonomous Area, for instance, indigenous minority peoples account for less than 2 percent of the overall population. While most of the non-indigenous population is tied in some way to the extractive sector, which gives them an above average income and makes the region one of the wealthiest in Russia, indigenous Khanty, Mansi and Nenets are typically rural dwellers, semi or fully nomadic, often lacking in formal education and employment and living in virtually non-cash environments. In Far Eastern regions such as Sakhalin, Khabarovsk and Primorski Krai, many indigenous peoples number just a few thousand or even hundred members and are virtually invisible in the statistics for their home regions.

6. According to the limited information available from various sources, which is patchy, unsystematic and out of date, average life expectancy for indigenous minority peoples is 10-15 years below the average, while their levels of child mortality, suicide, and poverty-related diseases such as tuberculosis are significantly above average. According to 2011 figures, infectious diseases such as tuberculosis, a typical indicator of extreme poverty, account for 60 deaths per 100,000, which is almost three times the national average of 23 per 100,000.<sup>3</sup> Sources for such figures are the reports from regional indigenous rights ombudsmen that exist in Kamchatka and Krasnoyarsk territories and Sakha republic (Yakutia); however, no systematic data collection is taking place at federal level.

**Suggested recommendation: The State Party should collect and provide disaggregated data on the indigenous minority peoples, as stipulated in the action plan implementing the Outline for the sustainable development of the indigenous minority peoples of the North for 2009-2011<sup>4</sup>**

<sup>3</sup> United Nations in the Russian Federation, loc. cit..

<sup>4</sup> The action plan for the outline (in the current periodic report translated as "roadmap") stipulates that a system of indicators measuring life quality of indigenous small-numbered peoples should be developed and incorporated into the state statistics system; however, while the Ministry of Regional Development commissioned a study for the development of such indicators, no further action was taken, leaving this item of the action plan uncompleted. In its report published in late 2011, the Federal Accounts Chamber (schetnaya palata) identifies this failure as one of the root causes of the limited effect of the socio-economic measures taken by the Ministry of Regional Development to support indigenous peoples. Federal Accounts Chamber of the Russian Federation: *Otchet o rezultatakh kontrolnogo meropriyatiya "Proverka ispolzovaniia budzhetnykh sredstv, napravlennykh na podderzhku ekonomicheskogo i sotsialnogo razvitiya korenykh malochislennykh narodov Severa, Sibiri i Dalnego Vostoka Rossiiskoi Federatsii za 2009-2010 gody"*, pp 82-83 [http://www.ach.gov.ru/userfiles/bulletins/2012-07-05-buleten\\_doc\\_files-fl-2246.pdf](http://www.ach.gov.ru/userfiles/bulletins/2012-07-05-buleten_doc_files-fl-2246.pdf)

## Paragraph 13 (Foreign agents)

7. In Para 13 of the Concluding Observations, the Committee has recommended to the State Party: “that the Federal Law on Non-commercial Organizations be reviewed to ensure that non-governmental organizations working with ethnic minorities, indigenous peoples, non-citizens and other vulnerable groups who are subjected to discrimination are able to carry out their work effectively to promote and protect the rights contained in the Convention without any undue interference or onerous obligations”. Unfortunately, no such review has taken place. On the contrary, while the original law stipulated that organisations have to register as foreign agents, the current practice is that the Ministry of Justice includes them on the register itself. During the reporting period, several indigenous organisations have been included on or been threatened with inclusion on the register of foreign agents by the Ministry of Justice, leading either to their dissolution or a severe downscaling of their activity. This has included entirely apolitical organisations such as the Chukotka Association of Traditional Hunters (ChAZTO),<sup>5</sup> the Yasavey-Manzara Nenets information centre,<sup>6</sup> and the Batani Development Fund for Indigenous Peoples.<sup>7</sup> The Centre for the Support of Indigenous Peoples of the North (CSIPN) was not only declared a foreign agent but also fined the sum of 300,000 roubles. Appeals against the fine have been rejected by the courts.

8. Other organisations have severely downscaled their level of activity in the hope of being spared inclusion on the register of foreign agents. All in all, the civic engagement of indigenous peoples has been stifled during the reporting period, often leading to a discontinuation of constructive dialogue between authorities and indigenous peoples and a hindering of indigenous peoples’ participation in decision-making.

9. Project work using foreign grants or involving foreign partners, regardless of its content and goals, is now perceived as too risky (to the degree of being toxic), such that joint projects between indigenous peoples in Russia and foreign partners have become a rare exception. As there is no exclusive definition as to what constitutes “political” activity, the experience and expectation is that the presence of foreign funding alone is sufficient to warrant inclusion on the register of foreign agents, regardless of the designation of the funds.

10. The State Party has also, according to reports, massively interfered with the Russian Association of Indigenous Peoples of the North (RAIPON), where a new government-obedient president was elected in March 2013 in what observers described as a severely flawed election process and, effectively, a coup. During the election process, one candidate had already won an absolute majority in two voting rounds when he suddenly withdrew his candidacy, reportedly after being pressured to do so by government representatives.<sup>8</sup> The federal government has since reportedly interfered in

<sup>5</sup> Russia: Indigenous hunters association pressured to register as "foreign agents", 11 December 2014 [http://www.iwgia.org/news/search-news?news\\_id=1139](http://www.iwgia.org/news/search-news?news_id=1139), last accessed 27 June 2017

<sup>6</sup> Trude Pettersen: First indigenous foreign agents in Barents, The Barents Observer, 24 September 2015, <http://barentsobserver.com/en/society/2015/09/first-indigenous-foreign-agents-barents-24-09>, last accessed 27 June 2017

<sup>7</sup> Trude Pettersen: Indigenous peoples’ organization declared as foreign agents, The Barents Observer, 28 January 2016, <https://thebarentsobserver.com/en/society/2016/01/indigenous-peoples-organization-fined-law-foreign-agents>, last accessed 27 June 2017

<sup>8</sup> Thomas Nilsen: Moscow staged RAIPON election thriller, The Barents Observer, April 03, 2013, <http://barentsobserver.com/en/politics/2013/04/moscow-staged-raipon-election-thriller-03-04>, last accessed 27 June 2017

regional associations in regions such as Murmansk, Primorye and Kemerovo in order to assert full state-control over indigenous peoples throughout the country.

11. During the reporting period, some indigenous activists have faced harassment and criminalisation on an unprecedented scale in post-Soviet Russia. This includes a number of indigenous activists who, in various ways, were prevented from leaving the country for the 2014 World Conference on Indigenous Peoples (WCIP) by having their passports stripped, stolen or invalidated. Border protection officials were involved in some of these incidents while, in others, unknown attackers were responsible. All incidents, however, occurred in close succession.<sup>9</sup>

12. During the reporting period, criminalisation of indigenous activists included: the sentencing of Sergey Nikiforov, head of the Ivanovskoye Evenki settlement in Amur oblast, to five years in a penal colony in 2015. Nikiforov was the leader of his community's resistance to industrial gold mining on the part of the UK-based company, Petropavlovsk, and has been recognised as a prisoner of conscience by Memorial and Amnesty International.<sup>10</sup> His health has reportedly deteriorated in detention. Another case that gained prominence during the reporting period was that of Sergey Kechimov, a Khanty reindeer herder who is regarded as the keeper of the sacred lake Imlor and who has been charged with attempted homicide after defending his reindeer against stray dogs illegally introduced by workers from the Surgutneftegas oil company.<sup>11</sup> In the wake of wide protests, Mr Kechimov was not sentenced to prison time, but only to community work and acquitted in an amnesty on occasion of the anniversary of World War II.<sup>12</sup>

13. During the reporting period, other leading indigenous activists left the country and sought asylum in Europe or North America to avoid detention.<sup>13</sup> Overall, the level of surveillance to which indigenous peoples are subjected by the intelligence service is exceedingly high, such that e.g. activists report that when returning from trips abroad, they are routinely summoned by the intelligence services and questioned about the purpose of their trip, whom they met, what they talked about etc.

14. Apart from criminal prosecutions and imprisonment, activists also report threats against themselves and their families, losing their job and income and failing to find new employment in what looks like deliberate retaliation for their activism. Such cases have been reported e.g. by Shor activists (see section on "The Shor indigenous minority people in Myski municipal area of Kemerovo region" on page 16)

### **Proposed recommendation:**

<sup>9</sup> Communications report of Special Procedures A/HCR/28/85, 19 February 2015

<sup>10</sup> Russia: Evenk community leader opposing UK based gold mining company sentenced to 5 years, 16 October 2015, [http://www.iwgia.org/news/search-news?news\\_id=1271](http://www.iwgia.org/news/search-news?news_id=1271)

<sup>11</sup> Russia: Guardian of Khanty sacred lake facing prison for defending himself against stray dogs brought in by oil workers, July 15 2015

[http://www.iwgia.org/news/search-news?news\\_id=1232](http://www.iwgia.org/news/search-news?news_id=1232)

<sup>12</sup> An important background to Kechimov's case is that Indigenous people living in his area cannot have any guests on their tribal lands without control and preliminary agreement about each person from the Security Service of the oil company working there. In Sergey Kechimov's case it is the company Surgutneftegaz which is working on his tribal land. All indigenous people on whose tribal lands oil companies work are in a similar situation. They are stopped, their cars are searched, before they can pass the checkpoint, which is usually the only possible way to get home

<sup>13</sup> <http://barentsobserver.com/en/society/2013/08/berezhkov-seeks-political-asylum-norway-16-08>, Berezhkov seeks political asylum in Norway, August 16, 2013; <http://www.bbc.com/russian/features-40194010> Прочь из России: защитник коренных народов - о бегстве в США, 8 June 2017

**The State Party should revoke legislation designating non-profit organisations, including indigenous peoples' organisations that accept foreign funding, as “foreign agents” so that indigenous peoples can freely enjoy their right to access financial and technical assistance from States and through international cooperation. (UNDRIP, Art. 39) If the stated law is not revoked, a clear exception should be made for indigenous peoples' organisations in order to comply with this provision of the UNDRIP**

## **Paragraph 20 (Indigenous peoples)**

### **Land Rights / Territories of Traditional Nature Use**

15. In 2001, the Russian Federation adopted the Federal law ‘On territories of traditional nature use of indigenous minority peoples of the Russian Federation’. According to this law, territories of traditional nature use (TTNU) can be established in places of traditional residence and economic activities of indigenous peoples by decision of the federal, regional or local authorities on the basis of proposals from persons belonging to indigenous peoples and their communities. Since its adoption, the federal authorities have failed to establish any TTNU. The approval of a model TTNU on the Bikin River in Primorye, announced in 2008 in Russia’s 19<sup>th</sup> Periodic Report to CERD, was never completed.<sup>14</sup> Local and regional authorities have, however, created over 500 TTNU, none of which have been confirmed by the federal government as required by the Land Code of the Russian Federation.<sup>15</sup> These existing TTNU therefore have no guaranteed legal status and no effective protection from being dissolved or downsized, as often happens. Another problem is that federal land, which includes all land belonging to the “forest fund”, cannot be included in regional or local TTNU. These federal lands are, however, often precisely those lands which are the basis of indigenous communities’ livelihood.

16. Two acts passed in 2014 significantly weakened the law on TTNU, these being Federal Law 171-FZ dated 23.06.2014<sup>16</sup> and 499-FZ, dated 31.12.2014.<sup>17</sup> Notable changes include the downgrading of TTNU from ‘Specially Protected Conservation Areas’,<sup>18</sup> which is a term laid down in environmental legislation and which establishes i.a. the specific participation and consultation rights of the local populations, to ‘Specially Protected Areas’, a term which is undefined such that these legal safeguards have fallen away.<sup>19</sup>

<sup>14</sup> See CERD/C/RUS/19, Para 52: “In partnership with the Association of Small Indigenous Peoples of the North, Siberia and the Russian Far East, the Russian Academy of Natural Sciences has prepared draft regulations on the “Bikin” model federal area of traditional resource use for small indigenous peoples in Primorsky Territory, which will be submitted to the Government for approval.”

<sup>15</sup> The land code states: “The boundaries of all TTNU are to be determined by the Government of the Russian Federation” See *Zemel’ny kodeks Rossiiskoi Federatsii*, (Land code of the Russian Federation), 25 October 2001, Paragraph 97, Item 6: “5. [http://www.consultant.ru/document/cons\\_doc\\_LAW\\_33773/](http://www.consultant.ru/document/cons_doc_LAW_33773/)

<sup>16</sup> *Federal’nyj zakon ‘O vnesenii izmenenij v Zemel’nyi kodeks Rossiiskoi Federatsii i otdel’nye zakonodatel’nye akty Rossijskoj Federatsii’* ot 23.06.2014 N 171-FZ [http://www.consultant.ru/document/cons\\_doc\\_LAW\\_164516/](http://www.consultant.ru/document/cons_doc_LAW_164516/), last accessed 19 January 2017

<sup>17</sup> *Federal’nyi zakon ot 31 dekabria 2014 g. N 499-FZ ‘O vnesenii izmenenii v Zemel’nyi kodeks Rossiiskoi Federatsii i otdel’nye zakonodatel’nye akty Rossijskoj Federatsii’*, <http://base.garant.ru/70833160/>, last accessed 19 January 2017

<sup>18</sup> *Osobo okhranyayemye prirodnye territorii, OOPT*

<sup>19</sup> Further changes include the cancellation of a norm in Article 12 stipulating that equivalent land plots and natural objects must be provided in the event of land being withdrawn for state needs. Further, these changes have deprived indigenous peoples of the right to participate in monitoring the use of land in places of their traditional settlement and traditional economic activities and weakened the responsibility of the state and business for the use of these lands.

17. The amendment also changed the rules for the removal of land plots from TTNU: a clause was deleted from article 12 that stated that in the case of such removal, the state is obliged to provide indigenous peoples with equivalent land and natural objects in exchange. This followed changes to article 57 of the Land Code of the Russian Federation which, until the revision, had been entitled ‘Compensation of losses in case of alienation of plots of land for state or municipal needs, deterioration of land quality, temporary occupation of land plots, restriction of rights of land owners, users of land, tenants and lessees of plots of land’ introduced by the above mentioned Federal Law 499-FZ. The expression ‘Compensation of losses in case of alienation of plots of land for state or municipal needs’ has disappeared from the title of article 57 as well from the text, and hence from the entire land legislation. Now, article 57 is entitled ‘Compensation of damages in case of deterioration of the quality of lands, temporary occupation of land plots, restriction of rights of land owners, users of land, tenants and lessees of plots of land’.<sup>20</sup> The rules for compensation for damages have changed accordingly. Land users are now own their own, when negotiating agreements with ‘a person in favour of whom a temporary occupation of land is carried out’.<sup>21</sup> Thus failing in its duty to protect human rights, the state has withdrawn from its role in the relationship between indigenous communities and businesses, potentially impacting their territories and means of existence. And yet the operations of these latter are made possible by licenses which have been issued by the government. This means that the State Party is failing to fulfil its duty to protect human rights, and this diminishes the incentive for businesses to respect rights as well as reducing access to remedies for the potential victims.

18. The changes made to the Law on TTNU and the Land Code of the Russian Federation by Federal Law 171-FZ, which entered into force on 1 March 2015, revoked article 31 that had explicitly stated that in places of traditional residence and traditional activities of indigenous peoples, local authorities should decide on where objects are to be placed (i.e.: infrastructure, extraction facilities etc), based on the results of information gathered from or referendums held among the indigenous and local communities.<sup>22</sup> This has also contributed to an erosion of the right of indigenous peoples and their bodies of local self-government to participate in land-use monitoring in settlement territories and land used for their traditional economic activity.

19. As a result of inaction by the Government of the Russian Federation with respect to the establishment of TTNU and the stated changes to the Federal law ‘On territories of traditional nature use of indigenous minority peoples of the North, Siberia and the Far East of the Russian Federation’ and the land law, indigenous peoples have in recent years lost vast areas of their traditional lands and their right to access the traditional natural resources on these lands.

20. In several cases, weakened protection of their rights to participate in decision-making and to compensation, along with the failure of the federal government to confirm any TTNU established by local or regional administrations, has enabled businesses to get the courts to remove protected

<sup>20</sup> In Russian: Возмещение убытков при ухудшении качества земель, временном занятии земельных участков, ограничении прав собственников земельных участков, землепользователей, землевладельцев и арендаторов земельных участков [http://www.consultant.ru/document/cons\\_doc\\_LAW\\_164774/](http://www.consultant.ru/document/cons_doc_LAW_164774/)

<sup>21</sup> See Правительство Российской Федерации: Постановление от 31 Марта 2015 Г. N 299 О Внесении изменений в Постановление Правительства Российской Федерации от 7 Мая 2003 Г. N 262 и признании утратившим силу Постановления Правительства Российской Федерации от 3 апреля 2013 Г. N 294 [http://www.consultant.ru/document/cons\\_doc\\_LAW\\_177498/#utm\\_campaign=nw&utm\\_source=consultant&utm\\_medium=email&utm\\_content=body](http://www.consultant.ru/document/cons_doc_LAW_177498/#utm_campaign=nw&utm_source=consultant&utm_medium=email&utm_content=body)

<sup>22</sup> Item 3 of art. 31 of the Land Code of the Russian Federation prior to entry into force of Act 171-FZ

status from areas they are seeking to exploit, regardless of their significance to the indigenous communities who depend on them.

21. On 15 January 2015, the Court of Appeals thus rejected an appeal by the administration of Oleneksky district of the Republic of Sakha (Yakutia) challenging the legality of a license issued by the regional resource authority, Yakutnedra, for the exploration and extraction of mineral resources in territories of traditional nature use that had been established by the local authorities in Olenekski Evenkiski district. The court rejected the appeal because the boundaries of the specified TTNU had not been determined by the federal government. As noted above, this is true for all currently existing TTNU, such that they are all unprotected from similar encroachments. In addition, based on the amendments to the Land Code of the Russian Federation, the court concluded in 2015 that *'the current legislation does not stipulate a mandatory agreement with the local authorities about the list of subsoil resources offered for exploitation, decisions on holding tenders and auctions for the right to resource exploitation and decisions approving the result of a tender or auction for the right to use subsoil resources'*.<sup>23</sup>

22. Due to the government's failure to confirm existing TTNU, their status is highly dependent on the goodwill of the particular administration and vulnerable to changes at any time. On 30 September 2016, the acting Governor of Khabarovsk Krai signed a decree changing the boundaries of the 13 previously-formed TTNU without giving prior notification to indigenous peoples. The decree decreased the area of the TTNU in Khabarovsk Krai to less than half their prior size. The Khabarovsk Krai administration justified the decision with the so-called Far Eastern hectare programme by which each citizen who resettles in the Far East is entitled to one hectare of land for free.<sup>24</sup> In response, the indigenous peoples of Khabarovsk declared a mass hunger strike.<sup>25</sup> Reports suggest, that the administration was using the Far Eastern hectare programme to illegally transfer the territory to a logging company.<sup>26</sup> Following protests, the administration eventually softened its measures and issued a new decree which now reduces the TTNU area by only 15 per cent.<sup>27</sup>

23. In October 2016, the administration of the Khanty-Mansi Autonomous Area - Yugra (KhMAO) passed a decree changing the boundaries of the Numto Nature Park established in 2001, thus incorporating within it the TTNU of indigenous Khanty and Nenets which had existed prior to this park.<sup>28</sup> Territories belonging to the conservation zone of the Numto Park, where there is the greatest concentration of biodiversity, traditional nature use and historical and cultural heritage of indigenous peoples, were seized to the benefit of the 'Surgutneftegaz' company, which is seeking to expand its oil extraction operations. The area surrounding Lake Numto are sacred to the Khanty, Nenets and Mansi. It is an ancient centre of worship, regarded as the place of the earthly incarnation

<sup>23</sup> Oleneksky district lost in court against the "Yakutnedr" <http://news.ykt.ru/article/38946>. Last accessed. 26.12. 2016

<sup>24</sup> Federal'nyj zakon ot 1 maja 2016 g. N 119-FZ "Ob osobennostjah predostavlenija grazhdanam zemel'nyh uchastkov, nahodjashhihsja v gosudarstvennoj ili municipal'noj sobstvennosti i raspolozhennyh na territorijah sub"ektov Rossijskoj Federacii, vhodjashhih v sostav Dal'nevostochnogo federal'nogo okruga, i o vnesenii izmenenij v otdel'nye zakonodatel'nye akty Rossijskoj Federacii" (Federal law 'On the peculiarities of providing citizens with land plots in state or municipal ownership and located in the constituent territories of the Russian Federation within the far Eastern Federal district, and on amendments to certain legislative acts of the Russian Federation') 1 May 2016 N 119-FZ. <http://base.garant.ru/71388648/>

<sup>25</sup> <http://www.vostokmedia.com/r3/14-10-2016/n301596.html>) Last accessed 26 December 2016

<sup>26</sup> <http://www.csipn.ru/glavnaya/novosti-regionov/2949-v-khabarovskom-krae-territorii-traditsionnogo-prirodopolzovaniya-korennykh-narodov-iz-yali-dlya-lesozagotovok>

<sup>27</sup> Decree No. 226-PR of 06 June 2017

<sup>28</sup> O polozhenii o prirodnom parke 'Numto' (On the Statutes of the Numto Nature Park) Resolution 415-p of October 28, 2016, <http://docs.cntd.ru/document/429068777>

of the supreme god Num, who created the earth and the people, and dwelt on Lake Numto. The indigenous people living in the Park's territory were unanimous in their opposition to the change in boundaries. *"Nothing can replace the nature conservancy value and sacred atmosphere of the entire landscape around Lake Numto"*, the members of the "Aborigen Forum", an informal association of indigenous peoples wrote in an appeal to the area's Governor in February 2017. The concerns of the indigenous representatives have been ignored, however, in another demonstration that the currently existing TTNU have no real protective function while the federal government fails to take the action required of it under the Federal Law on TTNU.<sup>29</sup>

#### **Suggested recommendations:**

**The State-party should restore the strict protection regime of the former wetlands (zakaznik) zone of the Numto natural park included the prohibition of the oil and gas excavation and exploration, mining and infrastructure constructing.**

24. At the time of writing, the state party proposes draft amendments to the law on TTNU.<sup>30</sup> According to submissions made in the public consultation, the draft law contradicts the Constitution of the Russian Federation, the Concept of Sustainable Development of Indigenous Peoples of the North, Siberia and the Far East of the Russian Federation, and other federal laws. The bill effectively deprives TTNU of their remaining protective function.

25. The draft law replaces the expression 'legal regime' by 'terms of use'.<sup>31</sup> These terms are to include activities based on issued licenses for subsoil use. Thus, while until at present, the law on TTNU is designed to prevent or restrict such activities, the proposed draft explicitly permits them. It stipulates that indigenous communities are obliged to conclude social-economic agreements with economic entities which have obtained licences for resource extraction on their lands. If they refuse to do so, no restrictions on activities of economic entities, including extraction of minerals, construction of pipelines or roads, including in places of deer migration, can be introduced.

26. According to the wording of Art. 11 of the Federal Law as proposed by the Draft Law, the terms of use are to be determined taking into account the resource availability on the given territory, traditional economic activities conducted in the territory, its cultural and historical value as well as current or planned economic and other activities, including activities based on issued licenses for subsoil use. According to part 4 of the article, economic activities of economic entities are permitted within the boundaries of the territories of traditional nature use. Thus, the remaining safeguards against extractive industries operations on indigenous lands are removed by the proposed amendments. This directly contradicts articles 8 and 26 of the UNDRIP which states that states "shall provide effective mechanisms for prevention of, and redress for any action which has the aim or effect of dispossessing them of their lands, territories or resources" and that States shall give legal recognition and protection to these lands, territories and resources. Such recognition shall be conducted with due respect to the customs, traditions and land tenure systems of the indigenous peoples concerned."

#### **Suggested recommendations:**

<sup>29</sup> [http://www.csipn.ru/images/stories/publications/Mir\\_k\\_n/MKN-2016.pdf](http://www.csipn.ru/images/stories/publications/Mir_k_n/MKN-2016.pdf) p. 115-120.

<sup>30</sup> <http://regulation.gov.ru/projects#npa=66793>

<sup>31</sup> Chapter III, Article 11 of the Draft Law

**The State-party should not pass the law in the presented version. The state should organize a broad discussion of the draft law with experts, non-governmental organizations and representatives of indigenous peoples**

## **Consultation / Consent**

27. Evidence suggests that, during the reporting period, large extractive projects have gone ahead on indigenous peoples' ancestral land without adequate consultation, let alone free, prior and informed consent of the affected communities. Indigenous peoples leading a nomadic or semi-nomadic way of life in remote places in particular seem not to have been reached by administrations and companies intending to extract resources from territories customarily used or occupied by them. The traditional land tenure of these peoples is typically not recognised by the state as they do not hold formal title, and administrations do not usually have sufficient information on the land use e.g. the migration routes of traditional private reindeer herders, who are not organised in state-owned enterprises, such that when granting licenses to gas companies, they tend to overlook the indigenous land users and their needs. Claims of consultation or consent are typically very difficult to verify because many Arctic regions are classified as "border zones" and have access restrictions in place. Visitors are typically subject to surveillance and heightened attention from administrations and, furthermore, the affected people are often extremely difficult to reach due to their remoteness.

28. One such project is the multi-billion Yamal LNG project in the North-East of Yamal peninsula, which is home to the world's largest fully nomadic reindeer herding community and the planet's biggest domestic reindeer population. The Yamal LNG project is operated by Russia's second gas producer, Novatek, together with partners from France (Total) and China (China National Petroleum Corp.) and it is aiming for a 7 percent share of the global Liquefied Natural Gas market. While the construction is not yet complete, substantial negative effects are already visible among the reindeer herding Nenets population in North-Eastern Yamal. Locals report a substantial decrease in the amount of fish in the rivers and lakes. Fishing is a vital source of food and income, especially for those herders who, due to the shortage in pastureland or other reasons, gain limited yield from reindeer herding. Large swathes of land previously used for pasture and migration are also now cordoned off, and officially out-of-bounds to the reindeer herders. As much of Yamal is swampy in the frost-free months, reindeer herders rely on the few elevated and relatively dry patches, which are now being used by the gas companies to install their facilities. Pipeline construction cutting through the migration routes of herders without their knowledge has, in the past, had a catastrophic impact on reindeer herding communities, forcing many of them to give up herding altogether and settle down, after which most of the former herders died of various causes within a few years.<sup>32</sup>

29. The project's Environmental and Social Impact Assessment and Stakeholder Engagement Plans claim that the company has "*obtained the free, prior, and informed consent for the implementation of the Project and approval of the Indigenous Peoples' Development Plan that was signed by all authorized representatives of the nomadic population that lives in the area directly and indirectly affected by the Yamal LNG Project.*"<sup>33</sup> It is not clear who those representatives were and what they have consented to. Local responses make it extremely unlikely that good-faith consultations have taken place prior to the project or that there has been any genuine free, prior and informed consent

<sup>32</sup> These alarming findings have come from Varandei area in Nenets Autonomous Area

<sup>33</sup> <http://yamallng.ru/en/progress/social-responsibility-new>, retrieved 9.04.2017 20:54

(FPIC), i.e. that consent was obtained in a culturally-appropriate manner and that representatives acted free of pressure and understood what they were signing. During a village meeting in Seyakha in May 2016, a local woman raised concerns about the way consent was obtained. She said that when the company had been gathering information in connection with the new houses, she filled in and signed a form, and when she looked on the reverse side the form, it said, “I have no complaints”. “*What is that I gave my consent to then?*” she asked the gathering. It is also doubtful whether the company is complying with its stated intention to “*facilitate public awareness and cooperation with the stakeholders and local communities*” by holding “*regular on-site workshops throughout the region, during which key business unit managers meet and converse with people from the tundra.*” While no informants knew of any representatives of the Yamal LNG project who had ever travelled to the tundra dwellers, they acknowledged that district officials and the Yamal LNG representatives did conduct occasional hearings in the village of Seyakha. It is, however, unlikely that any nomadic herders attend these meetings. One herder who happened to be stuck in Seyakha for several months said, “*Even if I went to a meeting, I probably would not understand.*” Reportedly, all the hearings are held in Russian without Nenets interpretation. Another Nenets woman in Seyakha said: “*They come to inform the people of the progress, regulations or laws that have been passed, so I do go to the meetings. But they often speak in their own language, scientifically. There is much I don’t understand. The herders don’t stand a chance. So they don’t go.*” Another respondent said: “*In those meetings, they just put facts before us. No one asks what we think.*” The level of information in the tundra is extremely low. According to the residents of Seyakha, there are no information boards at the trading posts in the tundra where the herders come with their herds.

### **Proposed question**

**What measures has the State Party taken to ensure that, prior to the approval of large projects such as Yamal LNG, which affect territories customarily used or occupied by indigenous minority peoples, good-faith consultations are held and the informed consent of those affected is obtained free of pressure and in a culturally-appropriate manner?**

### **Proposed recommendation**

**The State Party should establish the legislative and administrative conditions to ensure that projects affecting territories customarily used or occupied by indigenous minority peoples are subject to their Free, Prior and Informed Consent, and that this is obtained in a culturally-appropriate and transparent manner**

## **Implementation of UNSR recommendations on indigenous peoples**

30. In his report, the UN Special Rapporteur on the rights of indigenous peoples stressed the importance of stimulating indigenous entrepreneurship in both traditional and non-traditional areas.<sup>34</sup> In remote indigenous settlements, indigenous peoples’ cooperatives (*obshchinas*<sup>35</sup>) are often the sole providers of income and employment. Economic success remains the rare exception for

<sup>34</sup> See report on country visit A/HRC/15/37/Add.5 (23 June 2010), para 91

<sup>35</sup> The term ‘obschina’ literally means ‘community’ and was originally a term for the Russian peasant communities in Tsarist Russia. The indigenous ‘obshchinas’ that emerged after the break-up of the Soviet Union mostly function as kinship-based cooperatives, although the federal act on indigenous obshchinas also stipulated that they are bodies of indigenous self-administration.

obshchinas, however, because many of the feasible fishing and hunting grounds have in recent years been transferred to non-indigenous business enterprises.

31. Furthermore, their activity remains severely constrained by the stipulation in article 5 of the Federal Act “On General Principles of the Organisation of Communities of Indigenous Minority Peoples of the North, Siberia and the Far East of the Russian Federation”<sup>36</sup> that their activity must be non-profit-making in character. This stipulation is fundamentally in conflict with the kinds of economic activities they engage in, including fishing, hunting, gathering and reindeer herding, which can only guarantee a decent standard of living for their members if they are allowed to make profits to support their community.

32. Anaya also recommended that Russia stimulate indigenous entrepreneurship in non-traditional areas; however, the law clearly confines obshchinas to “traditional” subsistence activities which are inventoried in a dedicated federal list,<sup>37</sup> such that, in the reporting period, the highly economically successful obshchina “Dylacha” in Buryatia was closed down on the grounds that part of its activities were deemed non-traditional.<sup>38</sup>

33. Indigenous fishers and hunters generally tend to be severely disadvantaged vis-à-vis their commercial competitors. In the reporting period, authorities have imposed restrictions with regard to permitted fishing gear, boats, times, etc., e.g. prohibiting the use of fishing nets, prohibitions that do not apply either to commercial or recreational fishing.<sup>39</sup>

**Proposed question:**

**34. What measures is the State Party taking to implement the recommendation of the UN Special Rapporteur to support indigenous entrepreneurship?**

**Proposed recommendations:**

**The State Party should review legislation and administrative practice regarding indigenous peoples’ economic activities in order to identify and eradicate discrimination, especially possible discriminatory restrictions imposed on indigenous fishers and hunters and their cooperatives (obshchinas)**

<sup>36</sup> Federal'nyi zakon ot 20 iulija 2000 g. N 104-FZ *Ob obshhikh printsipakh organizatsii obshhin korennykh malochislennykh narodov Severa, Sibiri i Dal'nego Vostoka Rossijskoj Federatsii (s izmenenijami i dopolnenijami)* <http://base.garant.ru/182356/>, last accessed 19 January 2017

<sup>37</sup> *Ob utverzhdenii perechnja mest tradicionnogo prozhivanija i tradicionnoj hozjajstvennoj dejatel'nosti korennykh malochislennykh narodov RF i perechnja vidov ih tradicionnoj hozjajstvennoj dejatel'nosti* (On approving the list of locations of traditional residence and traditional economic activities of indigenous minorities of the Russian Federation and the list of types of their traditional economic activities) Decree of the Government of the Russian Federation dated 8 May 2009 No. 631-p, <http://www.garant.ru/products/ipo/prime/doc/95535/>, last accessed 4 July 2017

<sup>38</sup> See: Johannes Rohr: *Indigenous peoples in the Russian Federation*. IWGIA Report 18, p. 20, [http://www.iwgia.org/publications/search-pubs?publication\\_id=695](http://www.iwgia.org/publications/search-pubs?publication_id=695)

<sup>39</sup> *Russia bans indigenous peoples' traditional fishing*, June 14 2016, [http://www.iwgia.org/news/search-news?news\\_id=1373](http://www.iwgia.org/news/search-news?news_id=1373)

# The Shor indigenous minority people in Myski municipal area of Kemerovo region

35. The inhabitants of the destroyed village of Kazas have informed the submitters that they disagree with the information contained in the periodic report and consider it inaccurate. In the following, this report provides their comments. Reference is made to legislation and letters received from various government bodies in response to inquiries.

*Regarding paragraphs 277-279 of the periodic report*

36. According to the Kemerovo branch of the Federal Oversight Service for Natural Resource Use (Rosprinadzor), as stated in November 2011, an extraordinary audit of the “Yuzhnaya” mining company had been conducted and a number of substantial violations of the license conditions found. Furthermore, Rosprinadzor wrote that in 2012 “Yuzhnaya” was found to be distorting information on the sources of environmental pollution and the state of the environment around the license area. Because of these violations, the procedure for the early termination of license agreement KEM 13273 TE had been launched.<sup>40</sup> And yet Yuzhnaya’s license was not ultimately revoked even though, as the inhabitants have reported, the violations are continuing.

*Regarding paragraph 280*

37. In April 2014, the Department for the Coal Industry and Energy of the Administration of Kemerovo Region stated that the license granted to “Yuzhnaya” included a stipulation for the resettlement of 28 houses in Kazas village.<sup>41</sup> However, the Public Prosecutor of Kemerovo region confirmed in December 2014 that this condition was not binding on the residents of Kazas. It did not oblige them to sell their houses and real estate.<sup>42</sup> This implies that, according to the license conditions, the company should not have been allowed to begin mining operations unless and until the inhabitants had consented to being resettled. The periodic report speaks of a resettlement programme but no such programme has ever existed; this is corroborated by the letter referenced above. The agreement reached between the mining company and the administration of Myski, mentioned in paragraph 281, is not a substitute for an orderly resettlement programme.

38. The Myski city council discussed the relocation of Kazas to a more convenient place; however, the substitute land proposed in Turali district is not suitable for habitation. In 2014, the city mayor was still promising a complete relocation of the village<sup>43</sup> but no houses have been built.

Suggested questions to the State Party

- **Why was the license of the “Yuzhnaya” mining company not revoked, despite the violations found in the audit in 2011?**
- **To whom was it “recommended that the inhabitants of the village should be relocated to an area suitable for habitation”?**
- **Where are the regulatory documents of the responsible state bodies regarding the choice and arrangement of a territory “suitable for habitation”? Where are the conditions and the resettlement programme in line with state standards?**

*Regarding paragraph 282*

<sup>40</sup> Rosprinadzor Kemerovo oblast, Letter Nr. 12-7/3609, dated 28. June 2013

<sup>41</sup> Department for the Coal Industry and Energy: Letter No. UP 225/236, dated 10 April 2014

<sup>42</sup> Public Prosecutor of Kemerovo Region: Letter no. 7 / 2-1402-2014, dated 30 December 2014

<sup>43</sup> see [https://www.youtube.com/watch?v=eRFw-559f\\_4](https://www.youtube.com/watch?v=eRFw-559f_4)

39. The periodic report cites a town hall gathering in December 2012 at which a majority of inhabitants voted for the termination of the village as legal grounds for its eventual removal. However, the Prosecutor's Office of Kemerovo region wrote in December 2014 that the protocol of the town hall gathering, "does not have the power of a legal act of a representative body of local self-government".<sup>44</sup> The Public Prosecutor rejected a complaint alleging violations of the prescribed procedure for the abolition of the settlement of Kazas on the grounds that no valid decision had been taken to abolish the settlement in accordance with the established law. Participants at the said town hall gathering, which was presided over by state authorities and not villagers, have described it as chaotic, with inhabitants voting under pressure and without adequate information.<sup>45</sup>

*Regarding paragraph 283*

40. Indigenous inhabitants who refused to sell their houses report pressure from representatives of the mining company, who allegedly threatened to burn and bulldoze their houses.<sup>46</sup> These threats were followed by a series of arson attacks from November 2013 to March 2014 in which the remaining houses were burnt down by unknown perpetrators. No perpetrators were found, even though the sole access to the village is through the armed checkpoint operated by the "Mechel" mining company, which records the identity of every person passing through. The inhabitants cannot freely enter the territory of the village. Passage to the cemetery, where their ancestors are buried, is also impeded, as a fact-finding mission in January 2015 verified. And yet, in this case, criminal investigations ended without a result.

*Regarding paragraph 284*

41. The State Party claims that Kazas was a mere summer resort. This claim is disputed by the former inhabitants. Kazas village is included on the official register of territories of traditional residence and traditional economic activity of the indigenous minority peoples of the North, Siberia and the Far East of the Russian Federation.<sup>47</sup> Shors have inhabited this place for centuries and always pursued their traditional livelihood activities in the surrounding area, which has provided them with food and income. This includes the time immediately preceding its demolition.

42. There was indeed an increase in the number of residents registered in Kazas village, prior to its demolition. This can be explained as follows. Some of the residents, due to life circumstances, did not own houses in the village, even though they were in fact indigenous residents of Kazas: their grandparents had lived there, and they were born, grew up and continued to live in the village with relatives who did have their own houses. These people led a traditional Shor way of life: they would hunt, fish, gather wild plants, and pursue gardening, which accounted for a substantial part of their income and food, and they were thus able to feed and clothe their families. After coming to a decision with regard to the conclusion of sales contracts, people became worried and began to register in the village in the hope of obtaining at least some housing but, as a result, these people lost not only the roof over their heads and their traditional territory but also the opportunity to

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<sup>44</sup> Specifically, the Public Prosecutor cites Article 25 of Federal Law No. 131-FZ of October 6, 2013 'On general principles of the organisation of local Self-government in the Russian Federation', Public Prosecutor of Kemerovo Region: Letter no. 7 / 2-1402-2014, dated 30 December 2014

<sup>45</sup> Public Prosecutor of Kemerovo Region, Letter no 7 / 2-1404-2014, *ibid*

<sup>46</sup> Inhabitants submitted complaints to the Public Prosecutor regarding threats by the director of "Yuzhnaya", Ilgiz Khalimov, to burn down their houses; this complaint was registered on 24 April 2014. Witnesses testify to the threats in the documentary "The Price" ("Tsena"), which is available in Russian at <https://www.youtube.com/watch?v=y3WXcXB4c1w>

<sup>47</sup> Approved by Decree of the Government of the Russian Federation of May 8, 2009 No. 631-r.

engage in the traditional economic activities which, in fact, were those that fed and clothed them. According to data from the “Myski organisation for the Revival of Kazas and the Shor people”, at least nine former inhabitants who did not own houses in Kazas have become homeless following the destruction of the village and are now forced to live a vagrant life. This includes women, children and elderly.

*Regarding paragraph 285.*

43. A letter from the Public Prosecutor of Kemerovo region in December 2014 states that decisions on the seizure of lands located in Kazas village for state or municipal needs, as stipulated by article 55 of the Land Code of the Russian Federation, article 279 of the Civil Code of the Russian Federation and article 32 of the Housing Code, have not been taken.<sup>48</sup> A programme for the resettlement of residents of Kazas village has not been adopted by the local self-government bodies of the Myski urban district and authorities of the Kemerovo region.

*Regarding paragraph 286*

44. The Chairman of the “Shoria” Myski municipal organisation, Yuri Kastarakov, has publicly denied that “Shoria” has appraised the efforts made by Yuzhnaya regarding the resettlement of Kazas residents as satisfactory, further stating that he did not sign any document on this issue.<sup>49</sup> Moreover, on 16 March 2015, the general assembly of “Shoria” was held with 110 participants, and this unanimously supported the demands of Kazas residents in relation to “Yuzhnaya” and the authorities.

*Regarding paragraph 287*

45. The homeowners are not currently using the houses at all because all of them have been burnt down in a series of arson attacks during 2013-2014, the perpetrators of which have not been identified, even though the only road leading to the village is controlled by an armed checkpoint.

*Regarding paragraphs 287-288*

46. The information in these paragraphs is, according to former inhabitants, inaccurate. According to his own words, Mr Tannagashev never owned property in Kazas.<sup>50</sup> Further, the “Revival of Kazas and the Shor people” organisation denies that Mr Tannagashev and Mr Bubentsov encouraged residents of Kazas village to “inflate the prices” of their houses. To the extent that information on the house sales is available, it suggests that, in most cases, the company bought the properties for a fraction of the market price. One of the many flaws of the “wild resettlement” that occurred is that the State Party failed to ensure good-faith consultations with the inhabitants and to obtain their collective consent to a settlement. Rather, the company negotiated individual deals with homeowners so that whatever the company paid for the houses depended on each individual’s negotiation skills. Furthermore, no compensation has been paid for damages incurred, such that residents who did not own homes have received nothing at all.

47. The villagers cannot freely visit the village or the cemetery due to the armed checkpoint operated by Mechel. It is also not true that “utilities are still being provided”. The village has no

<sup>48</sup> Response to Yu.N., Bubentsov by the prosecutor's office of the Kemerovo region, Letter n. 7 / 2-1402-2014, dated December 30, 2014,

<sup>49</sup> *V Kuzbasse sostojalos' zasedanie sojeta Associacii shorskogo naroda* (A session of the Association of the Shor People has been held in the Kuzbass), 4 January 2015, <http://newkuzbass.ru/news/5883/v-kuzbasse-sostojalosj-zasedanie-sojeta-assotsiatsii-shorskogo-naroda>, last accessed 4 July 2017

<sup>50</sup> The five homeowners whose houses have been burned down and who are refusing to sell their property are: Alexander Ivanovich Tokmagashev, Oram, 33., Vladimir Illarionovich Tokmagashev, Oram, 6., Yuriy Ivanovich Bubentsov, Oram, 22., Rita Innokentievna Mukachekova, Oram, 48., and Yuri Stepanovich Kastarakov, Oram, 15.

more water or drainage. Since the houses of the five remaining homeowners were burnt down in arson attacks, the site of the former village is a place scattered with rubble and burnt wood.

48. The report states that *“In consultation with the indigenous population, it has been decided to relocate the shrine from the Kara-Kash [sic!]<sup>51</sup> mountain to the new village site, to ensure continuity in the performance of religious rites.”* Inhabitants report, however, that no consultation regarding the transfer of the spirit of the sacred mountain Karagai-Lyash has taken place and that they were not invited to a ceremony, which the authorities supposedly conducted without their participation.

#### *Regarding paragraphs 289-292*

49. Chuvashka is the majority Shor village in the immediate neighbourhood to Kazas. Until 1992, it was the centre of the Chuvashka national rural council, one of the three Shor rural national councils in Kemerovo region, which together executed local self-government over a total area of approximately 500 square kilometres. This included the present mining concessions around Kazas and Chuvashka villages. The dissolution of the rural national councils and the transfer of their territories to majority non-indigenous neighbouring districts meant an end to Shor self-administration in Kemerovo region. As a consequence, the neighbouring non-indigenous districts consented to mining on the former territory of the Shor national rural council, which ultimately led to the displacement of the population of Kazas. Given this string of events and its proximity to current mining sites, the local expectation is that Chuvashka is at danger of a similar fate.

50. The periodic report says: *“The village of Chuvashka in the Myski municipal area is included on the list of areas of traditional habitat and traditional economic activities of the indigenous minorities of the North, Siberia and Far East of the Russian Federation, approved by government order No. 631 of 8 May 2009.”* The same is the case for Kazas village and yet this has not saved the village from demolition. The report goes on to note that the state is supporting the development of this settlement in various ways, and yet this is contradicted by reports from the residents. Chuvashka has seen much of its institutions and infrastructure taken away. In January 2006, the Chuvashinsky village council has been abolished, the elementary school of Chuvashka was dissolved in August 2006. The post office mentioned in paragraph 290 has also been closed. An important backdrop to this development is the chain of displacement of Shor settlements that began in the 1970s and for which those affected have never received an apology or compensation. Besides Chuvashka, the Shor settlements of Borodino and Tetenza are also considered to face similar dangers.

51. Given the poor state of the environment and the destruction of much of their ancestral land, the plans for an ethno-tourism area mentioned in paragraph 290 do not seem realistic. In March 2017, indigenous representatives appealed to the 8<sup>th</sup> Congress of Indigenous Minority Peoples of Russia in a video message, asking them to support the creation of a Territory of Traditional Nature Use in order to preserve the remaining Shor ancestral land.<sup>52</sup> However, during a visit, the president of RAIPON, the semi-official Association of Indigenous Minority Peoples of the North, reportedly did not meet with the villagers.

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<sup>51</sup> The actual name is Karagai-Lyash

<sup>52</sup> Video appeal at <https://www.youtube.com/watch?v=q6ateWlphus>

**Suggested recommendations:**

**The State Party should restore the Shor local self-administration through the National Rural Councils abolished in 1992, according to their previous boundaries.**

**The State Party should take stock of all the losses of ancestral land which Shor communities have suffered since the beginning of open-cast mining in this area and ensure that these communities are properly compensated, if possible with adequate substitute land, as per CERD General Recommendation 23.**

**The State Party should set up a working group on the situation of Kazas, to include representatives of the former inhabitants organised in the group “Revival of Kazas and the Shor Peoples”.**

# Annex I: The Numto National Park

Founded in 1997 to help to protect the fragile Siberian Uvaly ecosystem, the park helps protect the adjacent wetland, the Numto watershed. The Russian scientific community has recommended that the Numto wetlands be listed by Ramsar as an internationally important waterfowl habitat.

## Ecological significance

The park covers an area of 556,664 hectares. It occupies a special position in the geography, ecology and ethnography of North of Tyumen region. It is located on the border of Khanty-Mansi and Yamalo-Nenets Autonomous Areas, at a critical watershed in the central part of the Siberian ridges. Numto is one of the largest lakes in the area, with a water surface area of 56 square kilometers; located in the centre of the swamplands, it performs important ecological functions, regulating the water regime for seven rivers flowing from this area into the Ob. This land is a habitat for specific flora and fauna. The uniqueness of the territory comes through where tundra, woodlands, northern and middle taiga meet; at a latitude of 63 degrees, here lies the most southern reach of the tundra in Russia. Riverbeds of the ancient Pur and Taz rivers lie near the Numto borders, which are paths for migratory birds. 30 percent of the territory is covered by forests, mainly pine.

Pine forests are an excellent food base for taiga fauna, therefore, the richest hunting grounds are concentrated here. Specific target species are fox, muskrat, sable, ermine, and squirrel. Of considerable significance for the indigenous peoples' traditional economy are white moss pine forests, which are excellent winter pastures for reindeer.

Numto area is remarkable for the fact that in it the habitats of many tundra and taiga species of plants, birds and animals overlap. For many of them, it marks the northern limit of the range (fir, Siberian black kite, etc). Many animal species that live in the Park are typical of taiga forests of Western Siberia: squirrel, chipmunk, ermine, otter, fox, brown bear and many other representatives of the northern nature. All in all, here live more than 29 species of mammals.

The huge area of lakes and wetlands attracts large numbers of waterfowl. A major bird migration route lies within the Park, and about 147 species are found here - geese, ducks, swans, shorebirds, cranes, herons, gulls. Nine species of birds are listed in the Red Books of IUCN and Russia. Among them are nesting and vagrants, not characteristic of the natural area, attracted by the largest water area of the Numto lake: these species include small tundra swan, lesser white-fronted goose, red-breasted goose, osprey, white-tailed eagle, golden eagle, peregrine falcon, merlin, eaves. The main commercial species of birds common in the Numto area are wood grouse, black grouse and ptarmigan, as well as geese and ducks during migration.

Especially valuable for conservation of biodiversity and ecosystems in terms of meetings "Red Book" species of animals and plants. Points ecosystem environmental capacity of 1 to 5, from lowest to highest, respectively; a - point meeting "Red List" of plant species; b - point meeting "Red Book" of animal species

Lakes and rivers are rich in fish, such as peled, round-nosed whitefish, ide, roach, pike, perch, ruff. Endangered species listed in the Red Book such as white salmon and trout can be occasionally

found here as well. During the floristic studies, 218 types of higher vascular plants were discovered. Studies in the Park have revealed 20 rare plant species, 7 of which are listed as endangered, 6 of which require special attention.

Scientists working in the natural park “Numto” confirm that 20-25 % of the natural park territory remains unexplored, with no research carried out in terms of consequences of oil exploitation on wildlife etc.

### **Significance of Numto for the indigenous peoples**

Numto natural park also is significant for Indigenous peoples of northern Russia. It is here, on the border of Yamal and Khanty-Mansy region, where two ancient Taiga cultures come together.

For generations, the Nenets and the Khanty people have bred reindeer, fished, picked berries, and gathered. They travel hundreds of kilometers to come together and conduct sacred rituals at Lake Numto. ‘Num’ holds a special place in Indigenous mythology, and is often equated with the sky itself: Lake Numto means “Heavenly Lake”. It is considered one of the most important places of worship for the indigenous people of the region.

Numto territory is also of historical significance. 20 archaeological sites and ethnic history monuments have been identified. These were by a population that has inhabited the area for about 4 to 5,000 years. Up to the present, Khanty and Forest Nenets families lead a traditional way of life in the area. After the collapse of the Soviet Union, their territories were recognised by the regional administration as tribal lands. Essentially, the Numto lake became the largest sanctuary of the indigenous peoples along the northern reaches of the Ob. In order to offer a sacrificial deer, many Khanty and Nenets travel hundreds of kilometers before the start of the winter. Over the centuries, a tradition of worship to the lake was established, as to a living god.

Khanty and forest Nenets have preserved their traditional fishing practices, mainly using set nets and seines. For the indigenous population hunting has a slightly smaller value and serves a supplementary role to reindeer herding and fishing, although it has been more important in the past centuries. Gathering plays a huge role in the economy of forest Nenets and Khanty: the main objects collected are different berries (mostly cranberries), mountain cranberries, cloudberry, and pine nuts.

Many of the aspects of the indigenous populations’ spiritual lives and culture have not been disclosed.

### **Threats related to the new zoning and the opening of the Numto wetlands for oil and gas exploration**

The EIA assesses neither the impact of oil spills nor plans for oil spill liquidation. The authors’ belief in security is not supported by any reliable data. The EIA does not address problems common to Western Siberian oil extraction areas. Construction of linear structures (particularly roads) and construction of the bulk grounds (individual drill holes and bushes) leads to a change in flow conditions, the rise of the groundwater level, flooding, and enhanced hydromorphism and ecosystem transformation. Sometimes there are cases of chemical contamination, carcinogenic benzopyrene in particular, coming from fuel or waste incineration. These processes can have more

serious consequences in the extremely unstable hydromorphic ecosystems of wetlands, where engineering and environmental conditions are complicated by the presence of permafrost.

In particular, areas with a high concentration of rare plant species and unique bird species almost exactly coincide with areas for geological exploration. This particularly affects the planned exploration drill-holes No. 4717, 4718 and 4719 and the planned infrastructure which, according to a new draft zoning fall in economic activity zone 6-1.

In addition to the Numto lake, there are many other sacred sites which are of special significance to the Numto villagers. Their listing is difficult: not only because of the large number of them (different families have different sacred places of worship), but also due to the fact that indigenous people do not want to disclose their sacred sites.

The Numto lake, and the surrounding ethno-cultural and natural landscape, is a sanctimony for both the Khanty and Nenets; both of these peoples will consider any external interference and, especially, industrial intrusion into the ethno-cultural and natural landscape as desecration and a cultural catastrophe.

# Annex II: Oil companies controlling access to indigenous peoples' tribal land

To the Prosecutor General of the Russian Federation  
From Tetlina Antonina Dmitrievna

Address: Surgut district, Village of Russkinskaya Territory of traditional nature - 5P. Postal code 628446  
Bodies:

86:03:0020301:20547  
Cadastral site – road

I am a representative of the indigenous peoples of the North, Siberia and the Far East, a Russian citizen and am faced with a violation of my constitutional rights to freedom of movement, as well as the right to privacy of the employees of OOO Surgutneftegaz,

Episode 1

On May 29, 2017 at the invitation of Sergey Kechimov I was followed in his patrimony to the area of the sacred lake Imlor, a preliminary trip agreed with the administration of the sp. Russkinsky, Surgut district, KhMAO.

The purpose of the trip was a friendly visit and assistance in fixing environmental violations (oil spills, supposedly illegal exploratory drilling, violation of the water protection zone, violation of the cultural heritage site) on the territory of the traditional nature management territory in its ancestral lands.

Before the checkpoint at 5 km (roughly coordinates N 62.144434, E 73.556989) from the village of Russkinskaya we were stopped.

On the site there are no signs of road belonging, checkpoint accessories, or indicators of any access mode and its conditions.



The guard and the man who introduced himself as an employee of the environmental department of OJSC Surgutneftegaz prevented any further passage; the latter presented a pass as a document and motivated his actions to obstruct our freedom of movement due to the fact that the road is privately owned by Surgutneftegaz, the order for employment and the established order. It was not clear who established the order.

<https://youtu.be/jswYECbxm-E>  
<https://youtu.be/m9GtLasuKnc>  
Video of Elena Sakirko

A list of those who followed Sergei Kechimov was drafted, and a representative of Surgutneftegaz (without a power of attorney) was invited to accompany us along the route, but, as a result, we were not allowed to enter the territory of the tribal lands of Sergey Kehimov. There is no alternative road.

We were followed by a car



Its license plate number K949AC 186 and it followed us throughout the day before returning to the village of Russkinskaya. Later they were joined by 2 more cars. 2 cars stayed all night from 29 to 30 at the exit from the village of Russkinskaya.

## Episode 2

On May 29, 2017, I was escorted by family members and guests (Ivan Ivanov (phone: +79121065435) and Arkady Ivanov) to my home in the family land of TTP-5R. At the above checkpoint, the same guard stopped us. The guard demanded we open the trunk. Sam opened the rear left door of the car (this fact can confirm by passengers Ivanov and Arkady Ivanov in the back seat).



The guard refused to let me in with the "strangers".

Ivan Ivanov and Arkady Ivanov left the car (but still did not miss my car) and moved to the roadside. Later, they were approached by people in a gray form, and they talked.

After a while, after the scandal with the bus driver (the driver referred to 54 passengers, whose documents we did not check), my car was missed, Arkady and Ivan Ivanov went on foot to the village.

<https://youtu.be/50croS1dUK4>

Video of Ivan Ivanov (composed of 4 episodes)

### Episode 3

On May 30, I was stopped on the way to the patrimonial grounds (TTP-5P - the place of my registration at the residential area) at the above mentioned checkpoint.

The car was inspected by the same guard. The security guard justified the car's examination with a counter-terrorism operation and that, possibly, I was carrying terrorists or explosives. Without security, the guard did not let the car pass. Another guard at the time of issue of documents (demonstratively) was videotaping (presumably) on his phone, while a warning about video recording was absent in the territory of the checkpoint.

<https://youtu.be/jicVtIVkvY8>

[https://youtu.be/3fWVY\\_qXacs](https://youtu.be/3fWVY_qXacs)

<https://youtu.be/TNoWZ-gzygs>

I consider that my constitutional right to freedom of movement has been violated,

The right to privacy (surveillance, vehicle inspection).

With the introduction of the admission regime and implementation, the law "On Private Security and Detective Activities" was violated.

I consider that the security guard, the employee of the environmental protection department and the security officers of Surgutneftegaz exceeded their authority and, in the act of escorting and external surveillance - contain elements of the investigation.

According to Art.

The argument for the protection of hazardous industrial facilities is considered contrived, since neither the checkpoint building nor the road to such facilities is relevant.

Violated my rights as a representative of the indigenous peoples of the North, Siberia and the Far East:

I ask you to:

1. Check the facts stated in this application;
2. Identify the identity of a security guard, an employee of the environmental protection department of Surgutneftegaz, security officers of Surgutneftegaz, which restrict my right to freedom of movement;
3. To check the availability of licenses for the implementation of private security and detective activities for persons who obstruct my right to freedom of movement
4. Check compliance with license conditions.

3. Take measures of the prosecutor's response to bring the perpetrators of violations of my rights to justice.

Given that the situation is systemic and has been repeatedly described in the media, I do not trust the law enforcement agency of Khanty-Mansiysk Autonomous Okrug and ask the lower-ranking prosecutor to take the verification process under personal control when firing.

Application: Statement by Ivanov IS

Statement by Ivanov A.

6) In-house mode - the order established by the client or the customer, not contradicting the legislation of the Russian Federation, brought to the attention of the personnel and visitors of the objects of protection and provided with a set of measures and rules performed by persons located at the security facilities, in accordance with the rules of internal labor regulations and requirements Fire safety;

7) Access control - the order set by the customer or the customer does not contradict the legislation of the Russian Federation reported to the staff and **visitors to** the objects of protection and provided a set of measures and regulations that exclude the possibility of uncontrolled entrance (exit) of persons of entry (exit) of vehicles, makes (Removal), import (export) of property to the objects of protection (from the objects of protection).