

## RUSSIAN FEDERATION

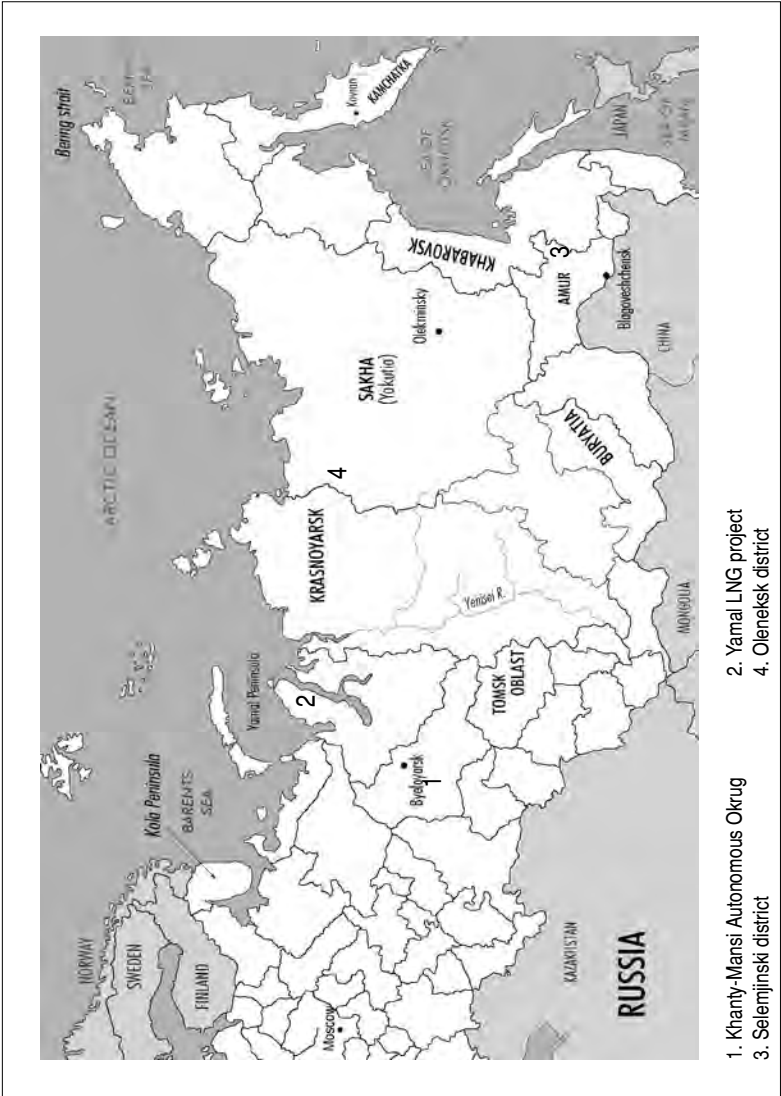
Of the more than 180 different peoples inhabiting the territory of contemporary Russia, 40 are officially recognized as “indigenous small-numbered peoples of the North, Siberia and the Far East”. These are groups of less than 50,000 members, perpetuating some aspects of their traditional ways of life and inhabiting the Northern and Asian parts of the country. One more group is actively pursuing recognition, which continues to be denied. Together, they number about 260,000 individuals, less than 0.2 per cent of Russia’s population. Ethnic Russians account for 78 per cent. Other peoples, such as the five million Tatars, are not officially considered indigenous peoples, while their self-identification varies.

The latest official population figures from the 2010 national census do not provide disaggregated data on the socio-economic status of indigenous peoples. Indigenous peoples are predominantly rural dwellers, while Russia on the whole is a highly urbanized country.

Indigenous peoples as such are not recognized by Russian legislation; however, the constitution and national legislation set out the rights of “indigenous small-numbered peoples of the North”, including rights to consultation and participation in specific cases. However, there is no such concept as “Free, Prior and Informed Consent” enshrined in legislation. Russia has not ratified ILO Convention No. 169 and has not endorsed the UNDRIP. The country has inherited its membership of the major UN Covenants and Conventions from the Soviet Union: the ICCPR, ICESCR, ICERD, ICEDAW and ICRC.

There is a multitude of regional, local and interregional indigenous organizations. RAIPON, the national umbrella organization, operates under tight state control.

Over the course of 2015, the situation of indigenous peoples in the Russian Federation has deteriorated in a number of aspects. Their prospect to have



their lands protected as “Territories of Traditional Nature Use” (TTNU) has decreased due to changes in the legislation as well as actions by regional authorities and the judiciary in favour of extractive companies. Organisations spearheading the defence of indigenous rights have been pronounced “foreign agents”, thus stigmatising them and exposing them to legal risks. The state has also made efforts to control regional associations of indigenous peoples, most notably by controlling congresses and elections of their leaderships.

While foreign support to civil society organisations has now become very difficult as it carries the risk of the organisations to be declared “foreign agent” (see *The Indigenous World 2015*, p.15), foreign capital and companies remain welcome when it comes to extracting oil and gold in indigenous land. However, western sanctions on Russia along with the low oil price have made it difficult to attract western loans and investments, and China has therefore become more relevant as a source of loan and investment.

In the Far East of the country, indigenous peoples are confronted by a resettlement plan that potentially will impact on their lives and livelihoods. The so-called “Far East hectare” stands for a plan to hand out land for free to settlers coming to the Russian Far East. This attempt to stop the depopulation of the east of the country has been heavily criticised by indigenous peoples who see their land potentially redistributed without their consent. Another new worrying trend is the criminalisation of indigenous activists as witnessed in cases described below.

## **Land and natural resource rights**

Amendments to the Land Code entered into force on 1 March.<sup>1</sup> They can be seen as the latest episode in a long process during which the framework of indigenous rights, established around the turn of the millennium has been slowly eroded away. These amendments have affected the procedure of land allocation, cancelling decision-making powers of local municipalities, which in the past often defended indigenous land rights. In a number of cases, this has had an immediate impact on some indigenous peoples that are engaged in land disputes, which is illustrated by the following cases.

In early 2015, the residents of the Zhilinda settlement in the Oleneksk district of Yakutia learned that the joint-stock company Almazy Anabara had begun exploration of a diamond deposit in the area of the Malaya Kuonapka River, nearby

their settlement.<sup>2</sup> During a public hearing on 23 March 2015, the residents unanimously voted against the diamond extraction since the river supplies them with drinking water and is used for fishing and hunting. It is also considered a sacred place.<sup>3</sup>

The district administration supported the residents and filed a legal complaint against the Yakutia branch of the Russian Federal Agency for Subsoil Resources Management “Rosnedra” demanding that the concession be revoked, on the grounds that its consent had not been obtained. The legal complaint was based on the fact that in 2014 the local authorities had declared the Zhilinda area a territory of traditional use (TTNU).<sup>4</sup> Two federal laws protecting the rights of indigenous peoples,<sup>5</sup> say stipulate that municipal authorities have the right to establish TTNU at the local level,<sup>6</sup> and are also endowed with decision-making powers concerning land acquisition and use in indigenous territories.<sup>7</sup> Nevertheless, the district administration’s complaint was rejected by the Arbitration Court of Yakutia and later by the Appeal Court of Chita. The courts confirmed that TTNU can be established by municipal authorities in the areas of residence and economic activities of indigenous peoples. However, the statutes and boundaries of such areas must be confirmed by the Government of the Russian Federation, which it had not. Besides, the courts ruled that the Land Code does not require that tenders over subsoil resources have to be agreed with the local authorities.<sup>8</sup> This ruling was made possible by the above mentioned amendments to the Land Code.

### **Evenk leader imprisoned after protesting UK based gold mining company**

Another direct impact of the erosion of indigenous peoples’ territorial rights can be observed in the case of the Ivanovskoye settlement in Selemjinski district, Amur region. The indigenous peoples of Ivanovskoye have requested the revocation of a 25 year license for geological survey and gold extraction, issued in 2012 to the UK based mining company Petropavlovsk, on the grounds that a potential gold mine would be in the proximity of brooks that are important freshwater sources for the settlement. The settlement is registered as a settlement area of indigenous people.<sup>9</sup> In a letter dated 19 March 2012, the Minister of Natural Resources of the Amur region V.Yu.Ofitserov had stated that the company had cancelled mining

operations on the Ivanovski and Bogorodski brooks. However, on 9 July 2015, he wrote that the issuing of the licence was in compliance with the law because the Evenki territory was still not an officially registered TTNU.<sup>10</sup> On the same day, Sergey Nikiforov, the head of the Ivanovskoye administration, was summoned to the Blagoveshchensk<sup>11</sup> City Court for interrogation and a case against him that had been closed two years earlier was unexpectedly re-tried. Mr. Nikiforov had headed the protests in 2012 and had signed the community's resolution requesting the revocation of the license. On 10 September 2015, the residents held a community gathering requesting to halt all industrial activities in the vicinity of the settlement within 10 days and to conduct ethnological and ecological expert reviews. They further declared that if their requests were not fulfilled they would, "*protect the settlement and ancestral territories with all lawful means*".<sup>12</sup>

Sergey Nikiforov was arrested and imprisoned soon after this gathering. On 28 September 2015, he was retroactively found guilty of having accepted a bribe in 2013. On 8 December 2015, the Appeal Court of the Amur region convicted him to four years in a penal colony of strict regime and a fine of 3 million roubles (some US\$ 44,000). Judging by the minutes of the court proceedings the criminal case against Sergey Nikiforov was reopened without any new evidence. Since then Sergey Nikiforov has been serving his sentence in a penal colony in the Amur region. This is so far the most severe instance of apparent criminalisation of indigenous rights activism.<sup>13</sup>

Human rights organizations have alleged that the retrial was motivated by his role in the community protests against the Petropavlovsk Group's licenses. The Russian human rights organization "Memorial" publicly proclaimed Sergey Nikiforov a political prisoner,<sup>14</sup> and Amnesty International has adopted his case and demanded his release.<sup>15</sup>

As for the Petropavlovsk Group it continued its operations *slowly, because of severe frosts* as residents reported.

### **Sacred lake threatened by oil extraction**

A similar disregard for the land rights of indigenous peoples is also apparent in the attempt to change the boundaries of the Numto National Park in the Khanty-Mansi Autonomous Okrug in West Siberia in order to allow oil extraction. The Khanty-Mansi Okrug is the heartland of Russia's oil industry; at the same time it is also the homeland of the Khanty, Mansi and Forest Nenets indigenous peoples

and some 300 Khanty and Nenets live within the Numto National Park. The Khanty consider the Numto Lake to be sacred and in the 1930s, a Khanty armed insurrection was sparked off by Soviet fishing activities in Numto Lake.

In 2012, an attempt to allow oil extraction on the Numto National Park territory failed, but on 25 February 2015 a new attempt was made. A "Proposal on redrawing the functional borders of the Numto National Park" was presented at a public hearing in the town of Byeloyarsk. Particularly unusual is the fact that the Environmental Impact Assessment (EIA) attached to the proposal was commissioned by the regional administration rather than by the oil company, which according to the law is in charge of commissioning the EIA. This indicates that the administration is acting in the interest of the industry.<sup>16</sup>

By the end of 2015, no final decision had yet been taken on the proposal to change the boundaries of the Numto National Park. All 80 participants at the public hearing on the Project spoke out against it.<sup>17</sup> Protests have come not only from the region. A number of scientists and indigenous peoples from Murmansk to Kamchatka have also urged the authorities of Khanty-Mansiysk Autonomous Okrug to save the sacred lake.<sup>18</sup>

Meanwhile, in response to the protests, the Russian Ministry of Natural Resources stated that it had not received a draft decision from the regional administration regarding changing the boundaries of the Numto National Park. The Ministry has also promised that it would not make a final decision without taking public opinion into account.<sup>19</sup>

At the same time, Sergey Kechimov, a Khanty reindeer herder who has been in conflict with the oil company LukOIL is facing the possibility of two years imprisonment for allegedly threatening to kill two employees of the oil company. He insists that he merely killed the dogs brought in by the oil workers in order to protect his reindeer, while company employees say he threatened to shoot them. Greenpeace has been supporting Kechimov, whose trial was ongoing in the oil city of Surgut. Thousands of supporters from all over the world signed a petition to general prosecutor Yuri Chaika demanding his criminalisation to be stopped.<sup>20</sup>

### **Yamal Liquid Natural Gas (LNG) project threatens Nenets reindeer herders**

In 2015, the export credit agencies of France and Germany received applications to support the multi-billion Yamal LNG project, which will potentially threaten the livelihood of Nenets reindeer herders in the Northeast of the Arctic Yamal penin-

sula. The project is led by Russia's second largest gas producer Novatek and the leading western company involved is France's "Total". Chinese companies will also be heavily involved. Yamal peninsula is highly inaccessible due to its geographical remoteness but also due to its status as a "border zone", requiring even Russian citizens to obtain special permission before entering the area—something which is very time-consuming and may be indefinitely delayed or withheld. As a consequence, civil society monitoring of the project is next to impossible.

The World Wildlife Fund (WWF) has protested against the project's environmental impact, which threatens the entire Ob Bay in the event of a disaster. The export credit agencies require that the project fulfils the IFC's Performance Standards (PF), including includes PF 7 on Indigenous Peoples. The Environmental and Social Impact Assessment done for the project claims that the indigenous peoples signed what it calls an "FPIC declaration" (FPIC - Free, Prior and Informed Consent). However, a one-off signature does not amount to a genuine FPIC process, and since the date of the signing of the declaration was preceded by tens of thousands of reindeer perishing due to weather conditions, it is likely that reindeer herders gave their signature in the expectation of aid, rather than to express their voluntary and informed consent to the proposed project.

## **UN related developments**

At its 113 session, held in March 2015, the UN Human Rights Committee considered the seventh periodic report of the Russian Federation (CCPR/C/RUS/7). During the interactive dialogue, indigenous issues were dominated by the situation on the annexed Crimea peninsula, where Crimean Tatars, along with Krymchaks and Karaim identify as indigenous. This makes the issue of indigenous peoples even more delicate. IWGIA presented a parallel report focusing on the situation of indigenous peoples of the North, which reported among other on the situation of land rights, citing the right to self-determination, set out in the Covenant on Civil and Political Rights and the persecution of indigenous NGOs as "foreign agents" as well as the desecration of indigenous peoples' sacred sites due to extractive industries' operations.<sup>21</sup>

On 28 April, the UN Committee adopted its concluding observations,<sup>22</sup> which called Russia to "[r]espect and ensure the rights of minorities and indigenous peoples, in particular, that Crimean Tatars are not subject to discrimination and

harassment” thus unequivocally treating the Crimean Tatars as an indigenous people. The situation of indigenous peoples of the North is addressed in paragraph 24. The beginning of the paragraph reflects the situation of the Komi-Izhemtsy or Izvatas mentioned in IWGIA’s parallel report, an indigenous group that continues to be denied recognition:

*The Committee remains concerned (...) about the fact that insufficient measures are being taken to respect and protect the rights of indigenous peoples and to ensure that members of such peoples are recognized as indigenous.*

Further, the denial of land rights and the desecration of sacred sites are deplored in the same paragraph. The latter is likely based on information contained in the parallel report on the destruction of a mountain sacred to the Shors of Kazas village (see also *The Indigenous World 2015*), destroyed by open cast mining.

In spring 2015, the former inhabitants of Kazas asked the UN Committee for the Elimination of Racial Discrimination (CERD) to take urgent measures, after the houses of the remaining villagers who refused to sell their property to the mining company had been burnt down in arson attacks and the village had stopped existing, while its former inhabitants had not received adequate substitute land or compensation. Community leaders had come under threat and the state, orchestrated a campaign against them. In response, CERD sent a letter to the Russian government asking it to provide information on the case. No action seems to have been taken.

In November, the Committee on the Elimination of Discrimination against Women (CEDAW) adopted its Concluding Observations on Russia, which it had considered in October.<sup>23</sup> CEDAW expresses its concern about indigenous women’s access to land and livelihood, their limited representation in local decision-making bodies and the lack of disaggregated data on their situation. It recommends that Russia “Ensure that indigenous women are represented in decision-making bodies at the local, regional and federal levels, and adopt measures to ensure the full and effective participation of indigenous women in all decision-making processes that may affect their rights; (b) Guarantee that indigenous women have full and unrestricted access to their traditional lands and the resources on which they depend for food, water, health and to maintain and develop their distinct cultures and identities as peoples; (c) Regularly collect dis-



aggregated data on indigenous women and girls, using specific health and social indicators.” ○

## Notes and references

- 1 Federal Law N 171-FZ “On introducing amendments to the Land Code of the Russian Federation and to other specific legal acts”, dated June 23, 2014.
- 2 See IWGIA web site: “Russia: Evenks prevent diamond mining on sacred river in Yakutia”, 25 June 2015, at [http://www.iwgia.org/news/search-news?news\\_id=1223](http://www.iwgia.org/news/search-news?news_id=1223)
- 3 <http://yakutia.info/article/170102>
- 4 <http://yakutiakmns.org/archives/4388>
- 5 The federal law # 82-FZ “On the guarantees of the rights of indigenous peoples of the Russian Federation” and the federal law # 49-FZ “On the territories of traditional use of the indigenous peoples of the North, Siberia and the Far East of the Russian Federation”.
- 6 According to Article 6 of the 49-FZ federal law.
- 7 According to Article 7 of the 49-FZ federal law.
- 8 <http://news.ykt.ru/article/38946>
- 9 See IWGIA web site “Russia: Evenk community leader opposing UK based gold mining company sentenced to 5 years”, 16 October 2015, at [http://www.iwgia.org/news/search-news?news\\_id=1271](http://www.iwgia.org/news/search-news?news_id=1271)
- 10 Quotation from the archival materials of O.A. Murashko.
- 11 The regional capital.
- 12 “Criminal neglect or genocide?” <http://blogs.amur.info/2398/5795/>
- 13 “5 years for 4 thousand pounds” at <http://www.novayagazeta.ru/society/71066.html>; Trial against the shaman who protects the sacred lake of the Khanty from the oilmen will be long - witnesses give controversial evidence. <http://www.newsru.com/crime/13oct2015/imlor.html>; <http://www.ohchr.org/Documents/HRBodies/CERD/EarlyWarning/Letters/RussianFederation15May2015.pdf> “Indigenous peoples’ organization is declared as foreign agent” at <http://www.thebarentsobserver.com/society/2016/01/indigenous-peoples-organization-fined-law-foreign-agents>
- 14 “Memorial recognises leader of the Evenk community Sergei Nikiforov as a political prisoner” <http://memohrc.org/news/memorial-priznal-politzaklyuchennym-lidera-evenkiyskoy-obshchiny-sergeya-nikiforova> Full article in Russian at: <http://memohrc.org/news/memorial-priznal-politzaklyuchennym-lidera-evenkiyskoy-obshchiny-sergeya-nikiforova>.
- 15 The English note is available at: <https://www.amnesty.org/en/documents/eur46/3094/2015/en/>. There is also a more comprehensive case description available in Russian at: <https://amnesty.org.ru/asp/2015-12-21-rossiya/>
- 16 The Order #324-p of 27.05.2014 with the amendments of 23.09.2015.
- 17 Public hearings on Numto: aboriginal residents and Greenpeace are against the oil extraction there // <http://www.greenpeace.org/russia/ru/news/2016/26-02-numto/>
- 18 “Renowned scientists and aboriginal residents defend the Numto park: oilmen plan to work at sacred places and burial grounds”. <http://www.nakanune.ru/news/2016/2/24/22428586/#sthash.ExK0Jc4N.dpuf>
- 19 <http://www.nakanune.ru/news/2016/3/2/22429253/#sthash.sAEchFIC.dpuf>

- 20 See IWGIA web site: "Russia: Guardian of Khanty sacred lake facing prison for defending himself against stray dogs brought in by oil workers", 15 July 2015, at [http://www.iwgia.org/news/search-news?news\\_id=1232](http://www.iwgia.org/news/search-news?news_id=1232)
- 21 [http://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/RUS/INT\\_CCPR\\_CSS\\_RUS\\_19638\\_E.doc](http://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/RUS/INT_CCPR_CSS_RUS_19638_E.doc)
- 22 <http://undocs.org/CCPR/C/RUS/CO/7>
- 23 <http://undocs.org/CEDAW/C/RUS/CO/8>

**Olga Murashko** is a Russian anthropologist and one of the co-founders of the former IWGIA Moscow. She works as a consultant for the Centre for the Support of Indigenous Peoples of the North (CSIPN).

**Johannes Rohr** is a German historian who has been working with indigenous peoples' organisations in Russia since 1995, focusing on their economic, social and cultural rights. He is currently working as a consultant for IWGIA and INFOE.