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**Myski local civic
organization "Revival of
Kazas and the Shor
People"**

**Parallel Information to the Russian Federation's Report on its Implementation of the
Recommendations Contained in the Concluding Observations of the Committee on the
Elimination of Racial Discrimination Following Consideration of the Combined 23rd and
24th Periodic Reports on Implementation of the International Convention on the
Elimination of All Forms of Racial Discrimination**

For the Committee on the Elimination of Racial Discrimination

July 2019

In the present report Myski local civil organization ‘Revival of Kazas and the Shor People’, Institute for Ecology and Action Anthropology and ADC Memorial submit the parallel information to the implementation report presented by the government of the Russian Federation within follow-up to the Concluding Observations of the Committee on the Elimination of Racial Discrimination on the twenty-third and twenty-fourth periodic reports.

Situation of the Shor people

The Russian Federation’s follow-up report contains information about the situation of the Shor people that is largely inaccurate. Shor people originally from the destroyed village of Kazas do not agree with the information presented in the report, and the Russian Federation has not implemented the recommendations made by the Committee in its Concluding Observations in August 2017.

Since these Concluding Observations were adopted, the Russian Federation has not restored the rights of Shor people originally from Kazas whose homes were burned down between November 2013 and March 2014. It has also not adopted a resettlement program or provided compensation for loss of land or houses, including in the form of land exchange. In addition, the principle of free, prior, and informed consent has not been observed:

- Residents still cannot move freely around the village’s territory. In 2015, a fact-finding mission established that residents had to pass through a checkpoint to enter the territory and then had to be escorted by guards. The mission also found that passage to the cemetery where ancestors of local residents are buried was obstructed;
- A significant number of former Kazas residents still do not have their own housing;
- The sacred mountain Karagay Lyash has not been reclaimed;
- A plan to build a new Kazas village has not been adopted;
- The Chuvash National Congress (the national self-government of the Shor people) has not been resurrected. (In 2004, the territory of the Chuvash National Rural Council—which comprised over 160,000 hectares of land—was illegally transferred to the administrative jurisdiction of Novokuznetsky District by the Council of People’s Deputies. Later, in 2007, the status of the Rural Council, which had legally allocated these lands to indigenous residents, was rescinded);
- Kazas residents are being pressured into selling their estate and houses;
- Vladislav and Yana Tannageshev, two leading activists of the group Resurrection of Kazas and the Shor People, and their children faced continuous persecution and threats from government authorities, law enforcement structures, and coal companies for their cooperation with the United Nations, including the UN Committee on the Elimination of Racial Discrimination and other international organizations. As a result, they were forced

to flee Russia in April 2018 and seek political asylum in a European country.¹ On May 10, 2018, the Rapporteur/Focal Point for Reprisals of the Committee on the Elimination of Racial Discrimination sent a letter to the Government of the Russian Federation expressing concern about this situation and the reprisals taken against Yana and Vladislav Tannageshev. The rapporteur also requested that information on this situation be supplied within 30 days. The Russian Federation did not respond to this letter.

Thus, the government of the Russian Federation has not implemented the recommendations concerning violation of the rights of the Shor people and residents of the village of Kazas made by the Committee and adopted in August 2017.

Moreover, the Russian Federation's follow-up report is inaccurate and contains false information. A list of discrepancies and inaccuracies contained in the government report follows.

Paragraph 8 of the report states that: *“Compliance with the principle of free, prior, and informed consent in all decisions affecting the Shor people is guaranteed in Kemerovo Oblast under RF law.”*

Russian law does not correspond to international standards concerning the rights of indigenous peoples. Russia has not ratified ILO Convention 169 and not endorsed the UNDRIP, and Russian and Kemerovo oblast legislation does not mention the right of indigenous peoples to FPIC (free, prior, and informed consent).

At an April 29, 2019 meeting of Resurrection of Kazas and the Shor People, Kazas residents once again confirmed that neither the coal companies nor government authorities ever asked their permission to mine for coal in the vicinity of the village.

Paragraph 12 of the report reads: *“Right before a mining company commences operations near a place of traditional residence, it holds a community assembly.”*

The opinion of residents, however, is not considered. Instead, decisions are made at public hearings by a committee created at the order of a municipality's administration that is composed of workers from the municipality's administration. Meanwhile, assemblies of residents are excluded from the decision-making process and residents' protests are ignored.

A striking example is the presence of the coal-loading station of Kiyzassky Mine near the Shor village of Borodino in Myski City District, which is listed as an area where Shor people have traditionally resided. This facility was built in spite of numerous speeches, assemblies, and meetings protesting the presence of this station next to the territory of a Shor village. In their

¹ “Defenders of the rights of aboriginals of Siberia are forced to leave Russia after they faced persecution,” ADC Memorial, April 18, 2018, <https://adcmemorial.org/www/14218.html?lang=en>

documentation, specialists from Rospotrebnadzor (federal consumer protection agency) assert that the Kiyzassky Mine is a threat to the life and health of citizens.²

An assembly of residents of Kabyrz Village, Tashtagolsky District, Kemerovo Oblast also attests to the absence of FPIC: The majority of residents at the meeting voted against the activities of the Our Forest company, but this company continues to chop down cedars on the sacred Shor mountain Maly Karatag.

Another glaring example of the failure to observe FPIC occurred after an assembly of residents of Chuvashka Village where entire village population came out in protest against the opening of Kiyzassky Mine OJSC (2013). These residents collected signatures and sent an appeal to the Russian president and the 7th Congress on Indigenous Peoples of the North, Siberia, and the Far East (March 2013), where representatives of indigenous peoples voted in support of the Shor people.³

Documents from the environmental expert review of Kiyzassky Mine contain the following information: All residents surveyed were against the construction of this mine. Even though this survey was an integral part of the design documentation,⁴ construction of the mine continued. Over the course of five months, indigenous residents held daily one-person protests at City Hall, which had no effect whatsoever on the authorities' decision.⁵ Today the Kiyzassky Mine continues to mine coal in violation of environmental laws.⁶

The **Teleuts**, an indigenous people of Kemerovo Oblast lost their native environment as a result of the activities of coal companies. Residents of Teleut villages and the villages of Bekovo, Shanda, and Razrez 14km are living in a state of environmental disaster and threat of extinction.

Indigenous residents of the **Republic of Khakassia** have reported that coal mining companies are conducting illegal activities on the territory of the Kuybyshev Rural Council. Here, Mayrykhsy Mine continues with its construction work without design documents and in spite of decisions adopted by local residents at public hearings and protests.

The **Sámi people, an indigenous people of Murmansk Oblast**, report that in January 2019 the regional Ministry of Nature leased 72,700 hectares of native Sámi lands on the tundra in Lovosersky District to the Belgorod hunting club BZRK for 30 years at a cost of one-and-a-half

2 Supplemental appeal of the Shor people to the participants of the 8th Congress of the small indigenous peoples of the north of March 24, 2017, <https://www.youtube.com/watch?v=kpmWkpwb7o>

3 Dmitriy Berezhkov, Address to the Congress, October 8, 2015

https://www.youtube.com/watch?v=nAFbD_pa9qM&t=4s

4 Environmental Impact Assessment, <https://yadi.sk/i/-iM3eS8jaigLiA?fbclid=IwAR30cqJQO2IqI0CuTIG8DTdrMbCT2Y6OAN4P5hzcaazZahqF-79WZlqB0eg>

5 "Picket against coal strip mines," *Shoria Info*, <http://shoria.info/item/32-piket-protiv-razrezov.html>

6 Kuzpress, "The incident at the coal strip mines in the night of 5-6 June 2019," June 9, 2019, <http://kuzpress.ru/incident/09-06-2019/68082.html>, "Kiyzassky coal strip mine destroys rivers of Shoriya," <https://tadarlar.ru/kiiizasskii-ugolnyi-razrez-unichtozhaet-reki-shorii.html>

rubles per hectare. The principle of free, prior, and informed consent was not observed when this decision was made.⁷

Members of the **Evenki community, i.e. a group of Siberian indigenous hunters, from the village of Rossoshino, Zabaikalie region** are being violently terrorized by staff members of the company extracting nephrite from the territory of local Evenki traditional hunting and fishing grounds. Hunting and fishing are the only activities that enable local population to subsist themselves and their families, however their regular use of hunting and fishing grounds irritates nephrite extractors who consider themselves the only owners of the territory. To get rid of the hunters and fishers the extractors kidnap and illegally detain local Evenki keeping them in prison cells without food and water for several days. They use abandoned mines for detention of Evenki where they beat, photograph and collect “evidence” from detainees. They humiliate and morally abuse ‘prisoners’ using racist slur while threatening “to remove all Evenki from this area for good”. For more than four years, the Evenki people have been writing complaints and appeals to the police, the prosecutor's office, and the President of the Russian Federation, but no action has been taken.⁸

All of these examples confirm the absence of FPIC, violation of the rights of indigenous peoples, and they are indicative of racist and xenophobic attitudes on the side of Russian extractive enterprises towards indigenous peoples of Russia living on territories rich with natural resources. According to our sources, the State party has so far failed to fulfill its duty to protect against abuse by these enterprises.

Paragraph 4 states that: *“At the same time, according to a List approved by RF Government Order No. 631-r of May 8, 2009, a large part of Kemerovo Oblast is classified as grounds where indigenous peoples of the Russian Federation (Shors, Teleuts, and Kumandins) traditionally live and trade. In light of this, plans to develop resource-intensive industries also take environmental costs into account. In particular, the administration of Kemerovo Oblast enters into annual cooperation agreements with coal companies that specify measures to support and develop territories where indigenous peoples of Kemerovo Oblast (Shors, Teleuts, and Kumandins) traditionally live and trade.”*

Since 2001, Shor people have regularly asked leaders of Kemerovo Oblast to create territories for traditional nature resource use in the region in order to provide a legal basis for the traditional territories of indigenous peoples and protect these places from barbaric mining. As of today, not a single territory has been created.⁹

7 “In Murmansk oblast VIP-hunters got deer-pasture and wintering areas of pregnant elks in rental,” *Novaya Gazeta*, February 6, 2019 https://www.novayagazeta.ru/articles/2019/02/06/79452-roddom-na-linii-ognya?fbclid=IwAR3yrtEXLh_FfBcwW6dw4elFAOY54gTnW2mGQdo8qm4odn3VxLPbpzsHYrE

8 “We are said: ‘Narrow-eyed, you won’t live here,’” *Siberia Realii*, June 24, 2019, https://www.sibreal.org/a/30016366.html?fbclid=IwAR1YKnElrAyteD-ci-CFnGNYs4KxUXdh7aTcnKrio-Cg8BNuNUTI_AZk9hk

9 Residents of Shoria (Kazas) appeal to the Congress of Indigenous Peoples of Russia, March 21, 2017, <https://www.youtube.com/watch?v=q6ateWlphus>

Paragraphs 13 and 14 state that: *“Implementation of the project ‘Mainstreaming Biodiversity Conservation into Russia’s Energy Sector Policies and Operations’ of the UN Development Programme, the Global Environment Fund, the Ministry of Natural Resources of Environment of the Russian Federation, and large Russian energy companies included development of the guide ‘Guidance on social dialogue with small indigenous peoples. Action Algorithm.’ This guide was prepared to define practical mechanisms and procedures for mining companies to consider the rights of small indigenous peoples and is based on the provisions of current federal and regional laws with account for the requirements of international treaties and the best Russian and foreign practices for effective social dialogue between businesses and small indigenous peoples.”*

This guide has only been published as a draft¹⁰, which has neither been endorsed by UNDP nor by the Russian environmental ministry. Furthermore, even if endorsed, it would be an entirely voluntary document, establishing no obligations whatsoever for mining companies.

The draft guide fails to comply with indigenous peoples’ rights as set out in the UNDRIP, with the processes set out in the UNGP and more generally with any international best practices at a basic level. It fails to reflect UNDRIP concepts, such as FPIC, right to redress, right to participate in decision-making. It fails to even mention the UNGP, so that concepts such as “business responsibility to respect”, “human rights due diligence”, “human rights impact assessment” or “remediation” are never dealt with.

As mentioned above, the state-party claims in Para 8 that *“in the Kemerovo Region, the principle of free, prior and informed consent is guaranteed in all decisions affecting the Shor people in accordance with the legislation of the Russian Federation”*. However, the public draft guide betrays a fundamental lack of understanding of “FPIC”.

First, it ignores that the party responsible to obtain FPIC is the State as the principal bearer of the duty to consult. It describes what it calls FPIC as a process exclusively between the enterprise and the indigenous community. Second, the draft foresees what it calls FPIC only in ‘mechanism 14’, at a stage where the principal decision on the project has already been taken. It justifies this sequence by saying that *“Under the Russian subsoil law, ownership, use and disposal of subsoil are the rights constituting the state title (Article 1.2, Federal Law “On the Subsoil” [28]). The state will exercise this right by making a decision to auction a license block or not.”* At no point does the draft guide foresee the possibility of indigenous communities granting or withholding consent to extractive operations in or near their territories, and at no point does it stipulate that such a decision needs to be respected. The draft references the outdated World Bank Operational Directives 1991, including a directive on “Involuntary resettlement”, even though according to both the UNDRIP and current World Bank standards, involuntary relocation of indigenous peoples is prohibited.

Due to criticism of these and many other gaps in the draft guide, the UNDP commissioned a consultant to review and partly rewrite the guide. However, at the time of writing, the rewritten

¹⁰ <http://bd-energy.ru/documents/ENG%20Site/Reports/Guide%20on%20Social%20Dialogue%20with%20Indigenous%20peoples.pdf>

draft has not been made public, while the consultant, who is also the author of numerous parallel reports to CERD and other treaty bodies on indigenous peoples of Russia, has been banned from the country for 50 years by the FSB, after commenting at the 7th UN Forum for Business and Human Rights on 26 November 2018 on the situation of Russian indigenous peoples affected by extractive industries..¹¹ An explanation for the ban and for its extraordinary length was not given. The reasons for the ban were declared a state secret. While Mr Rohr appeals the decision in court, the lawyers are denied any access to the evidence provided by the FSB. On June 20, 2019, the Moscow City Court dismissed Mr Rohr's complaint against the FSB.

Paragraph 12 of the report reads: *“An example of compensation is the resettlement of residents of the village of Kazas, Myski City District, who live in the immediate vicinity of territories being developed by Kiyzassky Mine. Local residents were compensated for the expropriation of land for coal mining with houses and monetary payments totaling almost 90 million rubles.”*

The State Party has provided inaccurate information in this paragraph. There was never any resettlement program, and the agreement reached between the coal company and the Myski administration cannot be taken as a substitute for an orderly resettlement program.

Moreover, Kiyzassky Mine never conducted operations near Kazas. Its closest site is 15 km from the village. Here the State Party is being misleading by providing inaccurate information about the mine's name. In fact, it is the coal company Yuzhnaya (Beregovoy mine) that continues to conduct operations near Kazas.

The Myski City Council of People's Deputies did discuss moving Kazas to a more appropriate location, but the land offered near the village of Turaly was not suitable for living. In 2012 to 2014, the mayor of Myski spoke about completely resettling the village, but no new homes were ever built.

11 “I am in ‘black’ list,” *Sibir Realii*, February 10, 2019, <https://www.sibreal.org/a/29748462.html>