



With the participation of the Myski Town NGO
“Revival of Kazas and Shor People”

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VIOLATION OF THE RIGHTS OF INDIGENOUS PEOPLES
THE SITUATION OF INDIGENOUS SHOR AND TELEUT PEOPLES

VIOLATION OF THE RIGHTS OF INDIGENOUS PEOPLES

Indigenous peoples living in the harsh climatic conditions of the North, Siberia, and the Far East regularly come up against the predatory policies of mining and oil and gas companies, which have been able to reach the most remote areas of Russia thanks to developments in technology. RF law, which guarantees the rights of indigenous peoples, is not being implemented. According to media reports, the November 2016 report of the Human Rights Council under the RF President stated that 50 indigenous minorities and their languages and cultures are in danger of disappearing.¹

Mining and oil and gas companies have caused irreparable harm to territories where indigenous peoples have traditionally lived and used natural resources. Any protests from residents of territories where the work of oil, gas, and coal companies has caused a real environmental catastrophe and made it impossible to practice ceremonial rituals and traditional activities of indigenous peoples (hunting, fishing, reindeer herding, gathering wild plants) devolve into the persecution of activists and even criminal cases.

Known consequences of conflicts between local residents and drilling and extraction companies, where representatives of indigenous peoples are in an admittedly vulnerable situation, include the persecution of Khanty man Sergey Kechimov resulting from a conflict between the community and Surgutneftegaz (Khanty-Mansi Autonomous Okrug, 2015);² and what experts believe to be a fabricated criminal case against Evenki community leader Sergey Nikiforov (Amur Oblast, 2015) connected with protests against gold mining companies. Nikiforov was ultimately sentenced to prison.³

The local police applied constant pressure to residents of Kondopoga District in the Republic of Karelia who were protecting the Suna Forest from being cut down and living a tent camp in the forest for 9 months to prevent equipment of Saturn Nordstroy LLC, which intended to develop a sand borrow pit in its place, from entering the forest.⁴ The office of the Karelian environmental organization SPOK, which supports local residents in their protest and has documented the violation of their rights, was searched by the FSB in September 2016.⁵

A number of defenders of indigenous rights have been forced to leave Russia and seek political asylum in other countries.

The foreign agent law, which entered into force in November 2012, has had an extremely negative effect on the activities of social organizations defending the rights of indigenous peoples. This law has made it more difficult for NGOs to operate, harmed their reputation, and caused a schism within the community. There have even been instances when independent human rights defenders from the indigenous community have faced persecution.

In October 2016, the Center for Support of Indigenous Peoples filed a complaint with the European Court regarding violation of the rights to freedom of association and freedom of expression (the Center was found to be a “foreign agent” in 2015, which greatly impeded its work). On 16 December 2016, members of an informal association of experts from indigenous minorities of the North, Siberia, and the Far East known as Aborigine Forum reported that the Center’s director Rodion Sulyandzig had been detained and interrogated and that his apartment had been searched, which was why he was he had not been able to open an educational seminar of the forum.⁶ This was not

¹ http://www.ng.ru/politics/2016-11-29/1_6871_etnos.html

² <http://www.svoboda.org/a/27199956.html>, <http://www.csipn.ru/korennnye-narody-i-promyshlennye-kompanii/2843-advokat-yugorskogo-shamana-predlagaet-zakryt-delo>

³ <http://nazaccent.ru/content/18705-evenkijskomu-lideru-v-blagoveshenske-sokratili-sorok.html>

⁴ The early termination of Saturn Nordstroy’s license (March 2017, http://www.gov.karelia.ru/gov/News/2017/03/0320_21.html) and the end of work at the Yuzhno-Sunskoye field are two of the few known cases where local residents and human rights defenders were victorious in their battle for traditional habitats.

⁵ http://activatica.org/problems/view/id/599/title/vyrubka-pod-karer-sunskogo-bora-v-karelii/version/last_approved

⁶ <http://www.svoboda.org/a/28170017.html>

the first time R. Sulyandziga has faced persecution: two years ago, he was not allowed to leave for an international UN conference when border guards spoiled his passport, and he was prosecuted for this.

Amendments to this law proposed by the RF government have failed to eliminate legal deficiencies and have created new risks for ensuring the rights of indigenous peoples. Experts and representatives of indigenous peoples have repeatedly expressed alarm regarding the recent bill “On Amendments to the Federal Law ‘On Territories of Traditional Land Use by Small Indigenous Groups of the North, Siberia, and the Far East of the Russian Federation.’”⁷ For example, the Opinion of the Standing Committee of the State Assembly (Il Tumen) of Sakha Republic (Yakutia) recommends rejecting this bill for the following reasons: it is not in line with the provisions of international documents on indigenous rights and the RF Constitution; various provisions of this bill are primarily aimed at protecting the interests of business entities instead of the interests of the population residing in these areas; the participation of representatives of indigenous peoples in the creation and operation of territories of traditional land use has been reduced to a minimum; the distribution of powers between regional and federal authorities during the creation of the territories of traditional land use listed in the bill is not in line with the interests of indigenous peoples; the bill does not regulate the status of existing territories of traditional land use; and the territories of traditional land use are not classified as “specially protected territories,” which lowers the level of protection for the traditional environment in which indigenous peoples live.⁸

THE SITUATION OF INDIGENOUS SHOR AND TELEUT PEOPLES LIVING IN KEMEROVO OBLAST DEMOLITION OF THE SHOR SETTLEMENT KAZAS⁹

Kazas Settlement in the Myski City District is part of the territories where indigenous peoples of the North, Siberia, and the Far East of the Russian Federation traditionally reside and trade.¹⁰ Earlier, Kazas was a part of Chuvashka National Village Municipality, which was liquidated in December, 2004, according to the decision of the Council of People’s Deputies of Kemerovo Oblast to transfer 167 000 hectares of historically Shor land to the administrative jurisdiction of Novokuznetsk District (this decision contradicts the Article 131.2 of the RF Constitution). The Kazas settlement was basically destroyed in 2013–2014: the coal company Ushuaia, which was operating an open pit coal mine and causing irreparable harm to the environment of this territory, forced residents to sell their plots. Residents report that they faced pressure from coal mine employees, who threatened to set fire to their homes and destroy them with bulldozers.¹¹

These threats were realized: from November 2013 to March 2014, the homes of people who did not agree to the sale were set on fire by unknown persons. Criminal cases into the arsons were opened, but the guilty parties were not found, even though the only way to enter the territory was through a checkpoint equipped with video cameras, which would have undoubtedly recorded the passage of the arsonists. Residents cannot freely pass through this checkpoint to enter the territory of the village, and free access to the cemetery where their ancestors are buried is closed. The sacred mountain Karagay Lyash was damaged by demolition work. There were even cases when Shor activists were forced to resign from their jobs.

⁷ Published 31 May 2017, <http://regulation.gov.ru/projects#npa=66793>

⁸ Opinion of the Standing Committee of the State Assembly (Il Tumen) of the Sakha Republic (Yakutia) on Matters of Small Indigenous Groups of the North and Arctic Affairs regarding the draft of the federal law “On Amendments to the Federal Law ‘On Territories of Traditional Land Use by Small Indigenous Groups of the North, Siberia, and the Far East of the Russian Federation,’” as well as individual legal acts of the Russian Federation, 14 June 2017, <http://yakutiakmns.org/archives/7207>

⁹ This part of the Report is prepared in cooperation with activists of Myski Town NGO “Revival of Kazas and Shor People”.

¹⁰ This list was approved by RF Government Order No. 631-r of 8 May 2009.

¹¹ City residents reported threats from Yuzhnaya CEO I.S. Khalimov in a statement to the public prosecutor’s office recorded on 24 April 2014. Witnesses describe the threats in the documentary film *Tsena [Price]* (2014) <https://www.youtube.com/watch?v=y3WXcXB4c1w>

In official responses to letters from Kazas residents, the public prosecutor's office of Kemerovo Oblast reported that public hearings on relocating residents under an agreement with the coal company were conducted with violations and that the decision to demolish the village was not made following the procedures established by law.¹² The relocation of 28 homes from the coal mining zone was a condition for Yuzhnaya to receive a license for coal mining. Moreover, the relocation was to have been completely voluntary under the agreed conditions and following the program approved with the participation of the Kemerovo Oblast Administration, but none of this was ever done. Meanwhile, Yuzhnaya continues to mine coal under a license obtained without meeting the abovementioned obligations.

Members of the Council of People's Deputies of Myski City District discussed moving Kazas Settlement to a more convenient location, but the plot offered for relocation (Turala District) was not suitable for living: it was a swamp and wetland area.

In light of their circumstances, some indigenous Shors from Kazas did not own homes and lived with relatives who owned homes and property and led a traditional way of life (went hunting and fishing, collected wild plants and mushrooms, maintained vegetable gardens). According to the Myski City social organization Rebirth of Kazas and the Shor People, nine of its former residents who did not have property there were left without housing and have been forced to live the life of a drifter.

The coal company Yuzhnaya (which is part of the holding company Sibuglemet) destroyed the territory around Kazas where residents traditionally took advantage of natural resources, thus depriving residents of the chance to eat traditional foods (game, fish, wild crops, fruits and vegetables cultivated in home gardens). According to scientists, changes in dietary intake and environment pollution violate not just the right to health and the right to adequate food, but also the cultural rights of indigenous peoples: "Indigenous peoples are viewing food more and more as a symbol of ethnic background, an element that helps emphasize the connection with the cultural traditions of their people. It is the tremendously important role of traditional food that has helped retain many of its features over decades and centuries even after conditions for existence of the ethnic group have changed."¹³

One of the violations of the cultural rights of Shor people that should be noted in particular is the defilement of places sacred to them: in 2013–2015 explosions near Kazas razed Karagay Lyash, a mountain sacred to the Shor people. Prior to this, in 2000, an Orthodox cross made of metal and weighing 7.5 tons was erected on the sacred mountain of Mustag in Sheregesh Settlement, Tashtagol District without the consent of Shors. Even though this caused great public outcry,¹⁴ the protests of both the Shor and Russian populations were ignored: the Orthodox cross continues to stand on the sacred mountain where the Shors have performed rituals since the dawn of time. In 1970, the sacred mountain Ene-tag and an ancient cemetery in the settlement of Kurya were blown up (this settlement was part of Myski and does not currently exist). Today an enormous open pit coal mine stands in its place.

There are no schools where Shor children can study in their native language or at least study their native language as a separate subject (for example, the school in the Shor settlement of Chuvaska in Myski was closed). In 2010, the Shor Language Department in the Faculty of Russian Language and Literature at Kuzbass State Pedagogical Academy, which had prepared teachers of the Shor language since 1989, was shuttered.

¹² This information was received from activists in Shor social organizations.

¹³ Bogoslovskaya, L.S., doctor of Biological Sciences, former head of the Center for the Traditional Culture of Natural Resources Use at the D.S. Likhachev Research Institute for Cultural and National Heritage. *Traditsii pitaniia kak sposob adaptatsii k okruzhaiushchei srede* [Nutrition traditions as a means of adapting to the environment]. // *Korennye narody rossiiskogo Severa v usloviakh klimaticheskikh izmenenii i vozdeistvie promyshlennogo osvoeniia* [Indigenous peoples of the Russian North Facing Climate Change and the Impact of Commercial Exploitation]. Seriya: Biblioteka korennykh narodov Severa. Vyp. No. 16. Moscow, 2015, pp. 41–47.

¹⁴ Tatyana Tudegesheva, Shor poet, member of the Russian Writers Union "Krest na svyashchennoy shorskoy gore" ["Cross on the Sacred Shorian Mount"], *Kuznetskiy rabochiy* newspaper, 9 August 2003: <http://www.kuzrab.ru/publics/index.php?ID=1742>

The Shor are not the only people disturbed by the activities of the open pit coal mines near Myski and the disdain exhibited for the interests of the population: the environmental consequences of open pit coal mining are devastating for the entire population of this territory and include the poisoning of the air and river water by explosions, the destruction of the forest, where residents can no longer collect mushrooms and berries, and the ruining of roads by trucks. Thirty homes in a dacha community near the haul road of the Kiyzassky open pit coal mine recently set on fire, which was reminiscent of the destruction of homes in Kazas.¹⁵ The Shor settlements of Borodino, Toza, and Tetenzy are also in the risk zone.

Traditional habitats of the Teleut — another indigenous people of Kemerovo Oblast with a population of almost 2,500 — also face environmental catastrophe (mostly, the Teleut live in Belovsky District of Kemerovo Oblast, in the settlements Bekovo, Novobachaty, Shanda, Zarechnoye, Chelukhoevo-Verkhovskoye, Razyezd 14th km). The activities of the open-pit coal mines “Bachatsky” (belongs to the Kuzbassrazrezugol enterprise) and “Shestaki” (belongs to the Stroysservice enterprise) led to the destruction of the territories of traditional living of the Teleut. The only active traditional farm “Bayat” owned by a Teleut businessman has 800 hectares, but in 2017 it appeared to be surrounded by these open-pit coal mines. The only road to the piece of land was blocked, and the farmers can’t carry out the sowing campaign. Many inhabitants of the Teleut villages have to leave their homes for places of better environment; no compensation for the left property is proposed. National municipalities of the Teleut were liquidated in the 2000th.¹⁶

Recommendations:

The Russian Federation must implement its obligations to protect the rights of indigenous peoples, preserve the traditional environment and the ability to use natural resources, ensure socioeconomic rights, the right to participate in political life, the ability to study one’s native language and culture, and the right of children to receive an education. Effective legislative measures should be adopted and corporations and companies that have violated the rights of indigenous peoples should be held responsible. In the specific case of the violation of the rights of the Shor population of Kemerovo Oblast (Kazas Settlement) people in need of housing should be provided with it, a fair investigation into instances of arson should be ensured, victims of material and emotional damages should be compensated, residents should be ensured free entry to the territory where the land plots that they still own and the cemetery where their relatives are buried are located; the licenses for coal mining should be revoked from the companies Yuzhnaya and Razrez Kiyzassky until the conflict would be resolved.

The persecution of activists protecting territories where natural resources are traditionally used by indigenous peoples must be stopped. The “foreign agent” law must be rescinded and independent organizations protecting indigenous rights must be allowed to conduct meaningful work.

¹⁵ <https://www.youtube.com/watch?v=dYdKAAtHAAQY>

¹⁶ Report of activists, July 2017.