

Parallel Information:
Economic, Social and Cultural Rights of indigenous minority peoples
of the North, Siberia and the Far East of the Russian Federation

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Executive Summary

- In the 6th periodic report, the State Party has again not provided disaggregated data on the indigenous minority peoples of the North.
- 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.

Introduction

1. This submission focuses on the situation of the 41 indigenous minority¹ 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 ICESCR, Russia is therefore duty-bound to take measures to the maximum of available resources 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 CESCR, CRC, CERD 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.

Review of compliance with the 2011 Concluding Observations

Lack of disaggregated data

4. 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 404, the periodic report says "404. Disaggregated data showing the impact of measures to implement the Covenant may be found in the annex to the present report.". However, the data in the Russian-only annex is neither disaggregated by ethnicity nor by region.

¹ 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.

5. 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 100,000.² 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 2009-2011³

Land Rights / Territories of Traditional Nature Use

6. 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 19th Periodic Report to CERD, was never completed.⁴ 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.⁵ 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.

² United Nations in the Russian Federation, loc. cit.

³ 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

⁴ 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.”

⁵ 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/

7. Two acts passed in 2014 significantly weakened the law on TTNU, these being Federal Law 171-FZ dated 23.06.2014⁶ and 499-FZ, dated 31.12.2014.⁷ Notable changes include the downgrading of TTNU from ‘Specially Protected Conservation Areas’,⁸ 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.⁹

8. 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’.¹⁰ 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’.¹¹ 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.

9. 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

⁶ Federal'nyj zakon ‘O vnesenii izmenenij v Zemel'ny kodeks Rossijskoi Federatsii i ot del'nye zakonodatel'nye akty Rossijskoj Federatsii’ ot 23.06.2014 N 171-FZ http://www.consultant.ru/document/cons_doc_LAW_164516/, last accessed 19 January 2017

⁷ Federal'nyj zakon ot 31 dekabria 2014 g. N 499-FZ ‘O vnesenii izmenenii v Zemel'ny kodeks Rossijskoi Federatsii i ot del'nye zakonodatel'nye akty Rossijskoi Federatsii’, <http://base.garant.ru/70833160/>, last accessed 19 January 2017

⁸ Osobo okhranyayemye prirodnye territorii, OOPT

⁹ 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.

¹⁰ 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/

¹¹ 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

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.¹² 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.

10. 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.

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

12. 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'*.¹³

13. 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.¹⁴ In response, the indigenous peoples of Khabarovsk declared a mass hunger strike.¹⁵ Reports

¹² Item 3 of art. 31 of the Land Code of the Russian Federation prior to entry into force of Act 171-FZ

¹³ Oleneksky district lost in court against the "Yakutnedr" <http://news.ykt.ru/article/38946>. Last accessed. 26.12. 2016

¹⁴ Federal'nyj zakon ot 1 maja 2016 g. N 119-FZ "Ob osobennostjah predostavlenija grazhdanam zemel'nyh uchastkov, nahodjashih'sja v gosudarstvennoj ili municipal'noj sobstvennosti i raspolozhennyh na territorijah sub"ektov Rossijskoj Federacii, vhodjashih 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/>

¹⁵ <http://www.vostokmedia.com/r3/14-10-2016/n301596.html>) Last accessed 26 December 2016

suggest, that the administration was using the Far Eastern hectare programme to illegally transfer the territory to a logging company.¹⁶ Following protests, the administration eventually softened its measures and issued a new decree which now reduces the TTNU area by only 15 per cent.¹⁷

14. 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.¹⁸ 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 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.¹⁹

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.

15. At the time of writing, the state party proposes draft amendments to the law on TTNU.²⁰ 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.

16. The draft law replaces the expression 'legal regime' by 'terms of use'.²¹ 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.

¹⁶ <http://www.csipn.ru/glavnaya/novosti-regionov/2949-v-khabarovskom-krae-territorii-traditsionnogo-prirodopolzovaniya-korennykh-narodov-iz-yali-dlya-lesozagotovok>

¹⁷ Decree No. 226-PR of 06 June 2017

¹⁸ 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>

¹⁹ http://www.csipn.ru/images/stories/publications/Mir_k_n/MKN-2016.pdf p. 115-120.

²⁰ <http://regulation.gov.ru/projects#npa=66793>

²¹ Chapter III, Article 11 of the Draft Law

17. 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:

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 / Free, Prior and Informed Consent

18. 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.

19. 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.²²

20. 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.*"²³ 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 (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

²² These alarming findings have come from Varandei area in Nenets Autonomous Area

²³ <http://yamallng.ru/en/progress/social-responsibility-new>, retrieved 9.04.2017 20:54

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

Economic rights of indigenous communities

21. In his country report on the Russian Federation, the UN Special Rapporteur on the rights of indigenous peoples stressed the importance of stimulating indigenous entrepreneurship in both traditional and non-traditional areas.²⁴ In remote indigenous settlements, indigenous peoples' cooperatives (*obshchinas*²⁵) are often the sole providers of income and employment. Economic success remains the rare exception for *obshchinas*, however, because many of the feasible fishing and hunting grounds have in recent years been transferred to non-indigenous business enterprises.

22. 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"²⁶ 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.

23. 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,²⁷ 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.²⁸

24. 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.²⁹

Proposed question:

²⁴ See report on country visit A/HRC/15/37/Add.5 (23 June 2010), para 91

²⁵ The term 'obshchina' 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.

²⁶ Federal'nyi zakon ot 20 iiulia 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

²⁷ *Ob utverzhenii 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

²⁸ See: Johannes Rohr: *Indigenous peoples in the Russian Federation*. IWGIA Report 18, p. 20, http://www.iwgia.org/publications/search-pubs?publication_id=695

²⁹ *Russia bans indigenous peoples' traditional fishing*, June 14 2016, http://www.iwgia.org/news/search-news?news_id=1373

25. 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)