

Draft Proposal on the Protection of Indigenous peoples in Russia Proposed by Greenpeace Russia

The Expert Mechanism on the Rights of Indigenous Peoples:

Recognizing the definition of indigenous communities as “those which, having a historical continuity with pre-invasion and pre-colonial societies that developed on their territories, consider themselves distinct from other sectors of the societies now prevailing on those territories, or parts of them;”

Applauding the progress of the Expert Mechanism on the Rights of Indigenous Peoples in protecting the rights of indigenous communities, as well as the work of the five Expert Members;

Acknowledging the right of all indigenous peoples to sovereignty over their culture, language, and history as outlined by Preambles #7 and #8 of the United Nations Declaration of the Rights of Indigenous Peoples;

Noting the urgent need to protect indigenous communities on whose lands oil companies projects are developed because of the damage to their living environment – the basis for a traditional nature use of resources;

Noting that the Russian Federation is preparing amendments to the National law “On the territories for indigenous traditional use of protected small-numbered indigenous peoples of the North, Siberia and Far East”, according to which such territories can lose the status of protected when any land use on those territories could be possible only in coordination with the users of nature resources (first of all subsoil) which contradicts Article 8(b) and Article 26 of UN Declaration on the Rights of Indigenous Peoples.

Noting that in 2010 in Par. 85 in the report of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people (A/HRC/15/37/Add.5) was already recommended that “*The federal legislature should develop standards and models for consultation mechanisms between indigenous peoples and industrial and extractive industries...*” and stated that “*it is essential that indigenous peoples’ right to be consulted about decisions that affect them should be protected whenever industrial development affects their communities, even when there is no established territory of traditional nature use or other recognized land use entitlement*”, but these recommendations were not implemented.

Calls on the support of the Expert Members of the Mechanism and its Rapporteur in order to:

- a. Raise awareness of the issues affecting the indigenous communities in Russia, particularly the exploitation of their land by oil companies who plan to develop oil field on their lands and make impossible to continue their traditional lifestyle, leading to the extinction of indigenous culture;
- b. Publish all the information regarding socioeconomic and environmental aspects that can be important to maintain the healthy living environment of the indigenous communities in Russia;
- c. Aid in advocacy and networking, particularly by:

- i. Raising awareness of oil spills and other negative consequences of oil companies work on the land of indigenous communities in the North of Russia,
 - ii. Organizing biannual inspections of the area to ensure the safety of the indigenous communities and monitor environmental situation on the lands of traditional nature use of indigenous communities;
2. *Calls for* Russian governmental officials to take into account the free, prior and informed consent of the indigenous peoples pertaining to the management of land and natural resources;
3. *Recommends* Russian Federation to pass legislation to require oil companies to replace leaking pipelines that damage the lands of traditional nature use by indigenous communities and prevent further oil spills in the area
4. *Recommends* Russian government not to adopt the aforementioned amendments to the federal law “On the territories for indigenous traditional use...” and to guarantee that indigenous representatives should be involved in the development of industrial projects that affect their interests before plans for construction are finalized.
5. *Recommends* to dismiss the industrial development plans including oil prospecting and exploration on the most valuable territories for indigenous communities, including natural park “Numto” in Beloyarski district of Khanti-Mansiyski Autonomous Region, mentioned in Par. 38 of the UNGA Report of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people 2010 (A/HRC/15/37/Add.5 (the Russian Federation) as a positive example of a territory free from industrial exploration.
6. *Recommends*, that UN EMRIP organize independent collection of the information from the activists who face persecution and threats from industrial companies and authorities in Russia.