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Commission on Human Rights
Sub-commission on the Promotion and Protection of Human Rights
Working Group on Indigenous Heritage
23rd Session
Agenda:

**Statement by Nadezhda Novik of the Inter-regional public organisation
"LIENIP" (Network of documentation centres for the protection of social,
cultural and economic rights of the indigenous peoples of the Russian
Federation)**

**Mr Chairman and the participants of the 23rd Session of the Working Group on
Indigenous Heritage,**

Mr Chairman,
Members of the Working Group, brothers and sisters,

I would like to start my statement by saying that the Government of the Russian Federation is tacitly preparing the privatisation and sale of one of the most valuable resources in our country - its forest reserves. The new Draft Forest Code proposes the withdrawal of Russia's forest resources from governmental and public ownership and their transfer to the private ownership of a small circle of Russian and foreign citizens and companies.

The passing of the Draft Forest Code can have a tragic impact on the lives of numerically small indigenous peoples of the Russian Federation. The regulatory environment pertaining to the indigenous peoples of the Russian Federation is largely declarative. Federal laws relating to numerically small indigenous peoples are not being observed.

By proposing to introduce the institution of private property to tracts of forests and leasing them for 99 years, the engineers of the Code, in this case the Government of the RF, are not only failing to create mechanisms for the implementation of indigenous rights, but also obstructing, in every possible way, the protection of the living environment, and the traditional way of life and economic management of these peoples.

It is obvious that when the rights to rent tracts of forests are auctioned, neither individual representatives, nor communities of indigenous peoples will be able to participate in them on an equal footing and compete with commercial enterprises which have a much greater financial potential. Despite the fact that forest tracts are the fundamental basis for the livelihood and activities of the indigenous population, despite the fact that they do not have any other economic means of sustenance, the Draft does not make a provision for the preferential right of indigenous peoples to use tracts of forest reserves and create territories for traditional nature management.

The Draft Forest Code mentions indigenous peoples only once (Article 27), and the article itself is of a largely declarative nature, and does not entitle indigenous peoples to a preferential right to forest management.

While the current Forest Code (p.107) secures the exemption of numerically small indigenous peoples from payments for the use of forest reserves for their needs, the new Draft does not make a provision for forest use by indigenous peoples and their communities for the purposes of traditional economic management free of charge. Nor does it allow indigenous peoples to create territories of traditional nature management.

Regional and village administrations and local populations are not informed about federal and regional land legislation, they do not know their basic rights and capabilities. This situation is aggravated by the fact that many rural residents still have not received their certificates and other documents confirming their right to lands that were divided amongst them after the dissolution of collective and state owned farms. There are problems between the owners of grassland and pastoral territories. There have been negative examples of regional authorities unlawfully seizing lots of land and transferring them to owners in other regions for life rent or lease. In the context of these facts, the indigenous population, which is more significantly motivated to own the lands of its traditional use, appears to be entirely without rights. It is worth noting that the procedure of land lot registration is rather costly, as it requires engaging commercial structures to start a land management file, boundary survey and cartographic work.

According to the Forest Code, if a land lot is not registered by January 1 2006, the Government of the Administration of an entity of the Russian Federation may form lots out of unclaimed lands (and they will be regarded as such), and confirm their right of ownership in court, i.e. the State will become the owner of that land lot. After this, the right to ownership must be proved only in court.

In cooperation with other human rights organisations, our organisation has submitted to the Government of the RF written requests for information regarding the Forest Code currently being developed. The centre's interns have collected thousands of signatures against the Forest Code, thousands of appeals were gathered from citizens with specific requests to disallow the introduction of private property on forest reserves, publish the Forest Code officially and hold a nation-wide discussion.

Some days ago, there was an official response from State Duma, stating that according to existing protocol, the Duma CAN BUT DOES NOT HAVE TO hold a nation-wide discussion of the Forest Code. At this time, over 10,000 citizens, 5,000 of whom are indigenous representatives, have lodged a collective court claim against the unlawful actions by the Government of the RF. Indigenous peoples, alongside other citizens, are challenging the refusal by the Government of the RF to make available the information on the RF Forest Code being developed.

The RF Constitution proclaimed the referendum to be the highest direct expression of the power of the people. The Constitution also proclaimed that lands and natural resources are used and protected in the Russian Federation as the basis for the livelihood and activities of the peoples living on those territories. And would it be possible to preserve this basis for life and activities, if lands, forests and other natural resources are sold off?

I urge the members of the Working Group to adopt a recommendation to the Government of the Russian Federation to observe the preferential rights of indigenous peoples to the use of forests and to traditional economic management in the new Forest Code, to remove time restrictions on land registration as share in land (January 1 2006), or to extend the deadline, thus giving indigenous peoples a chance to implement their lawful rights.

In one of the newsletters, there is an article by an intern of the Altai centre which is titled "Limit on forests, limit on land - limit on life". This is how the current tendencies in the development of Russian legislation look through the eyes of indigenous peoples.

Thank you all for your attention!