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## **Parallel Information**

# **The Right to Adequate Food (Art.11) and Violations of this Right in the Russian Federation**

Submitted at the occasion of the 31st session of the Committee on Economic, Social and Cultural Rights (November 2003) by:

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# 1 Preface

FIAN, the international Human Rights Organisation for the Right to Feed Oneself together with RAIPON, the Russian Association of Indigenous Peoples of the North and INFOE, the Institute for Ecology and Action Anthropology would like to present this parallel information to the Fourth Periodic Report of the Russian Federation, submitted by the Russian Government.<sup>1</sup>

In 1997, FIAN and INFOE already submitted parallel information<sup>2</sup> concerning the Third Periodic Report by the State Party<sup>3</sup> with special focus on the right to an adequate standard of living and in particular the right to adequate food of indigenous peoples living in Russia's North, Far East and Siberia. In its Concluding Observations<sup>4</sup>, the Committee expressed its concern about the issues raised in this report and recommended "that action be taken to protect the indigenous peoples from exploitation by oil and gas companies, and more generally that action be taken to ensure their access to traditional and other sources of food."<sup>5</sup>

The present report will review, to which extent these recommendations have or have not been implemented by the State Party.

Whilst the State Party's report dedicates some attention to the issue of food security and quality (para. 260 - 269), issues raised by the Committee in 1997 are not adequately addressed. In particular, the report does not mention any steps taken to ensure the indigenous peoples' access to traditional and other sources of food and to prevent denial of access by state authorities or private corporations.

According to information received from many regions of the Russian Federation, the indigenous Northerners continue to be one of the country's most disadvantaged groups. While some progress has been made in the area of legislation, the situation on the ground still leaves much to be desired or has deteriorated even further. One crucial obstacle to the full realisation of the right to adequate food of indigenous peoples of the North is, that new legislative guarantees of their rights have remained largely theoretical and lack adequate mechanisms for their practical implementation.

## 2 The Right to Food and State Obligations (Art. 11)

The Russian Federation is a State Party to the International Covenant on Economic, Social and Cultural Rights (ICESCR).

The concept of the right to adequate food, recognised in Article 11 of the CESCR, has been developed over the past fifteen years at the United Nations. Fundamental to the right to food is that access to food should occur in a dignified and sustainable manner. The basic idea is that groups are not dependent on food aid, but are self sufficient to feed themselves.

### **The obligation to respect:**

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<sup>1</sup>E/C.12/4/Add.10

<sup>2</sup><http://www.infoe.de/report.html>

<sup>3</sup>E/1994/104/Add.8

<sup>4</sup>E/C.12/1/Add.13, 20 May 1997

<sup>5</sup>E/C.12/1/Add.13, Para. 30

The first state obligation is to respect all human rights including economic and social rights. In terms of the right to food, States may not deprive a vulnerable group of its livelihood. For example, forced evictions backed by the State – whether through governmental policy or through the courts - often qualify as violations of the right to food and housing.

**The obligation to protect:**

This state obligation is to protect vulnerable groups against deprivations by third parties. This, for example, means that the State has to protect a peasant group or an indigenous community when their right to feed themselves is threatened as a consequence of an eviction promoted by a land owner, a multinational corporation or another third party.

**The obligation to fulfil:**

The third state obligation is to fulfil the economic and social rights of those groups not yet in a position to do so due to their lack of productive resources or earning a living wage.

**The principle of "maximum of available resources" and "progressively"**

**Art. 2 of the ESCR states that each Member State to the Covenant commits itself to adopt** measures to the maximum of its available resources to reach progressively the full realisation of the rights enshrined in the Covenant". The principle of 'maximum of available resources' requires that governments co-operate internationally and make all possible efforts to fulfil the right to food. The principle of 'progressiveness' implies the state obligation to show significant developments in relation to the realisation of Economic, Social and Cultural rights. When the incidence of chronic malnutrition increases the State is violating its obligation vis-à-vis the right to food.

**The principle of non-discrimination**

Art. 2.2 ESCR establishes the principle of non-discrimination. One of the categorical obligations in all human rights related-work is non-discrimination of religion, ethnic group or sex. Within the provisions of the ESCR, this principle has special relevance in terms of transcending sexual discrimination against women and invoking equality of rights concerning property and equal wages for equal work. This is also true for all indigenous groups who have long been deprived of their land. The restoration of indigenous groups' rights to ancestral land is part of the commitment by the State to overcome historical discrimination.

## **3 General situation of the right to food in Russia**

### **3.1 Demographic indicators**

With the collapse of the Soviet Union, the average life expectancy has experienced a sharp and unprecedented drop from 65 years to 57 for males and from 75 to 71 for women between 1987 and 1994. In the following decade, only a slight recovery has taken place, with average life expectancy now at 58.9 years for males and 72.3 years for females.<sup>6</sup> This is still the lowest figure of all industrialised countries and falls

<sup>6</sup>Figures taken from WHO web site, <http://www.who.int/country/rus/en/>

short even of the respective figures for crisis-struck countries like Bosnia-Herzegovina or Albania.

With 1.2 births per woman, the fertility rate in post-Soviet Russia is among the lowest in Europe<sup>7</sup>, while male adult mortality is by far the highest in Europe 440/1000). Female adult mortality is high (159/1000), but still lower than the values for the Newly Independent States of Central Asia.<sup>8</sup>

Consequently, population has continued to shrink, from 147.3 million in 1997 to 144.8 million in 2001.<sup>9</sup>

The most significant decline has been observed in the Asian part of the Russian Federation, where between 1992 and 2001 population has shrunk by 4.9%<sup>10</sup>. The regions classified as “Districts of the Far North or districts equated with them”<sup>11</sup> that make up roughly two thirds of the country’s territory have seen the sharpest decline of all. Between 1991 and 2001, the Chukchi autonomous okrug has lost 56% of its population, the Magadan oblast 41%, the Evenki and Koriak autonomous okrugs 30% each and the Taimyr and Nenets okrugs 20%. While this is largely due to emigration to the Southern and Western parts of the Russian Federation<sup>12</sup>, the indigenous inhabitants of those regions have a significantly reduced life expectancy compared with the national average (see section 4.3). Additionally, the massive wave of emigration can be expected to further aggravate the dismantling of Northern infrastructures on which the remaining inhabitants depend.

### 3.2 Employment

At the beginning of 2000, the official unemployment figure for the whole Russian Federation announced by the state Committee of Statistics (Goskomstat) was 1.26 Million or 1.7% of the population. Experts argue that this figure is kept artificially low by excluding large groups of *de facto* unemployed people at working age, including 2.8 million in involuntary long-term unpaid vacation, 2.6 million short-time workers who receive reduced or no wages at all, plus an unidentified number of people that were put on early pension and unemployed young specialists that are classified as reservists without being currently employed by the federal armed forces. While it is impossible to provide indisputable figures, an estimated percentage of 13.5 % of unemployed seems to be realistic.<sup>13</sup>

<sup>7</sup>In the WHO categorisation, “Europe” includes the formerly Soviet Central Asian republics, even though they are geographically located in Asia.

<sup>8</sup><http://www3.who.int/whosis/country/indicators.cfm?country=rus>

<sup>9</sup>cf. World Bank Country profile table

<sup>10</sup>The corresponding figure for the European part is 2.4%, cf <http://demoscope.ru/weekly/2002/087/tema02.php>

<sup>11</sup>Raiony krainego Severa i mestnosti, priravnennykh k nim.

<sup>12</sup>cf. <http://demoscope.ru/weekly/2002/087/tema04.php>

<sup>13</sup>Agिताев, E.A.: *Problemy Zaniatosti naseleniia: Etmicheskii aspekt*. In: *Severnnye narody Rossii na puti v novoe tysiacheletie*. Moskva 2001, pp. 127-128

### **3.3 Poverty and social services**

The State Party's report indicates that the percentage of citizens living below the poverty line reached its climax in the first quarter of 2000 with 41,2% and has since declined. The alarmingly high figure can be partially explained with the aftermath of the 1998 financial crisis.

However, the level of officially acknowledged poverty in post-Soviet Russia has been consistently high, i.e. above 20% and the average values for 1999 and 2000 by far exceed those of the pre-crisis years 1996 and 1997.

As the OECD explains: "Poverty remains a key problem in Russia, as witnessed by continuing disturbing trends in some demographic and health statistics. Most of the responsibility for social expenditures currently rests with regional and local governments. Yet recent reforms have reallocated a significant amount of revenue from the regions to the federal government, raising the question of a possible greater involvement of the federal government in financing social expenditures. The previous OECD Economic Survey recommended a larger relative size of the federal budget, but also a much greater federal responsibility for financing social policy, particularly in support of poorer segments of the population."<sup>14</sup>

According to World Bank data, the Russian economy has seen strong signs of recovery since the year 2000. This was mainly driven by the export sector and supported by the high world market prices for crude oil. However, there is no evidence, that the increased revenues have been used at a maximum by the State Party to meet its obligations based on art. 11 of the Covenant.

## **4 Focus on the right to food of indigenous peoples**

### **4.1 General situation**

The "indigenous numerically small peoples of the North, Siberia and the Far East"<sup>15</sup> are a category that includes 40 indigenous peoples, the population of which does not exceed 50.000 each.<sup>16</sup>

Their total figure roughly amounts to 200,000. They inhabit approximately two thirds of the state territory, including the European arctic and sub-arctic zones, Siberia as well as much of Russia's pacific provinces. For centuries, they have successfully managed to make a living within extremely harsh climate conditions.

Of these 40 peoples, 10 have a population of less than 1,000 individuals, the smallest group being the Enets with only 200 members. Of the larger peoples, some, e.g. the Evenki, are widely dispersed over huge territories so that they often constitute small minorities within a non-indigenous environment.

Their main economic activities have traditionally consisted of fishing, hunting, gathering, sea-mammal hunting and reindeer breeding. Especially reindeer breeding

<sup>14</sup>OECD Policy Brief: Economic Survey of the Russian Federation, 2002, Jan 2002

<sup>15</sup>"Korennyye malochislennyye narody Severa, Sibiri i Dal'nego Vostoka"

<sup>16</sup>The situation of other peoples of the Russian Federation that are internationally referred to as "indigenous", but do live in their own autonomous republics, such as the Yakuts and Tuvans, is beyond the scope of this report, given that they are not represented by RAIPON.

demands a nomadic lifestyle which is why in regions like Yamal peninsula a large part of the indigenous population continues to have a nomadic life.

In Soviet times, the indigenous peoples of the North have been subject to forced sedentarisation and collectivisation, families have been forcefully split up, with children being taken from their parents and sent into nursery schools and boarding schools, thus disrupting the intergenerational transmission of traditional knowledge, including the practical skills required to live in the tundra or taiga (boreal forest) as well as the native language of their parents. Women were placed in newly erected settlements while the new “reindeer herder brigades” consisted almost exclusively of men.

The measures taken by Soviet power, including sedentarisation, elimination of traditional health care methods and other social institutions have led to a high degree of dependency on support provided by the State, in particular on medical treatment and means of transportation. In urban centres, Northern indigenous people usually constitute the lowest stratum of society, i.a. in terms of income, education and employment.

At the same time, the emergence of a huge extractive sector since the 1960s, most notably the oil and gas industries of Western Siberia, have contributed to massive devastation of the indigenous peoples’ basis of subsistence while the state-sponsored influx of large numbers of migrant workers led to an unprecedented demographic marginalisation of indigenous peoples within their territories.

The collapse of the Soviet economy has led to an overall breakdown of the state-sponsored infrastructure in the Northern regions. Soviet-style collective enterprises (sovkhozy and kolkhozy) ceased to exist or withheld wages, subsidised food supply was cut, means of transportation became prohibitively expensive, medical care became inaccessible.

Consequently, traditional economic activities such as hunting and fishing were the only means left to indigenous communities to feed themselves. At the same time, the rapid expansion of extractive industries into remote regions of Russia’s North have further diminished the availability of resources indispensable to indigenous communities, such as pasture land, fish resources and hunting grounds. Despite the adoption in recent years of several new legal acts concerning indigenous land rights, indigenous communities and indigenous rights in general, the situation on the ground remains largely unchanged, or as reports from many Northern and Far Eastern regions indicate, has further deteriorated.

## **4.2 Employment and income**

According to prime minister Kasianov, the average income of Northern indigenous peoples is between a half and one third the national average. An absolute majority of the indigenous Northerners live below the poverty line, the prime Minister further indicated.<sup>17</sup> Average pensions for elderly indigenous people equal only 26% of the minimum subsistence level.<sup>18</sup>

<sup>17</sup><http://www.demoscope.ru/weekly/2002/091/rossia01.php#19>

<sup>18</sup>Manuscript by minister V.Yu. Zorin for a session of the Russian federal government of 6. March 2003 on “Implementation of measures concerning the International Decade of the World’s Indigenous Peoples (1994-2004)”

With the breakdown of the Soviet economy, unemployment in indigenous communities has risen to unprecedented heights. While even the figures provided by Goskomstat demonstrate that in federal administrative entities inhabited by Northern indigenous peoples, unemployment exceeds the federal average by up to five times<sup>19</sup>, the situation in indigenous “national rayons” or “national villages” is far worse. In some villages of the Koriak autonomous okrug, unemployment is between 75 and 80%. Generally, unemployment in indigenous “national villages” can be expected to be no less than 40-50%.

Almost 48% of Northern indigenous people have gone through primary schools and did not complete secondary education. 17% lack even primary education.<sup>20</sup>

Within the last few years, the number of Northern indigenous people employed in agriculture has decreased by 45%, in the industry by 43%, in the construction sector by 68%, in trade, telecommunication and transport by 32% each. Even in regions with vigorous extractive sectors such as the Yamal-Nenets and the Khanty-Mansi autonomous okrugs, unemployment has, during the years of economic reforms, multiplied by ten times.<sup>21</sup>

Privatisation has led to the breakdown of many former kolkhozy and sovkhozy engaged in the agricultural sector. In 2000 in the Khabarovsk province (krai) out of 99 indigenous community-based “national economic entities” (natsional’nye khoziaistva), 24 had ceased economic activities and 19 more went into liquidation. In many regions, reindeer breeding and animal husbandry have faced a sharp decline, following the suspension of state support. In the Chukotka autonomous okrug, where the livelihood of the population largely depends on reindeer husbandry, the reindeer population has, during the reform years decreased by one third. Farm-based animal breeding has virtually vanished from several federal administrative entities, including the Evenki, Taimyr, Koriak and Chukotka autonomous okrugs.

### 4.3 Health and life expectancy

In 2002, Russia’s prime minister Mikhail Kasianov stated to the “Council on issues of the Far North and Arctic of the Government of the Russian Federation”, that the life expectancy of Northern indigenous people is 25 years less than national average.<sup>22</sup> Other sources estimate the difference at 15-20 years. In some regions it does not exceed 37 years.

In any case, the figures indicate a serious regression, given that in the 1960s, according to official figures, the life expectancy of Russia’s Northerners was still at par with that of indigenous North Americans.<sup>23</sup> Between 1990 and 1996 the birth rate has fallen by 69% while mortality has increased by 35.5%. Child mortality exceeds the rate of non-indigenous Northerners by 1.5 and the Russian average by 1.7%. Within the last

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<sup>19</sup>Agitaev, *ibid.*, p. 128

<sup>20</sup>Zorin, *ibid.*

<sup>21</sup>Agitaev, *ibid.*

<sup>22</sup><http://www.demoscope.ru/weekly/2002/091/rossia01.php#19>

<sup>23</sup>Vakhtin, Nikolai: *Native Peoples of the Russian Far North*. London 1992 (=Minority Rights Group International Report. 92/5), pp. 54-55. It should be noted, however, that figures from old Soviet statistics must be taken with some caution.

ten years, the natural growth rate of the peoples of the North has fallen by 90%.<sup>24</sup> Only 8.5% of the indigenous Northerners live to reach retirement age.<sup>25</sup>

The percentage of suicides exceeds the Russian average by 3-4 times. In the Taimyr okrug, the frequency of tuberculosis was 11 times the national average. Generally, tuberculosis is widespread among indigenous Northerners.<sup>26</sup>

Russia's Academy of Medical Sciences has issued a study, according to which the death rate due to alcoholism is 16 times higher among northern indigenous peoples than the Russian average. It warned that if the current situation continues for the next 15 years, the native population will shrink by two-thirds as a result of alcohol-related deaths.<sup>27</sup>

The deplorable health condition of many indigenous children appears to be directly linked to the limited access to traditional food sources as well as the cutting of social services such as free school meals. (see e.g. sections 5.3.3 and 5.3.4)

#### **4.4 Environmental degradation**

Exploitation of natural resources such as oil, gas, coal, timber, gold and diamonds since the 1960s has led to massive devastation of Russia's Northern environment. Given the high dependency of indigenous peoples on their natural environment after the breakdown of the Soviet infrastructure, the dramatically reduced quantity and quality of resources such as fish, hunting grounds, pasture land and forests is threatening the very survival of many indigenous communities. Some of the worst affected regions are located in the Khanty-Mansi and Yamal-Nenets autonomous okrugs which have for several decades been the centre of Russia's oil and gas industries. In the Khanty-Mansi okrug, more than 100 rivers, large and small, are heavily polluted, 11 million hectares of reindeer pasture as well as 20 thousand hectares of spawning-ground have been irreversibly destroyed. In the Yamal-Nenets okrug, fishing activities had to be ceased in 28 rivers and dozens of lakes. 17.7 thousand hectares of spawning-ground have been lost. More than 500,000 hectares of forest and reindeer pasture have been alienated for extractive activities. Due to water pollution caused by oil and gas companies, more than 1000 tons of white fish (a salmon species) and sturgeon perish each year.<sup>28</sup>

The degradation of pastures affects all regions inhabited by Northern indigenous peoples. In the European North, 3.6 million hectares have been lost since 1970. The total figure of degraded pasture land in the regions inhabited by Northern indigenous peoples is 230,6 hectares of which 46.6% are moderately and 32 % heavily degraded. Consequently, the reindeer population has declined by one third over the last seven years. Experts ascertain the final decline of reindeer husbandry in Karelia, Tuva, Evenkia, Buriatia as well as in the Chita, Irkutsk and Sakhalin oblasts.

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<sup>24</sup>Excerpts from an article by S.N. Khariuchi, president of RAIPON.

<sup>25</sup>Zorin, *ibid.*

<sup>26</sup>Abriutina, Larisa: *Korennyye narody Severa Rossii i dostupnost zdravookhraneniia*. In: *Severnye narody Rossii na puti v novoe tysiacheletie*. Moskva 2000. p 118.

<sup>27</sup>see Jolyon Naegle "Russia: Efforts Under Way To Confront Region's Rate Of Alcoholism (Part 3)", <http://www.rferl.org/nca/features/2002/02/08022002113411.asp>

<sup>28</sup>S.N. Khariuchi: *Sovremennyye problemy korennykh narodov Severa*. Tomsk. Izd-vo Tomskogo universiteta. 1999. p. 13

## 4.5 Evaluation of existing legislation

Land rights and demarcation of indigenous territories are probably the single most principal concern to the indigenous peoples of the Russian North. They are an indispensable precondition to the full realisation of the indigenous peoples' right to feed themselves.

According to the law "On territories of traditional nature use of indigenous numerically small peoples of the North, Siberia and the Far East of the Russian Federation" (hereafter referred to as "law on TTPs"), adopted in 2001, the responsibility for the identification and protection of such territories rests with the Russian federal government. RAIPON is highly concerned about the fact that the government so far has failed to take adequate action.

Since the adoption of the law on TTPs, indigenous persons and organisations have submitted several tens of applications for the establishment of TTPs. Unfortunately, all applications have been rejected without exception. The reason given for the rejection was the absence of a mechanism of implementation in the law. According to the law on TTPs, such a mechanism is to be provided by a separate decree which still has to be drafted. This task was handed over to the Ministry of Economic Development (Minekonomrazvitiia) which has so far failed to meet its obligation. Instead it has engaged in a lengthy process of revising the actual law, much to the dissatisfaction of indigenous organisations.

In October 2001, the new Land code (*Zemel'nyi kodeks*) has been adopted in the Russian Federation. Unfortunately it contradicts the fundamental provisions of the law on TTPs. In particular the clause granting persons and communities belonging to the indigenous peoples of the North the right to use portions of land free of charge has been dropped. Consequently, for the purpose of traditional nature use, indigenous people are forced to either rent territories or be granted property rights by the authorities. As will be demonstrated in cases documented below, the latter means entering an extremely difficult process with limited chances of success, to say the least, while forcing indigenous people to rent their inherited territories clearly contravenes the State Party's obligation to respect the indigenous peoples' right to adequate food.

Consequently, in a number of regions of the Russian Federation, indigenous communities having rented hunting and fishing grounds or reindeer pasture face mounting debts which they are unable to pay off. In such cases, communities are forced to abandon their land and cease economic activities.

Without full and immediate implementation of the law on Territories of Traditional Nature Use, the right of the peoples of the North to feed themselves remains at stake, given that commercial licensing of indigenous territories to extractive industries continues unabated.

Another legal obstacle to the enjoyment of indigenous-specific rights is the removal of the "nationality" entry (referring to ethnic affiliation, not citizenship) from Russian federal passports. For many indigenous persons, this entry has been the only way to prove that they belong to an indigenous people of the North. Thus, the State Party presently does not meet its obligation to properly identify vulnerable groups living in its territory. A new mechanism of identification should be developed.

## **5 Cases of Violations of the Right to Feed Oneself**

### **5.1 Impact of natural resources exploitation**

Basically, the six years since 1997 have witnessed a further rapid expansion of oil & gas development activities into hitherto relatively undisturbed regions. This includes the Nenets autonomous region (okrug) in the Northeasternmost part of European Russia, the Evenki autonomous okrug in central Siberia as well as most of Russia's Pacific provinces (Sakhalin, Kamchatka, Magadan region). From each region named above, RAIPON has received a number of alarming testimonies which confirm that lack of care towards indigenous peoples' sources of food and income, unfair contract negotiation practices and inadequate compensation for loss of land and resources which the Committee denounced in 1997 are still widespread. While the adoption of the law on TTPs (see section 4.5) has given rise to hopes for better protection of indigenous peoples' land, the inactivity of the Russian government concerning the implementation of its provisions has shown serious consequences especially for those indigenous communities whose territories are targeted by oil and gas extracting corporations.

#### **5.1.1 Loss of means of subsistence and lack of adequate compensation in Khanty-Mansi autonomous okrug (Western Siberia)**

The Khanty-Mansi autonomous okrug, a region of the size of France, situated eastwards of the Ural mountains and characterised by Taiga (boreal) forests and forest-tundra, has been the heartland of Russia's oil industry since the early sixties of the 20th century. At the same time, it is home to three indigenous peoples of the North, the Khanty, Mansi and Forest Nenets.<sup>29</sup> Following the massive influx of non-indigenous labour migrants, these peoples now constitute a minority of only about 2 percent in the okrug. Given the concentration of immigrants in the large cities, the indigenous people still make up a much higher percentage in many rural areas.

In 1992, the regional Duma set a precedent for all of Russia by passing a decision (polozhenie) concerning 'tribal lands' (rodovye ugodiya). Following the decision, indigenous families living on camps in the forest or tundra received certificates over their landownership. However, the exact legal status of these certificates has never been clearly defined. According to our information, in the late 1990s the issuing of certificates was suspended by the administration and has not been resumed ever since. The Duma's decision allows the holders of the certificates to enter into "economic agreements" with third parties, granting the latter the right to prospection and exploitation of underground resources on certain strips of land within the territory.

As already reported in 1997, these agreements are often negotiated and signed under clearly unfair conditions. Most indigenous reindeer herders have insufficient knowledge of their own legal rights. Some are illiterate or have limited knowledge of the Russian language. In 1995, the authors of this report observed, that alcohol sometimes played a decisive role in such negotiations. It is not clear whether this practice still persists. Despite the concerns expressed by the Committee in 1997, the State

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<sup>29</sup>plus a small number of Selkups

Party's report does not indicate whether or not steps have been taken to eliminate these illegal practices.

At the same time, conditions laid down in "economic agreements" are often non-specific and not suitable to safeguard the indigenous party's ability to sustain their standard of living on at least the level that existed prior to the third party's activities. The responsibility for safeguarding the adequacy of "economic agreements" rests with the okrug's administration.

The situation seems to have deteriorated even further since the administration has decided to no longer regard the agreements as legal precondition to any third-party activity on territories held by indigenous landowners. Instead, these agreements are now reportedly considered voluntary acts of charity by the oil companies.

While the overwhelming influence of the Siberian-based oil giants such as LUKoil or Yukos discourage outright indigenous opposition, indigenous activists voicing their concerns face harassment. Yuri Vella (also known as Yuri Aivaseda), a respected poet, reindeer herder and political leader of the Forest Nenets whose family is one of the last in his region to vigorously oppose the intrusion of the oil giant LUKoil into their land, has seen several attempts to cut his family, including his grandchildren, off from health care, food and any other supply. First in 2001 workers of LUKoil have destroyed the only road connecting his camp with the nearest village. Despite legal action taken, these acts have been repeated several times.

Eager to avoid similar pressure and in clear vision of their own lack of power, most indigenous holders of land titles tend to sign their land over to the oil companies. On 1 January 2002, 47% of the 'tribal lands' had been handed over to oil companies under long-term license agreements.

### **5.1.2 Arbitrary revocation of land rights in Evenki autonomous okrug**

The Evenki autonomous okrug of Northern Central Siberia is an extremely sparsely populated region of the approximate size of Turkey. Of its only 20,000 inhabitants, 8,000 belong to the Evenki people. At present the okrug is considered one of the least developed regions of Russia.

After having devastated much of Western Siberia's taiga and tundra, Russia's oil industry, i.e. the oil-giant Yukos, is looking forward to exploit the supposedly rich oil deposits of Evenkia.

On 23 July 2000, decision (*postanovlenie*) No. 152 of 23. of the okrug's governor annulled land titles of 55 tribal communities (*rodovye obshchiny*) over their 'tribal territories' (*rodovye ugodiya*) that had been issued between 1992 and 1995. According to civil associations of indigenous peoples of the Evenki autonomous okrug, this decision was related to the beginning exploration of oil and gas deposits.

In April 2001, Yukos' Moscow-based director for development, Boris Zolotarev, won a slim victory in elections for governor of Evenkia. The newspaper 'Segodnia' criticised the poll as, one of the 'dirtiest' in the region's history.<sup>30</sup>

<sup>30</sup>Zolotarev's main rival was struck off the ballot and barred from campaigning just five days before the election, only to be reinstated at the last minute. See Jolyon Naegele and Jeremy Bransten: "Russia: Oil Boom May Bring Wealth To Evenkia, But To Whom, And At What Cost?" <http://www.rferl.org/nca/features/2002/02/07022002085529.asp>

Following the governor's decision, only one indigenous community managed to receive a copy of the documents related to the withdrawal of their territorial rights. These documents served as a basis for action taken by the public judicial centre "Rodnik" in Moscow against this illegal act, and for a collective appeal by RAIPON to all organs of state power. Eventually, the illegal decision was revoked in the case of this particular community (*obshchina*). Still, it was impossible to receive the legal documents regarding the other *obshchiny*.

By decision No. 110 of 5 July 1993, a strip of land at the Kosvino river held by the state forest trust had been handed into life-long inheritable ownership (*vladenie*) of the head of the family-based hunting enterprise (*semeyno-promyslovoe khozyaystvo*) "Kosvino". In 2001, an unidentified expedition team started prospecting mineral resources within the territory without any prior agreement or payment of compensation to the holder. According to Russian federal act "On underground resources" ("*O nedrakh*"), art. 25.1, plots of land can be temporarily or permanently alienated for geological research purposes or development of underground resources in the interest of the State, under the condition that the owners are compensated in accordance with land legislation. Depending on the division of powers, the decision has to be taken either by Russian federal executive organs or by the executive organs of a given federal subject. The prospection works caused considerable damage to the environment, leading to a decline in fur animals and game as well as fish stock, the hunting and fishing of which had constituted the community's only means of livelihood.

Given the experience of West Siberian indigenous peoples (see section 4.1.1), the State Party should take immediate action to fulfil its obligation to protect the Evenkis' right to feed themselves from further acts of violation by oil companies seeking to exploit the region's oil riches. Again, full implementation of laws safeguarding the indigenous peoples' territorial rights, in particular the 'law on TTPs' is most urgently needed.

### **5.1.3 Yamal: Gas development threatens world's largest reindeer-based nomadic economy**

In the North of the Yamal-Nenets Autonomous Okrug app. 9,000 people, mostly Nenets, are engaged in reindeer herding. They have a fully nomadic life without stationary housing and hold a total of approximately 550,000 reindeer, migrating with their herds over distances between 100 km up to over 1,000 km each year. According to social scientists, they have the best-preserved nomadic culture all over the Russian North.

According to scientific calculations, 44 million hectares of pasture in the okrug have a carrying capacity of app. 400,000 domestic reindeer, which means that even today existing pasture is being overgrazed.

At the same time, plans to exploit Northern Yamal's rich deposits of natural gas threaten to further diminish available land and damage the extremely fragile ecosystems of the Arctic North on which the Nenets' reindeer economy is based.

In the southern regions of the okrug where oil and gas extraction started between

the early 1970s and 1980s<sup>31</sup>, the indigenous population already had to give up reindeer herding. Today, these people are marginalised groups, living of poor compensation in villages or cities.

After the mid 1990s, Russian oil and gas industry was in a difficult stage of stagnation, which led to the postponement of giant plans to extract oil and gas from the huge deposits in the northern part of the Yamal Okrug. This was good news for the local reindeer herders, who increased their private herds by app. 60,000 head between 1993 and 2001. The herders were at good terms with the few geologists and gas explorers left on the peninsulas, with whom they set up good trading relationships.

However, in the 21st century the picture has changed dramatically: Long term gas export contracts with Western companies allowed Gazprom, the world's largest producer of natural gas, to start exploiting the deposits of Northern Yamal. In October 2001, the giant "Zapoliarnoe" deposit started to work on a regular basis, and a pipeline from there to Novyi Urengoi was built as part of the large internationally funded Yamal-Europe project.<sup>32</sup>

Earlier gas prospection works have already inflicted considerable damage on the Nenets' basis of subsistence: Now bankrupt geological enterprises left a lot of drilling equipment in the North of Yamal peninsula, which disrupt reindeer migration routes or make the animals hurt themselves.

At some drilling stations not far away from the village of Sabetta, northeastern Yamal, no equipment was brought in to compress gas back into the earth after drilling. This led to a situation where gas coming out of the earth with high pressure has already been burning for years day and night. This leads to the thawing of the permafrost ground for several square kilometres around the flare.

In winter time, the reindeer are attracted by the ice-free, easily accessible pastures. Herders report, that sometimes they return to the nomadic campsite with their furs burned, because they went too close to the flame. There is even no fence around these drilling stations, so that reindeer easily can drink contaminated water or eat contaminated plants.

Reindeer herders report that with the gas extracting workers, who recently moved into region, the situation has worsened. They say that unlike the geologists, extraction workers lack sufficient knowledge about how to behave properly in the fragile tundra. Besides that, they tend to disrespect the indigenous peoples' culture and property. Herders report of incidents of robbery, including that of graveyards.

One reindeer herder woman testified: "If they will really start large-scale oil and gas extraction here, this will probably be the end of our reindeer herding. We will have to resettle to villages and will not know what to do there without our reindeer. If they destroy our pastures, this will be the end".

Efforts to come to agreements between companies and herders so far have been limited. Reindeer herders told the author about one big assembly in 2000, where they were introduced to the plans of the companies for the Yamal peninsula, and where they could ask their questions. The representatives there promised to consider all the

<sup>31</sup>Around the industrial areas of Noiaabrsk, Novyi Urengoi, Nadym, Gubkinskii and Muravlenko

<sup>32</sup>For further development of the Northern Yamal gas deposit, Gazprom and the regional government have planned investments worth 30 billion USD.

remarks and left. Afterwards, nobody was informed about the results and consequences of this meeting.

From the Yamburg gas deposit, just at the other side of the Ob Bay on the Tazovskii peninsula, a reindeer herder reported that in the 1980s Gazprom promised to consider reindeer herders' proposals when identifying the route of a pipeline. When extraction of the Yamburg deposit began in 1986, it turned out, that the reindeer herders' submissions had been fully ignored.

Formally, the association of indigenous peoples "Yamal-Potomkam" has to sign every agreement between the State and a company to start oil or gas production. However representatives of the organisation say that they have virtually no other choice than signing it, otherwise they will just be ignored completely.

The other party to sign an agreement is the *registered* land user, which in virtually all cases in North Yamal is the sovkhos, i.e. the regional reindeer herding enterprise founded in Soviet times. However, this does not reflect reality on the ground anymore, since more than 70% of Yamal's reindeer are now in private hands. That means, that the real land users are excluded both from decision-making over their basis of subsistence and from compensation for any damage inflicted upon it.

This points to the general problem that the issue of land rights for the indigenous population in Yamal is unclear.<sup>33</sup> At the regional level there is still too much insecurity about the actual land rights situation, although the federal law on TTPs (see section 4.5) is seen as a step in the right direction.

According to our information there is no law requiring a mandatory social impact assessment before extraction is allowed to go ahead.<sup>34</sup>

In the case of the Nenets reindeer nomads, the State Party has clearly failed to properly identify the vulnerable group affected, given that the actual land users are virtually excluded from any negotiation process. Furthermore a legal and administrative framework to regulate such negotiations, to safeguard fair negotiation conditions as well as adequate compensation and protection of the Northern Nenets' basis of subsistence has yet to be created. This means that the State Party has not met its obligation to protect the Nenets reindeer herders' right to feed themselves from aggressions by third parties.

Given that unlike other regions in Russia's arctic, the breakdown of the reindeer-based economy on Yamal can still be prevented, it is indispensable that the State Party take immediate action.

#### **5.1.4 Offshore oil development on Sakhalin island destroys fish resources**

One of the largest current oil development projects in the Russian Federation is situated on Sakhalin island where large offshore deposits are expected underneath the Sakhalin

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<sup>33</sup>The okrug administration says, they had to wait until the new land code was passed in order to set up special regulations for reindeer pastures. However, in the new land code the regulations did not apply to agricultural land, which is why yet another special law on agricultural land had to be passed recently (24.07.2002). A commentary to this was published only in march 2003. Specialists said that the treatment of northern reindeer pastures by law in one and the same category as any agricultural arable land does not reflect the particular needs of reindeer herding.

<sup>34</sup>If such a studies are undertaken, as was the case for the off-shore plans to extract gas from the Ob and Taz Bay, it is only on the basis of voluntary agreements.

shelf. Several transnational corporations including ESSO and BP participate in this project.

While concerns about its likely ecological and social impacts have been raised many times by non-governmental and indigenous organisations, the first practical steps towards its realisation have already brought about devastating consequences for local indigenous communities.

On 6 April 2003, the company "Rosneft-Sakhalinmorneftegaz" started seismic prospecting works in the waters of the Nyiskii gulf on the Northeast coast of Sakhalin, using submarine explosives. Neither the indigenous peoples' association nor local residents had been given prior notice. According to RAIPON's information, the company had failed to conduct a mandatory environmental impact assessment for this site.

Local residents report that due to the methods applied by the oil company, salmon has since virtually vanished from the region.

According to the local indigenous organisation, 90% of the local population are totally dependent on fish for their livelihood, of which they are now wholly deprived.

RAIPON has forwarded information about these violations to the office of the general public prosecutor of the Russian Federation. So far, the prosecutor's office has declined to inform RAIPON about its findings or action taken.

Given the large scale of planned oil exploitation, the State Party should immediately take action to ensure adequate monitoring of the oil companies' activities as well as full access to relevant information to local indigenous communities and organisations.

## **5.2 Failure to demarcate indigenous territories, revocation of land rights granted earlier**

### **5.2.1 "Tkhsanom" territory on Kamchatka peninsula**

In December 2000 the governor of the Koriak autonomous okrug which occupies the Northern part of Kamchatka peninsula dissolved the Territory of traditional nature use (TTP) "Tkhsanom" of 2,100,000 hectares that had been in existence for one and a half years.<sup>35</sup>

The indigenous inhabitants of this territory voiced their opposition against oil and gas development on the shelf of the Sea of Okhotsk and with support from the WWF began organising a network of environmental posts. The inhabitants of the "Tkhsanom" territory as well as their civil associations turned to the Russian federal government, urging it to restore the TTP in accordance with the newly adopted law on TTPs (see section 4.5).

The government failed to respond in any way to this proposal. Instead, the applicants received a formal and inadequate response from the Ministry of Economic Development (Minekonomrazvitiia) even though it is not legally authorised to take decisions over TTP applications.

The letter from the Minekonomrazvitiia said that the proposal had to be rejected due to the "absence of the necessary normative acts regulating the implementation procedure and work regime of territories of traditional nature use". This decision not only

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<sup>35</sup>I.e. it was established prior to the adoption of the federal law on TTPs

prevents indigenous inhabitants from exercising their rights but also grossly violates Russian federal legislation, in particular: art. 2, 6, 9, 69, 72 of the Constitution, art. 4, 8 of the Federal Act “On Guarantees of the Rights of Indigenous Peoples that are Small in Number of the North, Siberia and the Far East of the Russian Federation”, Federal Act “On Territories of Traditional Nature Use”, Art. 2,3,4 of the Federal Act “On the Government of the Russian Federation”, Art. 97 of the Land Code of the Russian Federation and Art 4 of the federal act “On the Protection of the Natural Environment”. In this situation, indigenous civil associations had no choice but to launch a lawsuit to protect their rights.

This case sets a precedent, given that for the first time after adoption of the law on TTPs, representatives of indigenous peoples seek protection of their inherited land before court.

At present, the case has exhausted all legal remedies available in the Russian Federation and has been forwarded to the European Court for Human Rights in Strasbourg. On 21 August 2003, RAIPON received confirmation that the case has been received and is now pending further proceedings.

### **5.2.2 Bikin: Udege territory alienated for commercial logging**

Commercial logging of Russia’s Far-Eastern virgin forests by Russian and transnational corporations threatens the livelihood of more than 30,000 indigenous people whose primary occupations are hunting, gathering and fishing.

One of the peoples severely affected are the Udege living in the Bikin rayon of the Primorskii Krai. In 2001, the administration of Primorskii Krai issued a 25-year license to the corporation “Terneiles” over a territory along the Samarga river. In 1992, the Nationalities Council of the then Supreme Soviet had adopted a decision to reserve these forests for a planned “ethnic territory” of the local Udege people, leading a traditional life style.<sup>36</sup>

The Samarga Udege community launched a lawsuit as they considered the licensing illegal. At the same time, logging companies started entering the Udege’s protected forests in Bikin rayon. To date, Terneiles has already taken down 10% of the forest. Other smaller companies, some of which only exist for a few days, cut a lorry-load of trees and then disappear – making them impossible to prosecute. Rewards are high: Cedar is worth \$ 19 a cubic metre, so one tree can command \$ 480. Illegal logging is rife and mainly driven by demand from Russia’s Far-Eastern neighbours, including Japan.<sup>37</sup>

In April 2003, the Primorskii administration of natural resources and environmental protection, a regional department of the Ministry of Natural Resources, invited a number of logging companies, including Terneiles, to talks over the future of an existing reserve (zakaznik) founded in 1998. The administration of the Primorskii Krai is considering to either downsize or eliminate the zakaznik altogether in order to expand logging activities. Given that the zakaznik is the only form of protection that the Udege’s land currently enjoys, its dismantling would constitute a clear violation of the

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<sup>36</sup>Mir korennykh narodov, Vol 13, pp 71

<sup>37</sup>Russian Environmental Digest Files, Vol. 5, No. 3, London, January 13 to 19, 2003

State Party's obligation to respect the Udege's right to feed themselves.<sup>38</sup>

### **5.3 Denial of Access to Traditional Sources of Food**

#### **5.3.1 Limited fishing quota threatens livelihood of Alëut Community on Bering Island**

In 1997, a parallel report by FIAN and INFOE brought to the attention of the Committee the deplorable situation of the Alëut community on Bering island, an island belonging to the Russian part of the Alëutian chain in the North Pacific, also known as Commander islands (Kommandery).

According to information received from representatives of the Alëut community, no action has been taken so far by the Russian federal government, to restore the community's access to their traditional food sources.

On the contrary, regulations imposed by the local authorities and confirmed by the federal government have further diminished the fishing quota granted to the community.

In addition, an Alëut representative has declared that the local community is pressed to enter into contract with a commercial fishing enterprise, which, in exchange for taking over the work of fishing the granted amount on behalf of the indigenous people, retains a substantial share of the return for its own commercial purposes.

Furthermore it has been reported that the authorities have deliberately restricted fishing and sea-hunting activities to certain locations on the island which turned out to be totally inaccessible to the indigenous fishermen, i.e. due to the boggy ground it was impossible to transport the needed equipment to these places. Therefore even the gravely limited fishing and hunting rights could not be fully exercised.

The restrictions have been justified by the existence of the Commander island biosphere reserve which has, according to indigenous representatives, been established without any consultation with the affected indigenous communities even though Russian federal law would have required the holding of a referendum.

According to a local indigenous activist, decisions concerning fishing quota have to be confirmed by the Federal government. Given that in 1997, the Committee has unequivocally emphasised the urgent need to fully guarantee access to food sources to indigenous communities, the State Party has clearly continued to breach its obligation to respect the Alëuts' right to feed themselves (by fixing inadequate quota) as well as to protect that right from violations by third parties (i.e. commercial fishing enterprises).

#### **5.3.2 Denial of fishing rights on Sakhalin island**

In 1997, parallel information submitted by FIAN and INFOE drew attention to the ongoing violation of the right to feed themselves of the Nivkha people living on the Far-Eastern island of Sakhalin. Information received by RAIPON confirms that up to the present, indigenous inhabitants are being denied access to indispensable sources of food and that people trying to execute their right to feed themselves are being persecuted by the local authorities.

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<sup>38</sup>Mir korennykh narodov, Vol 13, pp 69-72

In 2002, the indigenous inhabitants of Sakhalin were not granted any fishing quota for personal consumption of Siberian salmon (*keta*) and humpback salmon (*gorbusha*). For the majority of indigenous people living on the coast of Sakhalin, these species make up the basic source of traditional food. According to medical research data, the absence or reduction of this diet leads to various health defects amongst indigenous inhabitants and in particular amongst children. The rate of infection diseases is increasing, vaccinations do no longer yield full immunity and so forth. Furthermore, given the persistent high unemployment rate, fishing for the named species is virtually the only food source left.

Not having received any response to enquiries neither from the Russian federal government nor from the governor of Sakhalin oblast, the Sakhalin Association of Indigenous Peoples of the North recommended the indigenous inhabitants to exercise their right to feed their families. In response to these acts, the security organs started bringing up lawsuits against indigenous people who had followed the recommendation. Following serious public unrest and interventions by deputies of the Russian federal assembly, the regional authorities of Sakhalin settled the issue in an agreeable manner. Unfortunately, the whole process took three long months at the end of which the fishing season had passed. Consequently many families failed to catch the amount of fish necessary for the rest of the year.

It must be re-emphasised that fishing quota determined by the regional authorities have to be confirmed by the Russian federal government. Given that the problem of insufficient quota and unacceptable fishing conditions for indigenous people has been pressing for many years and has already been brought to the attention of the Committee in 1997, the State Party has most clearly and constantly failed to meet its obligation to respect the indigenous peoples access to sources of food and income.

### **5.3.3 Malnutrition in Bystrinskii Rayon, Central Kamchatka**

During the years of economic reforms following the collapse of the Soviet Union, the nutritional situation of the indigenous population of Central Kamchatka's Bystrinskii Rayon, mostly belonging to the Even and Koriak peoples, has continuously deteriorated.

Food offers in small private village shops and markets consist mostly of goods imported from Asian and European countries. Due to the high costs of transportation, the prices at which they are offered exceed those in the countries of origin by two or three times and are totally disproportionate to the small income of the indigenous people. Many of the offers are of poor quality.

Due to the sub-polar climate and the lack of means of production, the local agricultural sector is unable to provide adequate amounts of fresh food. Regional produce, including fruits, vegetables, milk and meat products are unaffordable to the indigenous people whose main cash sources are the low unemployment benefits and pensions. Therefore the indigenous population at large is left without access to high-quality vitamin-rich food.

Malnutrition has led to alarming health conditions. Tuberculosis, a disease typically found in conditions of extreme poverty, is gaining ground inexorably. Measures

taken to stop it from spreading further have largely failed to deliver. Without guaranteed access to adequate food, tuberculosis cannot be rooted out.

Many indigenous children suffer from chronic anaemia. Children fainting in their classrooms are no unusual sight. Free school meals have either been reduced (to a small breakfast, at best) or discontinued completely.

Thus, returning to tradition-based subsistence activities such as hunting, fishing and gathering is the only means to feed themselves left to the indigenous people. But at the same time, indigenous people trying to exercise their right to feed themselves and their families are often faced with the threat of legal persecution.

A large share of the forest and tundra areas of Bystrinskii Rayon is controlled by the State and belongs to a nature reserve known as Bystrinskii prirodnyi park. The administration imposes strict limitations concerning hunting and fishing activities. Quota are usually issued late in the year and fishing is allowed only during a very short period. Usually, the quota are insufficient for laying in stocks for the winter. Effectively, the indigenous people have no choice but to breach the imposed limits and engage in poaching in order to secure their access to adequate food.

At the same time, the administration tolerates large scale commercial fishing as well as touristic trophy hunting within the nature reserve. Furthermore, in order to exploit gold and nickel deposits, the boundaries of the reserve have been moved several kilometres. The impact on the salmon stocks as well as other sources of food is foreseeable.

Reindeer husbandry, once the main occupation of Evens and Koriaks, is on the decline. Since the late 1980s, the stock has declined from 20,000 to only 5,000 reindeer. As reindeer herders strive to revert this tendency, they have restricted slaughter to the amount necessary for their personal consumption. Thus, very little amounts of reindeer meat reach the local markets.

Indigenous people living in villages are virtually cut off from meat supply unless they have relatives living in the tundra or taiga that are engaged in traditional subsistence economy. Many say that they cannot even remember the very taste of reindeer meat.

#### **5.3.4 Malnutrition and poverty in Koriak autonomous okrug**

A testimony by Vladimir Vladimirovich Kovavna from the village Khaylino, Olyutorskiy District, Koriak Auton. Okrug.

Where have we gone? The population has shrunk from 1,500 people in 1985 to 875 in 2002. The main reason for the decrease is the emigration of the population to the “mainland” due to poor living conditions for the indigenous inhabitants as the result of a recession in production. Because of this there is a high unemployment (125 persons), drunkenness, and a high mortality rate. In the beginning of the 1980s, the number of reindeer amounted to 15,800, the production of venison amounted to 5,000 t, and 150 persons were employed in agricultural production, 12 of these in reindeer breeding. Other livestock included 200 head of cattle and 300 pigs, as well as 1,500 poultry.

Today, the number of reindeer is 2,000 and there are 18 cattle, of which 9 are cows. 18 people are occupied in agriculture, 15 of these with reindeer breeding. Reindeer have not been slaughtered for 4 years in a row. We receive almost no salary. With the number of reindeer not currently increasing and decent payment nowhere in sight, it is difficult to attract people to reindeer breeding. The people, especially former herders, have forgotten how to work, or rather don't want to. For them it is easier, and very cost-effective, to sell raw fish roe to the merchants and receive small unemployment benefits during the winter. And so it stays from one year to the next. On the river, and everywhere else, chaos reigns; there are many merchants and newcomers. Because of the roe business, lots of fish are thrown back into the river and onto the shore, and much is dug down in the earth. Hunting areas are assigned to representatives of the non-indigenous population because only they can pay for the licence and for the permit to bear weapons.

The villagers are very worried about the education of their children. We have no teachers for mathematics for the older classes, and therefore our pupils cannot qualify for higher educational institutions. The former head of the village administration sold the facilities which were reserved for the teachers. If anyone would like to start to work at school, there would be no place to live. The hospital does not have even the most necessary medicines; many people are suffering from tuberculosis. There is no possibility to bring the sick to the district's hospital for medical examinations.

From the beginning of the 1990s, the company ZAO Koryakgeoldobycha has been extracting platinum on our territory. Neither a villagers' assembly nor a referendum was carried out with the native population about the conditions of this work. Agreements about the enforcement of the work in our district were only made between the district's and the okrug's administrations, and ZAO Koryakgeoldobycha. In 2000, I collected signatures against the platinum extraction, but the head of the local administration tried to talk himself out of it. He said that nothing could be achieved against such enterprises like ZAO.

Now, taking courses at the Russian Indigenous Training Centre, I have become convinced of the opposite. It is possible to use the legislative acts for our benefit and to enlist the support of concerned organisations.

## 6 Conclusions and Recommendations

As a State Party to the International Covenant on Economic, Social and Cultural Rights, the Russian Federation has to meet its obligation to respect, protect and fulfil the right to food of all groups of its population. FIAN, RAIPON and INFOE are highly concerned that, like in 1997, breaches of the three types of obligations are to be deplored.

The state efforts should particularly address the specific difficulties faced by the vulnerable groups of the population. Among these groups, the present report has clearly identify the indigenous communities. Indigenous people are strongly affected by the consequences of the Soviet Union's collapse. More specifically, the Russian State neglects the infrastructures on which indigenous people have been made highly dependent, as well as it fails to set up emergency or support mechanisms for these citizens who face very harsh winters.

The economic, social, nutrition and health status of the indigenous peoples in the Russian Federation indicate that they need particular attention when the State designs social programmes. As this report clearly points out, the State fails to ensure that indigenous people as a vulnerable group have an adequate access to employment and income. It must be added that the social benefits such like retirement benefits or minimum wage are insufficient to ensure a decent living and to cover the basic needs.

In addition to the failures by the State to fulfil the right to food for these peoples and communities through specific measures and programmes, failures to meet the obligations to respect and protect the right to food of the indigenous communities are also to be deplored.

Indeed, In the Russian Federation, indigenous communities are frequently victims of deprivation of their traditional lands and territories. These territories are more than ever subject to speculation and exploitation for natural resources such as oil and gas. Highly dependent on its environment and the natural resources, the indigenous population is therefore directly and seriously affected by the loss of the rights on its lands and by the destruction of these lands due to exploitation by private companies.

For these reasons, we would like to remind the Federation of Russia of its obligations and the provisions of the ICESCR, especially

Article 1, which stipulates that :

1. *"All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.*
2. *All peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic co-operation, based upon the principle of mutual benefit, and international law. In no case may a people be deprived of its own means of subsistence.*  
";

and Article 2, which states that :

1. *"Each State Party (...) undertakes to take steps, (...), to the maximum of its available resources, with a view to achieving progressively the full realization of the rights (...).*

2. *The States Parties to the present Covenant undertake to guarantee that the rights enunciated in the present Covenant will be exercised without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. "*

Finally and in the light of the information provided by the present document, we would like to make the following recommendations to the Russian Federation :

1. The State should take the necessary measures to properly identify vulnerable groups living in its territory. More specifically, a new mechanism is needed to identify the indigenous communities and individuals who need the most the support of the State to gain or re-gain access to productive resources and to fully realise their right to adequate food. Once the vulnerable groups identified, the necessary measures such as adequate social benefits or the guarantee of land rights shall be adopted, implemented and monitored.
2. The Russian Federation has strongly developed the exploitation of oil and gas in the North and Western Siberia. These activities generate important profits. The increased revenues should be used at a maximum by the State Party to meet its obligations based on Article 11 of the Covenant.
3. The so-called TTPs legislation (legislation concerning "territories of traditional nature use of indigenous numerically small peoples of the North, Siberia and the Far East of the Russian Federation") could be a good opportunity to protect indigenous territories. According to the law on TTPs, such a mechanism is to be provided by a separate decree which still has to be drafted. This task was handed over to the Ministry of Economic Development, which has so far failed to meet its obligation. An adequate implementation mechanism should be set up as soon as possible.
4. Fishing quotas are determined by the regional authorities and have to be confirmed by the Russian federal government. Given that the problem of insufficient quota and unacceptable fishing conditions for indigenous people has been pressing for many years and has already been brought to the attention of the Committee in 1997, we recommend that the Russian federal State urgently take the necessary measures to comply with the Committee recommendations from 1997 and ensure an adequate access to food for indigneous communities depending on fishing activities to feed themselves.