

Submission to the Committee on the Elimination of  
all Forms of Racial Discrimination regarding

# **Discrimination against Shor communities in Myski municipal district, Kemerovo Oblast, Russian Federation**

Committee on the Elimination of all Forms of Racial  
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submitted by

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# 1 Executive summary

This submission has been jointly prepared by the civic organisation “Revival of Kazas and the Shor people”, representing displaced villagers of Kazas in Kemerovo oblast, Russian Federation, together with IWGIA, the International Work Group for Indigenous Affairs, an NGO in special consultative status with ECOSOC, based in Copenhagen, Denmark and the Institute for Ecology and Action Anthropology, Cologne, Germany. It draws attention to the situation of the former inhabitants of the village of Kazas, Myski municipal district of Kemerovo Oblast. Kazas is a now defunct hamlet of indigenous Shor people, wholly surrounded by open cast mining sites.<sup>1</sup> In the years before its final destruction, it had approximately 80 inhabitants. Before the arrival of mining, the number of residents was significantly higher.

The village has suffered a process of systematic destruction driven by mining interests, from which the local authorities have failed to protect. The villagers are now displaced, some are reported homeless. No adequate substitute land has been offered and no compensation provided that would enable the former inhabitants to rebuild their livelihood. Their main place of worship, the sacred mountain of Karagai-Nash, has been severely violated by mining. Access to the cemetery where their ancestors are buried is greatly impeded.

As described in detail in this submission, the process leading up to the village’s all-out destruction included:

- the abolition of Shor self-administration and the transfer of most of their ancestral land to a neighbouring municipality, excluding the Shor from decision-making on these territories,
- the ever closer encroachment of mining operations towards the boundaries of the village, making environmental conditions for the residents unbearable,
- the destruction of their ancestral territories and natural means of existence, including hunting grounds, pasture, livestock, fishing grounds and others,
- pressure from the administration to resettle without a resettlement plan or compensation,
- dismantling of the villagers’ public infrastructure and services by the authorities,
- armed checkpoints disrupting freedom of movement and
- a series of arson attacks in which several houses of villagers unwilling to sell their properties were destroyed.

Kazas is not the first Shor village to be destroyed by mining, and the victims of earlier involuntary relocations are still waiting to be rehabilitated. It is but one of many examples within the State party of an indigenous community being displaced for resource extraction. The submitters are concerned that it may also not be the last Shor village to be destroyed in this manner. Specifically, the neighbouring village of Chuvashka with several hundred inhabitants is feared to be facing a similar

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<sup>1</sup> See online map indicating location of Kazas and surrounding mines at <http://tiny.cc/kazas>

prospect. This would put the collective survival of the Shor as a distinct community in acute jeopardy.

Given the grave situation faced by the inhabitants of Kazas, the acute threat facing other Shor settlements, coupled with the State party's failure to address legacy issues, the submitters respectfully ask the UN CERD to activate its early warning mechanism and help restore the dignity and well-being of the displaced villagers, that is, by proposing that the State-party:

- ensure adequate substitute land for the displaced community, whose former land is no longer inhabitable, in accordance with CERD General Recommendation XXIII, Para V;
- ensure adequate compensation for all those who lost their property and their livelihoods in order to enable them to rebuild their lives;
- ensure that, in accordance with Art. XI, UNDRIP, effective redress is provided for the desecration and destruction of the sacred mountain in accordance with the demands of the villagers;
- ensure that indigenous people opposing mining activities are not subjected to reprisals from the authorities;
- ensure that the serious arson attacks in which houses of villagers refusing to sell their properties were destroyed are adequately investigated, perpetrators prosecuted and redress provided in accordance with UNDRIP Art. 8
- ensure that no further resettlement of existing Shor villages takes place without their Free, Prior and Informed Consent, and in particular that the village of Chuvashka is effectively protected from similar encroachment, pressure to relocate and destruction of their natural means of existence and of culturally and spiritually significant places;
- ensure that the legacy of earlier forced relocations of indigenous villages, including the village of Kurya, is adequately addressed and effective remedy provided;
- ensure that the local self-administration of the indigenous Shor communities, in accordance with UNDRIP Art. 4, is restored within its original boundaries,<sup>2</sup> and that they are able to assert control of their ancestral territories;
- ensure that local and regional authorities of Kemerovo oblast comply with their duty to protect the human rights of indigenous peoples against harm from business enterprises as set out in the UN Guiding Principles on Business and Human Rights;
- ensure that mining companies operating in or near indigenous peoples' territories comply fully with their responsibility to respect human rights as set out in the UN Guiding Principles on Business and Human Rights

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2 I.e. including those territories which, in 2007, were transferred to Orlovskoye Rural Settlement, see chapter on self-administration below

## 2 Background

### 2.1 The Shor people

#### 2.1.1 Demographics

The Shor people are one of the 40 Indigenous Minority<sup>3</sup> Peoples of the North, Siberia and the Far East, which the Russian Federation has officially recognised and whose protection is guaranteed by Article 69 of the constitution<sup>4</sup> as well as by three federal framework laws. Their continued existence as a distinct group is in jeopardy, for a variety of reasons, including, first and foremost, the ongoing destruction of their natural means of existence.

The demographic development of the Shor people since the arrival of the mining industry is a cause for concern.<sup>5</sup> While, until 1970, their numbers increased, they have steadily declined since. In 1970, 14,059 Shors lived in Kemerovo oblast, 12,585 in 1989<sup>6</sup> and only 10,672 in 2010<sup>7</sup>, marking a decrease of 24 per cent, reducing their proportion of the region's population from 0.5 to less than 0.4 per cent. Over the same period, the total population of Russia increased from 117.5 to 142 million, i.e. by 21 per cent.<sup>8</sup> In 2010, only 2,525 or 24 per cent of these were rural dwellers, while three quarters lived in urban settlements, where their culture is heavily marginalized and their language virtually extinct. In Myski municipality, where Kazas and Chuvashka are located, the number of Shors decreased by 20 per cent between 1970, when mining began, and 2002, which includes a decline in the rural population of 34 per cent. In 1970, 2,332 Shors lived in the territory and 1,753 in 2010. Over the course of only 8 years, (2002-2010) the number of Shor in Myski municipality decreased by 105.

#### 2.1.2 Shor Culture and language

The Shor speak a Siberian Turkic language and are culturally closely-related to Altaians and other South Siberian Turkic peoples. Like many indigenous peoples of Russia, the Shor traditionally espouse Shamanism, and their deep spiritual connection with their ancestral territories is expressed in ceremonies and sacrifices to the spirits of their forests and mountains. Their historic memory and mythology are preserved in their sagas, which are traditionally performed in throat-singing style to

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3 The term “minority” is used as a representation of the Russian term “malochislennyi” (“small in numbers”). This term is used in current Russian legislation to avoid the pejorative connotation associated with older expressions such as “small peoples” (“malye narody”) or “small nationalities” (“malye narodnosti”).

4 Article 69 reads: “The Russian Federation shall guarantee the rights of the indigenous small peoples according to the universally recognized principles and norms of international law and international treaties and agreements of the Russian Federation.”, see <http://constitution.ru/en/10003000-04.htm>

5 Full demographic details are available from: “Itogi vsereiusskoi perepisi naseleniia 2010 goda. Vypusk 5 (chast I), Natsional'nyi sostav naseleniia. Kemerovo 2013

6 See: *Vsesoyuznaya perepis naseleniia 1989 goda. Natsional'nyi sostav naseleniia po respublikam SSSR*, [http://demoscope.ru/weekly/ssp/sng\\_nac\\_89.php](http://demoscope.ru/weekly/ssp/sng_nac_89.php)

7 According to the last national census, in 2010 there were 12,888 Shors in the Russian Federation, of which 10,672 resided in Kemerovo oblast. 2010 census figures available from [http://www.gks.ru/free\\_doc/new\\_site/perepis2010/croc/perepis\\_itogi1612.htm](http://www.gks.ru/free_doc/new_site/perepis2010/croc/perepis_itogi1612.htm),

8 Summary results of the 1959 national census are available from [http://demoscope.ru/weekly/ssp/sng\\_nac\\_59.php](http://demoscope.ru/weekly/ssp/sng_nac_59.php) 2010 results are at [http://www.gks.ru/free\\_doc/new\\_site/perepis2010/croc/perepis\\_itogi1612.htm](http://www.gks.ru/free_doc/new_site/perepis2010/croc/perepis_itogi1612.htm)

the two-string Komys lute.

Their traditional economic activities include cattle breeding, hunting, fishing gardening and gathering as the main providers of food. Historically, the Shor have also been known for their highly developed smithery.

Today, the Shor are the most urbanized of Russia's indigenous minority peoples, with three-quarters living in urban settlements and only around 25 per cent in rural places.<sup>9</sup> By implication, they are particularly affected by cultural and linguistic assimilation.<sup>10</sup> As a vernacular, the Shor language is used exclusively in small settlements. These settlements are those most endangered by coal mining today.

### 2.1.3 Legal status

By decree of the Government of the Russian Federation No. 255 of 24 March 2000,<sup>11</sup> the Shor were included in the central register of indigenous minority peoples of the North, Siberia and the Far East of the Russian Federation. The legal framework protecting the basic rights of the peoples included in this list comprises Art. 69 of the Russian Constitution, which stipulates that: "The Russian Federation shall guarantee the rights of the indigenous small peoples according to the universally recognized principles and norms of international law and international treaties and agreements of the Russian Federation"<sup>12</sup> and three federal framework laws: the Federal Laws

- "On guarantees of the rights of indigenous minority peoples of the Russian Federation" of 30 April 1999,<sup>13</sup>
- "On Territories of Traditional Nature Use of indigenous minority peoples of the North, Siberia and Far East of the Russian Federation"<sup>14</sup> of 7 May 2001
- "On General principles of the organization of communities [obshchinas] of indigenous minority peoples of the North, Siberia and Far East of the Russian Federation"<sup>15</sup> of 20 July 2000.

These laws were enacted to provide a general framework for protecting the rights of the indigenous peoples of Russia to self-determination, the development of self-government, their economic, social and cultural development, for protecting their ancestral land and their traditional way of life.<sup>16</sup>

9 See 2010 census results, table "19. Razmeshchenie naseleniia korennykh malochislennykh narodov Rossiiskoi Federatsii", [http://www.gks.ru/free\\_doc/new\\_site/perepis2010/croc/Documents/Vol4/pub-04-19.pdf](http://www.gks.ru/free_doc/new_site/perepis2010/croc/Documents/Vol4/pub-04-19.pdf)

10 In the 2010 Census, 2,626 Shors indicated proficiency in the Shor language. However, since there is no breakdown by levels, the number of Shor actually fluent in their native tongue is most likely to be significantly smaller.

11 Postanovlenie Pravitel'stva RF ot 24 Marta 2000 No 255 "O Edinom perechne korennykh malochislennykh narodov Rossijskoj Federacii" (s izmenenijami i dopolnenijami)", <http://base.garant.ru/181870/>

12 See official English translation at <http://constitution.ru/en/10003000-04.htm>

13 Federal'nyj zakon ot 30 aprelja 1999 g. N 82-FZ "O garantiyakh prav korennykh malochislennykh narodov Rossijskoj Federacii", <http://constitution.garant.ru/act/right/180406/>

14 Federal'nyj zakon ot 7 maja 2001 g. N 49-FZ "O territorijakh tradicionnogo prirodopol'zovanija korennykh malochislennykh narodov Severa, Sibiri i Dal'nego Vostoka Rossijskoj Federacii" <http://base.garant.ru/12122856/>,

15 Federal'nyj zakon ot 20 ijulja 2000 g. N 104-FZ "Ob obshhikh principakh organizacii obshhin korennykh malochislennykh narodov Severa, Sibiri i Dal'nego Vostoka Rossijskoj Federacii" <http://base.garant.ru/182356/>

16 As framework laws, they are largely declarative and lack specific mechanisms for their implementation. Such

Essential rights of the indigenous Shor peoples protected either under national or international law include, among others:

- The right to self-determination as set out in the ICCPR, ICESCR and UNDRIP
- The right to participate in decision-making on issues concerning the protection of indigenous peoples' ancestral lands and traditional ways of life ("On Guarantees...", Art. 8, UNDRIP, Art 18)
- The right to establish bodies of territorial civic self-administration ("On Guarantees", Art. 11) and to community (obshchina) self-administration ("On General Principles...", Art. 1, also UNDRIP Art. 4)
- The right to be compensated for damages to territories traditionally used for their traditional economic activities or traditionally occupied by them, caused by economic activity by third parties ("On Guarantees", Art. 8, Para 8)
- The right to participate in monitoring compliance with federal and regional environmental legislation in the case of industrial use of territories traditionally used for their traditional economic activities or traditionally occupied by them ("On Guarantees...", Art. 8, Para. 3)
- The right to participate in the conducting of Ecological and Ethnological Expert Reviews during the development of state programmes concerning extraction of natural resources in territories traditionally used for their traditional economic activities or traditionally occupied by them ("On Guarantees...", Art. 8, Para. 6).
- The right to Territories of Traditional Nature Use (TTNU), which are to be established by the state authorities and local bodies of self-administration, in accordance with applications from citizens ("On Territories...")

By means of Government Decree No 631-r of 08 May 2009,<sup>17</sup> the village of Kazas, together with Toz, Chuvashka and Chuazas, were registered as places of traditional settlement and traditional economic activity of indigenous minority peoples of the North, Siberia and the Far East. The same decree also confirmed the registration of the types of traditional economic activities of indigenous minority peoples of the Russian Federation, listing nine kinds of activity, all of which have been practised by the Shor people for centuries, including Livestock breeding, beekeeping, fishing, hunting, gardening, gathering and smither.

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mechanisms were supposed to be later provided by additional by-laws. However, for the most part, these by-laws have never been enacted and many of the rights set out in these laws have remained theoretical. For a scholarly analysis of this topic, see Donahoe, Brian. "The law as a source of environmental injustice in the Russian Federation". *Environmental justice and sustainability in the former Soviet Union* (2009): 21.

17 Rasporjazhenie Pravitel'stva RF ot 08.05.2009 N 631-r <Ob utverzhdenii perechnja mest tradicionnogo prozhivanija i tradicionnoj khozjajstvennoj dejatel'nosti korennykh malochislennykh narodov. [http://www.consultant.ru/document/cons\\_doc\\_LAW\\_87690/](http://www.consultant.ru/document/cons_doc_LAW_87690/) or <http://docs.pravo.ru/document/view/5030299/4596112/>

## 2.2 History of Shor territory and Kemerovo oblast

In Imperial Russia, the Shor territory was included in Tomsk Governorate. As the young Soviet Union had pledged to respect the peoples' right of self-determination, many ethnically-defined autonomies were created in the 1920s. In 1926, a Mountain Shor National District was created covering much of the territories of today's Kemerovo oblast. Nation-building efforts such as native language literacy campaigns and the formation of a national *intelligentsia* were undertaken. However, the National District had been discontinued by 1939 and broken down into the Myski, Tashtogol and Kuzedeyevo districts.

The main driver of the dismantling of Shor self-administration was the ongoing development of the region's subsoil resources, including metals and coal, which led to a massive influx of non-indigenous workers and thus a swift and dramatic demographic marginalization of the Shor people within their ancestral territories, along with severe damage to their natural means of existence.<sup>18</sup> In 1943, Kemerovo oblast was created in an effort to increase metal and coal production, needed for the war. By the late 1940s, the Shors' population had already been reduced from 70 per cent (just ten years earlier) to only ten per cent.

## 2.3 Mining industry in Kemerovo oblast and Russia

Kemerovo oblast is Russia's number one coal mining region: raw materials account for almost 90 percent of its production, and more than 100 coal mining enterprises operate within the region, producing about 200 million metric tons of coal per annum, and accounting for 60 per cent of Russia's total production.<sup>19</sup> In 2013, Russia exported about 140 million tons or 45 per cent of its production. Most of the exports (106 million tons) originated from Kemerovo region. Russia exports coal to such countries as Great Britain, South Korea, Japan, Netherlands, Poland and Germany.<sup>20</sup> Over the last decade, the output of Russia's coal mining industry has quadrupled, while exports have tripled. Russia has the world's second largest coal reserves, accounting for 19 per cent of known global reserves. Coal mining in Kemerovo region is mostly open cast mining, with two-thirds of Kemerovo's coal being extracted on the surface. The Shor villages are located within the agglomeration around the Novokuznetsk metallurgical industrial hotspot, which state statistics have identified as one of the three most polluted places in the Russian Federation.<sup>21</sup> Mining produces huge amounts of wastewater, much of which is disposed of untreated into rivers. Only six percent of wastewater is treated such that toxin levels are below the allowed thresholds. Tailing ponds, quarry

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18 For a historical overview see Valerii Kimeev: "Zabytaia istoriia Shortsev", <http://www.lik-kuzbassa.narod.ru/Valeriy-Kimeev-is.htm>

19 Fond «Centr strategicheskikh razrabotok «Severo-Zapad»: Strategija social'no-jekonomicheskogo razvitiia Kemerovskoj oblasti na dolgosrochnuju perspektivu, Sankt-Peterburg 2007, <http://www.ako.ru/Ekonomik/strateg-2025.pdf>

20 See L.S. Plakitkina: Razvitie dobychi i eksporta uglja v osnovnykh stranakh mira i Rossii v period 2000-2013 (2012) gg. Vyzovy i ugrozy razvitiiju dobychi i jeksporta uglja v Rossii v perspektivnom periodee, in Gornaya Promyshlennost, Vol 2 (114) / 2014, pp. 6-12 [http://www.eriras.ru/files/Plakitkina\\_april\\_-1-.pdf](http://www.eriras.ru/files/Plakitkina_april_-1-.pdf)

21 See: *Rosstat nazval samye gryaznye goroda Rossii*, undated, [http://www.primgidromet.ru/news/rosstat\\_nazval\\_samye\\_gryaznye\\_goroda\\_rossii/](http://www.primgidromet.ru/news/rosstat_nazval_samye_gryaznye_goroda_rossii/)

lakes and mining dump heaps cover huge swathes of land.<sup>22</sup> These wastewaters contain large amounts of toxic chemicals such as petroleum products, phenols and heavy metals, significantly increasing the health risks for the Shor people, for whom fishing is one of the principal traditional economic activities and sources of their daily diet.

### **3 Acute human rights crisis affecting Shor communities in Myski municipal district**

#### **3.1 Shor communities deprived of self-administration**

The abolition of Shor self-administration in 2007 was a key step towards the present human rights crisis. The submitters hold that it constituted a breach of both Art. 11 of the Federal Law “On Guarantees ...”, 82-FZ of 30 April 1999, setting out the right of indigenous peoples to establish bodies of territorial civic self-administration and to community self-administration as well as of Art. 4 of the UNDRIP, setting out the right to autonomy or self-government in matters relating to internal and local affairs. As evidenced below, it has been key in enabling the alienation of their territories, resources and real estate, even the complete destruction of the village of Kazas.

The Chuvashka National Rural Council was established in 1992 as a form of local indigenous peoples’ self administration. Its territory of over 160,000 hectares included the predominantly Shor villages of Chuvashka and Kazas.<sup>23</sup> The 1997 statutes of Kemerovo oblast included a dedicated article guaranteeing the rights and freedoms of indigenous peoples in accordance with the norms of international law, which specified that indigenous peoples have the right to establish national municipal entities in their settlement areas. Nonetheless, the Shor self-administration was short-lived, and in 2002 the term “national” was removed from the designation of the rural council. In 2007 the regional parliament, the Council of People's Deputies of Kemerovo region, passed a decision abandoning the Rural Council, while the surrounding territory, containing the Shor ancestral land, was signed over to Orlovskoye rural settlement, which is administratively subordinate to Novokuznetsk municipal district.

Residents of the settlements Chuazas, Toz, Chuvashka and Kazas thus lost control of their ancestral lands, which are now administered from distant Orlovskoye settlement, whose inhabitants are unaffected by the impacts of mining. One of the few mechanisms by which the population can register objections against industrial projects affecting them is by participating in the public hearings, which are a mandatory part of the environmental impact assessment. In the recent case of Kiizasski Open Cast Mine,<sup>24</sup> the hearing was held in the settlement Orlovskoye, several dozen kilometres away from the Shor villages affected. Consequently, no representatives of the affected

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22 Ineca-Consulting: *Ocenka Vozdejstviya na Okruzhajushhuju Sredu Namechaemogo Stroitel'stva Ugledobyvajushhego Predpriyatija OOO «razrez Kijzasskij» na Uchastke Uregol'skij Uregol'skogo Kamennougol'nogo Mestorozhdenija v Kemerovskoj Oblasti. Kniga 1 Materialy Ocenki Vozdejstviya na Okruzhajushhuju Sredu*. Novokuznetsk, 2013: 271 pages [http://www.ineca.ru/download.php?about/news/2013/03/20/&OVOS\\_Razrez\\_Kijzasskiy\\_Book\\_1.pdf](http://www.ineca.ru/download.php?about/news/2013/03/20/&OVOS_Razrez_Kijzasskiy_Book_1.pdf)

23 See attached map and list of territories as approved by the Governor 1992

24 See the mine’s location at <http://tiny.cc/kazas> and in attached map Annex V

communities were present and the entire hearing was only attended by four citizens.<sup>25</sup>

### 3.2 Mining impacts on the Shor settlements of Kazas, Kurya and Chuvashka

The current ecological state of emergency in the Shor territories along the river Mras-su has developed since 1971 when the “Sibirginski” mine started operating along the river, displacing the indigenous inhabitants of the village of Kurya, of around 150 households, many of which eventually moved to Chuvashka. As the Shor writer Veniamin Boriskin remembers:

*“They immediately tore down a large Shor settlement, Kurya, to make way for coal extraction. Before our very eyes, on either side of the river Mras-Su they started removing the mountains which for centuries had fed the Shor people. Blasts were thundering, shaking the surroundings. The house was shaking. In the gardens, the vegetables began to wither early”.*<sup>26</sup>

Throughout its 150-year history, the neighbouring hamlet of Kazas has been predominantly inhabited by Shor. According to the recollections of the villagers, in the early 1970s, Kazas was a vibrant village of 50 farmyards, where every family had at least three children. They learned how to hunt and fish from an early age. They kept cattle and poultry and grew vegetables on their land. The village had a school and a grocery store. In 1985, Kazas had 119 registered residents, 2004, only 68 were left.<sup>27</sup>

When the Sibirginski mine started operating, the fields where the villagers of Kazas used to graze their cattle were confiscated to grow potatoes for the miners. The mine is today operated by the mining company, OOO Sibirga. To this day, the former inhabitants of Kurya have not been rehabilitated, have received no substitute land nor adequate compensation and have been provided no redress for the destruction of their sacred mountain. In December 2014, they submitted a joint appeal to the Mayor of Myski, reiterating their demands for effective remedy and redress.<sup>28</sup>

### 3.3 Rights to health, water and food violated

Kazas is located on the confluence of the Kazas and Mras-su rivers. Until the early 1970s, the Mras-su was still relatively clean although the water of the Kazas River, fed by mountain sources, was considered cleaner. The main source of drinking water was the Kazasik stream. It was also an

25 See documentation of the public hearings in Ineca-Consulting: “Ocenka Vozdejstvija na Okruzhajushhuju Sredu Namechaemogo Stroitel'stva Ugledobyvajushhego Predpriyatija OOO «RAZREZ Kijzasskij» na Uchastke Uregol'skij Uregol'skogo Kamennougol'nogo Mestorozhdenija v Kemerovskoj Oblasti Kniga 2 Materialy Obshhestvennyh Obsuzhdenij (ITOGOVIYJ Otchet)”, Novokuznetsk 2013, available from <http://www.ineca.ru/download.php?about/news/2013/07/04/&mat.pdf>

26 See Veniamin Boriskin: *Genotsid v Kazase*, 3 May 2012, <http://news.shor-people.ru/news/genocid-v-kazase.html>, See also IWGIA Briefing note *Coal mining in Kemerovo oblast, Russia*, [http://www.iwgia.org/iwgia\\_files\\_publications\\_files/0595\\_Coal\\_Mining\\_in\\_Kemerovo\\_Oblast\\_Briefing\\_note\\_Sept\\_201](http://www.iwgia.org/iwgia_files_publications_files/0595_Coal_Mining_in_Kemerovo_Oblast_Briefing_note_Sept_201)

27 Sadvoy, Nechiporenko and others, *Etnologicheskaya ekspertiza*, Vypusk 1, Otchenka vozdeistviya OOO “MetAl”, OAO “MMK” - “Magnitogorskii metallurgicheskii kombinat” i UK “Yuchnuy Kuzbass” (ctalnaya gruppa Mechel) na sistemy zhizneobespecheniya avtohtonnoho i russkogo naseleniya Chuvashinskoi selskoi administrachii MO “g. Myski” Kemerovskoi oblasti, 2005, Kemerovo, page 75

28 See attached letter of appeal, Annex XX

important source of food, where villagers would catch grayling, lenok and taimen. These species depend on the cold and clean water of the pristine and shallow mountain streams and cannot thrive in the warmer and muddier waters of the Mras-su. When the Mezhdurechenski mine was opened just three kilometres from Kazas, the fish started to disappear. The water became unfit for drinking and cooking, and the village had to be supplied with freshwater by other means. A well was drilled but the inhabitants found its bog water to be rusty, with a metallic taste, also unfit for drinking and instead used water from the Mras-su, boiling it before consumption. Since the arrival of the mining industry, however, this was also seriously polluted. Villagers reported that cattle had died after drinking untreated water from the Mras-su.

When another strip mine, the “Krasnogorsky”, was opened, the formerly pristine stream turned into a dead sewage course whose muddy water was poisonous to fish, cattle and humans. The whole time the village continued to be inhabited, the authorities and the mining companies failed to address this situation.

*“During meetings, the people constantly demanded that the authorities build a sewage treatment plant on the Kazasik. But they always responded that a biological water purification station was planned. Now the river has perished completely, the villagers have died out, and yet the project is still under preparation.”*<sup>29</sup>

Villagers also reported that since the mines were operating close to their territories, their gardens and their gardens and crops were constantly covered in yellow dust, carried over by the explosions to which they attribute increased levels of disease. Hunters reported that mining operations had virtually emptied their hunting grounds, depriving them of an important source of income.

In 2012, following manyfold complaints from villagers, the federal environmental agency, Rosprirodnadzor, conducted an investigation as a result of which, in 2013, it launched a procedure to revoke the mining license held by OAO Yuzhnaya, owned by the holding “Sibuglemet”. This was never completed, however. No data regarding water pollution or any other results of the investigation were ever published, suggesting that the state-party was acutely aware of the severe harm suffered by the villagers but failed to adequately protect their right to health and water.<sup>30</sup>

### **3.4 Freedom of movement violated**

In the 1980s, a checkpoint was erected on the road leading to the mine, which was also the only road leading to the village of Kazas. Initially, it was operated by security forces under the Interior Ministry but, later, private security firms took over. In order to access their own village, the residents would have to get monthly permits from the company or the village administration.<sup>31</sup>

29 See Boriskin, Ibid.

30 See “Rosprirodnadzor zapretit UK “Yuzhnaya” dobyvat’ ugol”, 26 June 2013, <http://gazeta.a42.ru/lenta/show/rosprirodnadzor-zapretit-uk-yuzhnaya-dobyivat-ugol.html>

31 For a short period, two checkpoints were operated, located closer to the entries to the mines, leaving a corridor to the village open. This shows that there was a feasible way of controlling access to its concession area without restricting the free movement of the villagers. However, probably for cost saving reasons, this arrangement was later reversed and the checkpoint blocking access to Kazas remains in operation to this day. Information from personal interviews during fact-finding mission

Armed security men would prevent anyone from passing unless they subjected to inspections of their cars and/or other quasi-police measures. In at least one recorded instance, the checkpoint refused entrance to an ambulance. Villagers have described the procedures at the checkpoint as humiliating and capricious. They regularly had their vehicles inspected, were compelled to produce their documents and questioned about the purpose of their travel. Allegedly, villagers known to lead the resistance against the mining companies are particularly subject to bullying and harassment. Representatives of the submitting organisations, when invited and accompanied by villagers in January 2015 were denied passage by the security forces.

### **3.5 OAO Yuzhnaya and the “Beregovoi” mine: lack of information, consent, adequate resettlement and compensation**

At the time of writing, the village of Kazas no longer exists. All houses except one, which is severely damaged, have been demolished or burned down. The villagers have been displaced, yet no effective redress or adequate compensation has been provided. This state of affairs is directly related to the issuing of a mining licence for the “Beregovoi” mine to OAO “Yuzhnaya”, a subsidiary of the “Sibuglemt” holding and subsequent failures on the part of the company to respect the rights of the inhabitants of the village and of the local authorities to protect their rights against abuse by third parties.

On 1 September 2005, the Federal Agency for Natural Resource Use of the Russian Environmental Ministry issued license KEM № 13273 TE for the “Beregovoi” deposit to the coal mining company OAO Yuzhnaya. This stipulated the resettlement of the inhabitants of 28 houses which were considered to be within the danger zone, i.e. less than 1,000 metres from the operations.<sup>32</sup> This was approximately half of the houses of Kazas. The inhabitants were kept completely unaware of this license condition and learned about it only retroactively in 2014 from the response of the public prosecutor of Kemerovo oblast to a complaint submitted by an inhabitant of Kazas<sup>33</sup>. According to this response, on 10 August 2012, the Administration of Myski municipal district and OAO Yuzhnaya concluded an agreement of socio-economic cooperation, which stipulated that the company should carry out the resettlement.

According to local informants, the villagers were not even informed of the decision to resettle them. Instead, the houses remained in place, although the environmental conditions around the village became unbearable, increasing the pressure to relocate “voluntarily”.

In 2011 alone, five more mining licenses were allocated and the “Beregovoi” mine started mining the Shors’ sacred mountain, the Karagay-Nash (see below) which, apart from its spiritual significance, had also shielded Kazas from the mine. The explosions were so close to the village that villagers would see the stones flying.

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32 See “Chto novogo my uznali o shorskom poselke Kazas”, 1 February 2015, <http://www.csipn.ru/korennye-narody-i-promyshlennye-kompanii/1528-chto-novogo-my-uznali-o-shorskom-poselke-kazas>

33 See letter from public prosecutor’s office, dated 30.12.2014, annex [...]

According to the villagers, and as also evidenced by photographic material, mining operations, including heavy explosions, were carried out as close as 700-800 metres from the village.

In addition, the city administration of Myski stopped providing drinking water and clearing of the road leading to the village in winter. It also discontinued all other public services and sold the village clubhouse to the mining company for a fraction of its value.

As noted above, the villagers were kept unaware of the agreement stipulating that the company should resettle 28 homes. Instead of offering a resettlement plan, the administration of Myski and OAO Yuzhnaya organised a gathering of villagers, held on 15 December 2012, during which villagers were asked to vote on the termination of the village and their voluntary resettlement. According to a documentary, the vote was announced only ten minutes before it was held.<sup>34</sup> According to the public prosecutor, 53 per cent of those registered in Kazas voted in favour of voluntary resettlement.

Given the spurious conditions under which the vote was conducted, it cannot be considered an expression of Free, Prior and Informed Consent (FPIC) as required by UNDRIP Art. 10 for any relocation. The villagers voted under pressure, rather than freely, and key information was withheld from them, including the content of the license and cooperation agreements. The vote was not held prior to the project approval but seven years after. Given that only slightly over half of the registered inhabitants voted in favour, the consent itself also remains incomplete. According to local witnesses, the protocol was hidden from the public and representatives of the village had to file complaints to gain access to it.

After the meeting, instead of developing a comprehensive resettlement plan, the mining company started negotiating and buying real estate from individual families. According to local informants, most of these families lacked legal and business skills and awareness of their rights and the mining company took full advantage of this. Since living conditions had become unbearable, the majority of villagers agreed to sell their properties, for which they received a mere fraction of the market price. The local and regional authorities denied any involvement and failed to intervene in the process to ensure an orderly resettlement, maintaining that no formal decision to relocate the village had been taken. The villagers thus forfeited most of their possessions. Many relocated to the city, where they spent much of the money they had received on (temporary) housing.

By November 2013, just five families were continuing to withstand the pressure. According to witnesses, the director of OAO Yuzhnaya Ilgiz Khalimov met with them on 2 November 2013, where he was heard saying that: "If they don't sell their houses and estates to Yuzhnaya, then the houses might burn down."<sup>35</sup> Soon thereafter, arson attacks started: the first house was burnt down on 26 November 2013,<sup>36</sup> the second on 29 December,<sup>37</sup> the third and fourth on 15 January 2014,<sup>38</sup>

34 See: "Tsena. Samaya polnaya informatsiia o Kazase", published 23 September 2014, <https://www.youtube.com/watch?v=y3WXcXB4c1w>, timestamp 12 minutes, 47 seconds

35 This incident is on record as it was later reported to the public prosecutor

36 The house was owned by Yuri Stepanovich Kastrakov, street address: Oram 15

37 Owner: Vladimir Illarionovich Tokmagashev, street address: Oram 6

38 Owner: Rita Innokent'evna Muchekova, street address: Oram 48, owner: Alexander Ivanovich Tokmagashev, street

and the last on 5 March 2014.<sup>39</sup> Another house owned by two underage orphans was bulldozed by OAO Yuzhnaya and even the top soil was excavated and carried away.<sup>40</sup> Meanwhile, the law enforcement agencies have failed to identify any of the perpetrators behind the five arson attacks, even though they arrived by car and must have passed through the armed checkpoint to reach the village.

All these incidents are well documented, including video footage of the demolitions of homes in Kazas.<sup>41</sup> Russia should therefore have taken the necessary action to protect and fulfil the rights of the Shor, including their rights to health, subsistence and housing. Failure to do so is a clear violation of its obligations under the ICCPR.

While the arson attacks were still going on, on 24 December 2013, the Council of People's Deputies of Myski in its decision number 33 noted determined, that the resettlement of the village had been successfully completed, despite the absence of any resettlement plan or substitute land. On 24 January 2014, during a meeting of the indigenous movement "Shoria", Yuzhnaya's director, Khalimov, publicly noted that: "You Shors have sold your homeland for two kopecks," thereby inadvertently confirming that the prices paid by Yuzhnaya had been wholly inadequate.

Nonetheless, the purchases are unlikely to be challenged on the grounds of domestic legislation. Only two agreements concluded with underage orphan girls have any prospect of being eventually declared null and void.

The villagers have been assigned 40 hectares of substitute land which is, by all accounts, unviable and in no better condition than the territory they had to leave. No land has been assigned for their traditional subsistence activities. In addition, they have not been provided compensation enabling them to rebuild their houses, and since the prices at which they sold their old properties to the mining company were grossly inadequate, most villagers do not have any savings left that would allow them to do so.

As the letter from the public prosecutor dated 30 December 2014 shows, the local authorities deny all responsibility, claiming that a formal decision to expropriate the villagers and to seize their lands for municipal or state needs was never taken. Further, they claim that the villagers have resettled and sold their properties voluntarily. This has allowed the authorities to escape the obligation of carrying out an orderly resettlement, ensuring that no resettlement of indigenous peoples takes place without their Free, Prior and Informed Consent and that they receive adequate resettlement land and are duly compensated and enabled to maintain at least their prior level of well-being.

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address Oram 33

39 Owner: Yuri Ivanovich Bubentsov, street address: Oram 22

40 Notes about the arson attacks and demolitions of houses in Kazas: *Kazas vyzhigayut*, <http://shoria.info/new-shoria/myski/material/kazas-vyzhigayut>, Unichtozhenie Kazasa (Shorskaya derevnya) <http://shoria.info/new-shoria/myski/material/unichtozhenie-kazasa-shorskaya-derevnya>, Kemerovskie ugolshiki rasshiryayut razrezy za schet podzhigayemykh zhilykh domov, (16 January 2014) [http://www.kasparov.ru/material.php?id=52D65190AF816&section\\_id=43452BE8655FB&subject\\_id=163](http://www.kasparov.ru/material.php?id=52D65190AF816&section_id=43452BE8655FB&subject_id=163) Natsaktsent.ru: V shorskom poselke Kazas zagorelsya eshcho odin dom. (15 January 2014), <http://nazaccent.ru/content/10289-v-shorskom-poselke-kazas-zagorelsya-eshe.html>,

41 See "Unizhtozhenie Kazasa (shorskaya derevnya)" <http://www.youtube.com/watch?v=X0hTYtacHHs>

### 3.6 Desecration of indigenous peoples' sacred sites

The “Bare Mountain” (Russian: Lysaya Gora, Shor: Karagay-nash) was the most significant sacred site and place of worship for the Shor community of Kazas and has been entirely destroyed by strip mining operations. For the inhabitants of Kazas, the mountain was considered the seat of an extraordinarily powerful spirit which protected Kazas and guarded their lives from birth to death. They held special ceremonies (Chyl-Pazhi) to pay their reverence to the spirit; they also worshipped it during their national holidays (Payram, Myltyk) as well as individually, to ask for its assistance in their personal matters. The Mountain Spirit unites within it the powers of three elements: Tar-Ezi (the Mountain element), Su-Ezi (the Water element) and Ot-Ezi (the Fire element).

Shor informants confirm that Shor from all walks of life maintain their belief in these spirits. In particular, they point out that a failure to pay their respects to the spirits constitutes an insult to the ancestors. Nonetheless, the Shor are generally cautious to display this publicly in mainstream society for fear of being subjected to insult and ridicule. This is rooted in their historical experience, especially from the Soviet era. Their experience is that publicly defending their sacred sites is met with repression or public defamation.<sup>42</sup>

It is clear that both the administration of Myski and the mining companies were fully aware of the sacred status of the mountain. The Shamanist traditions and the cosmology of the South Siberian Turkic peoples are well attested in ethnographic works.<sup>43</sup> When, in the mid 1970s, the “Mezhdurechenski” mine started its operations, the villagers were worried about possible harm to the mountain and therefore approached the director of the mine, who promised to ensure that the mountain would remain unharmed. The administration of the Myski municipality has the post of a vice-head of administration on indigenous affairs, which has always been staffed by a Shor representative who could not, according to informants, have been unaware of the mountain's sacredness.

## 4 Suggestions

The encroachment of mining onto indigenous peoples' lands has brought devastation, relocation, dispossession, desecration of sacred sites and homelessness to the Shor community of Kazas, Kemerovo oblast. It has also caused the destruction or decay of other Shor communities, such as the village of Kurya, and threatens the future of other Shor settlements, in particular Chuvashka, putting the very survival of the Shor language and culture at risk. We believe that actions taken by mining companies and actions, and the omissions of the regional and municipal administrations, have led to a situation where the Shor community is in imminent danger of extinction as a distinct group, due to loss of territory, culture, language, physical health and wealth. This case is, furthermore,

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42 According to informants, this happened when Shors objected to the erection of an Orthodox cross on the top of another sacred mountain, the Mustag.

43 See for instance the chapter “Вода, Горы И Лес По Воззрению Турецких Племен Алтайско-Саянского Нароя” (Waters, Mountains and Forest in the World View of the Turkic Tribes of the Altai-Sayan Mountains), In: Н.П. Дыренкова: Тюрки Саяно-Алтая Статьи И Этнографические Материалы (N.P. Dyrenkova Turkic Peoples Of Sayano-Altai: Articles And Ethnographic Material, Sankt-Peterburg, «Nauka» 2012, pp. 131-188

symptomatic of a widespread pattern of discrimination against indigenous peoples in the Russian Federation in the context of resource extraction.

We therefore respectfully ask that the Committee consider the situation described herein at its 86 session to be held in April/May 2015. In particular, the submitting organizations respectfully suggest a number of actions which they believe would help address the immediate concerns of the Shor and other indigenous peoples in the Russian Federation and prevent continued serious violations of the Convention:

1. Recommend that the State party set up a commission of inquiry in order to investigate the obliteration of Shor villages, including Kurya and Kazas, and the displacement of Shor villagers due to open cast mining in Novokuznetsk oblast;
2. Request the State party to ensure that those displaced by the mining operations receive an adequate and ecologically sound resettlement territory, suitable for the pursuance of their traditional economic activities at a location of their choosing;
3. Request the State party to ensure that those affected by past forced displacement due to open cast mining, including former inhabitants of Kurya and Kazas, are awarded fair and adequate compensation for the loss of their property, in accordance with General recommendation XXIII on the rights of indigenous peoples;
4. Request the State party to ensure that a new village is built for the former inhabitants of Kurya and Kazas and other Shor villagers displaced by past mining operations at the substitute territory thus provided;
5. Request the State party to ensure that, in accordance with Art. XI, UNDRIP, effective redress is provided for the desecration and destruction of the sacred mountain in accordance with the demands of the villagers;
6. Request the State party to ensure that indigenous people opposing mining activities are not subjected to reprisals from the authorities;
7. Request the State party to ensure that the serious arson attacks in which houses of villagers refusing to sell their properties were destroyed are adequately investigated, perpetrators prosecuted and redress provided in accordance with UNDRIP Art. 8
8. Urge the State party to ensure that no further resettlement of existing Shor villages takes place without their Free, Prior and Informed Consent, and in particular that the village of Chuvashka is effectively protected from similar encroachment, pressure to relocate and destruction of their natural means of existence and of culturally and spiritually significant places; Urge the State party to ensure the recultivation of Shor ancestral lands within Myski municipal district affected by the activities of mining companies;
9. Request that the State party restore the local self-administration of the indigenous Shor communities, in accordance with UNDRIP Art. 4, within its original boundaries, and that

they are able to assert control of their ancestral territories;

10. Recommend to the State party to ensure that local and regional authorities of Kemerovo oblast comply with their duty to protect the human rights of indigenous peoples against harm from business enterprises as set out in the UN Guiding Principles on Business and Human Rights;
11. Recommend to the State party to ensure that mining companies operating in or near indigenous peoples' territories comply fully with their responsibility to respect human rights as set out in the UN Guiding Principles on Business and Human Rights

## 5 Annexes

### 5.1 Annexed documents

These documents have been submitted to CERD in electronic form. They are also accessible from <http://tiny.cc/kazasannexes>

- I. Appeal by former inhabitants of Kurya village to Mayor of Myski
- II. Letter of appeal by residents of Kazas to president Putin and governor Tuleyev, dated 17 January 2015
- III. Map of Chuvashka Rural Council territory, as confirmed 1992
- IV. List of territories within Chuvashka Rural Council, as confirmed 1992
- V. Map of Chuvashka, Kazas and surrounding villages, from EIA for Kiizasski mine (russian)
- VI. Photographies of Kazas before and after its demolition by Kazas resident Nelly Tokmagasheva
- VII. Response from public prosecutor, dated 30 December 2015 to inquiry from residents of Kazas
- VIII. Appeal to member of State Duma Valuev

### 5.2 Web-based material on Kazas

1. Interactive map showing Kazas, Chuvasha, the sacred mountain and the surrounding mines: <http://tiny.cc/kazas>
2. In April 2014, citizens of Myski made a joint video appeal to President Putin, denouncing the destruction of their natural environment, and blatant violations by mining companies such as the holding of mock consultations without public consultation and what they referred to as an ongoing genocide against the Shor people. <https://www.youtube.com/watch?v=oir9XflmYAA>
3. The 2014 Russian language documentary "Tsena" ("the Price") offers the most complete and accurate compilation of information about the situation that is unfolding. It was shot shortly before the village was entirely depopulated: <https://www.youtube.com/watch?v=y3WXcXB4c1w>
4. "Condemned" is short documentary made by the Russian environmental watchdog "Ecodefense". The movie is in Russian but has English subtitles. <https://www.youtube.com/watch?v=m6numrY6rSk>

### 5.3 Background on Indigenous peoples in the Russian Federation

Johannes Rohr: Indigenous Peoples in the Russian Federation. IWGIA Report 18 (Copenhagen 2014). Available for download from [http://www.iwgia.org/publications/search-pubs?publication\\_id=695](http://www.iwgia.org/publications/search-pubs?publication_id=695)