



REFERENCE:CERD/GH/cg/ks

15 May 2015

Excellency,

I write to inform you that in the course of its 86<sup>th</sup> session, the Committee on the Elimination of Racial Discrimination received information on recent developments regarding the situation of the indigenous Shor people in Myski municipal district, Kemerevo Oblast, submitted by non-governmental organisations. The information alleges that the predominantly Shor village of Kazas has been destroyed by mining activities and that further predominantly Shor villages, in particular the village of Chuvashka, are currently at risk to be destroyed in the same way, which, the submitting organizations claim, would put the collective survival of the Shor as a distinct community into acute jeopardy and requires an urgent response.

According to the information received, the Chuvashka National Rural Council, a form of local peoples' self-administration, the territory of which constituted ancestral Shor land and included the predominantly Shor villages of Chuvashka and Kazas, has been abolished by the regional parliament in 2007, leading to the territory being signed over to Orlovskoye rural settlement.

The organizations submitting information claim that mining activities since 1971 have had severe environmental impacts on Shor settlements of Kazas and Kurya, including the contamination of the Kazasik stream, and have furthermore severely scarred and damaged the mountain of Karagai-Nash (Russian: Lysaya Gora), which is the main place of worship of the Shor community of Kazas as well as severely impeded access to the cemetery where the villagers' ancestors are buried. Furthermore, according to the information before the Committee, in 2011, the administration of Myski allegedly stopped providing drinking water to the village of Kazas and discontinued all public services, and since the 1980s the villagers of Kazas had been forced to pass through an armed checkpoint to reach their village.

His Excellency Mr. Alexey Borodavkin  
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The information received sets out allegations that in 2005, the Federal Agency for Natural Resource Use of the Russian Environmental Ministry issued the mining license “KEM No 13273 TE” to the coal mining company OAO Yuzhnaya for the “Beregovoi” mine, which stipulated the resettlement of over half of the houses of Kazas. The inhabitants of Kazas were allegedly kept unaware of this license condition. In December 2012, allegedly 53 % of the inhabitants of Kazas voted in favour of the termination of their village and their resettlement.

The Committee is concerned at allegations that the inhabitants were asked to vote 10 minutes after announcement of the vote, which, if true, severely infringes their free, prior and informed consent. Moreover, the Committee is concerned that allegedly no resettlement plan was offered, and that the villagers have allegedly solely obtained 40 hectares of substitute land which is in inadequate condition.

The Committee is furthermore concerned about information that in 2013, following an investigation conducted after manifold complaints by villagers in 2012, the federal environmental agency Rosprirodnadzor allegedly revoked the mining license “KEM No 13273 TE” held by OAO Yuzhnaya, a decision which however was never enforced.

In addition, the Committee is concerned that between November 2013 and March 2014 the five remaining houses of Kazas were allegedly destroyed by arson attacks and that perpetrators have so far not been identified. The Committee is also concerned that Shor activists allege to be currently subjected to discrediting and intimidations.

The Committee is concerned that these allegations, if verified, could hinder the full enjoyment of rights under the Convention. In this regard, the Committee refers to its General Recommendation 23 on the rights of indigenous peoples in which the Committee calls upon the State parties “to recognise and protect the rights of indigenous peoples to own, develop, control and use their communal lands, territories and natural resources and, where they have been deprived of their lands and territories traditionally occupied otherwise inhabited or used without their prior, free and informed consent, to take steps to return those lands and territories”.

The Committee recalls its recommendation to the State party (CERD/C/RUS/CO/20-22), particularly paragraph 20 (d) where it recommended to ensure that indigenous communities are effectively and meaningfully consulted through their freely elected representative bodies for any decisions that may impact them and that adequate compensation is provided to communities that have been adversely affected by the activities of private companies, in accordance with the Committee’s general recommendation No. 23 (1997) on the rights of indigenous peoples.

The Committee also refers to the recommendations by the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, following his visit to the Russian Federation from 4 to 16 October 2009, (A/HRC/15/37/Add.5), in particular paragraph 85, which recommended to the State party that “additional federal legislation is needed to regulate the interaction between industrial and extractive enterprises and indigenous communities, with a special emphasis on the right of indigenous peoples to be effectively consulted about industrial activities affecting them, and the right to compensation and mitigation measures. The federal legislature should develop standards and models for consultation mechanisms between indigenous peoples and industrial and extractive industries, in accordance with relevant international standards, and should enact a requirement for ethnographic impact assessments and ensure that ecological resources are shared with a view towards their sustainable long-term usefulness. It is essential to note that indigenous peoples’ right to be consulted about decisions that affect them should be protected whenever industrial development affects their communities, even when there is no established territory of traditional nature use or other recognized land use entitlement”.

In accordance with Article 9 (1) of the Convention and article 65 of its Rules of Procedure, the Committee requests that the State party submit information on all of the issues and concerns as outlined above by 31 October 2015, as well as on any action already taken to address these. In particular, it requests that the Russian Federation provide information on how and to what extent the Shor people have been effectively consulted regarding the granting licenses to extractive industries and on measures taken to provide them with adequate compensation for the loss of land. Furthermore the Committee would appreciate receiving information on measures taken to appropriately relocate the former inhabitants of Kazas and ensure their unimpaired access to the cemetery where their ancestors are buried. It recommends that the State party take all necessary measures to ensure the safety of the Shor activists and to protect them from any forms of harassment, intimidation and threat.

Allow me, Excellency, to express the wish of the Committee to continue to engage in a constructive dialogue with the Government of the Russian Federation, with a view to provide it with assistance in the effective implementation of the Convention.

Yours sincerely,



José Francisco Calí Tzay  
Chair

Committee on the Elimination of Racial Discrimination