

Expert Mechanism on the Rights of Indigenous Peoples

Office of the High Commissioner for Human Rights
Palais des Nations
CH-1211 Geneva 10
Switzerland

5 April 2019

Re: Transfer of reindeer pastures to a hunt club by the Russian government without the free, prior and informed consent of indigenous peoples

Dear Members of the Expert Mechanism on the Rights of Indigenous Peoples,

We are writing to you on behalf of the Foundation for Saami Heritage and Development and the indigenous-led economic initiative – the farm “Reindeer Herder”. We welcome the upcoming 12th Session of the Expert Mechanism and your efforts in promoting respect for indigenous peoples’ rights. We appreciate the opportunity to make this written submission to you in order to respectfully request your intervention in the situation concerning transfer of lands used by indigenous peoples to a hunt club.

For more than 10 years the Russian authorities have failed to respect our human rights, have negotiated with us in bad faith and have not ensured our free, prior and informed consent to the activities that would have significant implications for wildlife diversity and ultimately for our subsistence economy and traditional activities.

The farm “Reindeer Herder” is based in Lovozersky municipal district in Murmansk region located in North-West Russia. It is a collective farm that employs 61 individuals belonging to indigenous peoples of Saami and Izhma-komi. These individuals live and work in the villages of Krasnoshchyelye and Kanevka in Lovozersky district. The farm has operated in Lovozersky district since 1920s.

Historically this land has been populated by indigenous peoples who engage in traditional activities. Later the federal government officially recognized the entire Lovozersky municipal district as a place of inhabitation and traditional economic activity of indigenous small-numbered peoples (Decree of the Government of the Russian Federation of 8 May 2009 No. 631-p).

Since 2005, the farm has been trying to obtain a long-term rent contract with the regional government for the lands that it has traditionally used for forest grazing, which include territories of wild and farm reindeer pastures and wintering grounds for breeding animals. Indigenous peoples never hunt on these lands to avoid disturbing the reindeer migration routes and to protect female reindeers foraging there before giving birth to their calves. Nevertheless, Murmansk regional administration has consistently refused to survey the land plot and lease it to the farm, offering the farm to survey it at their own expense and then try to purchase it at a public land auction (*Annex 1*).

In December 2016, the authorities also ignored the farm's suggestion not to approve the scheme of hunting areas that include reindeer pastures, and to prohibit wild reindeer hunting in Lovozersky municipal district of Murmansk region (*Annexes 2 and 3*).

However, on 26 November 2018, the Ministry for Natural Resources and Ecology of Murmansk region opened an auction for the hunting area of 72 715,66 ha. in Lovozersky district covering, *inter alia*, the reindeer pastures and wintering ground in question. The hunt club "BEZRK" from Belgorod region won the rent contract for the term of 30 years with the annual rental rate of RUB 3 424,91 (approximately EUR 47).

The auction was held without notifying the local indigenous community and the farm "Reindeer Herder", and lacked adequate consultation procedures. In fact, regional administration excluded us from the decision-making process and ignored indigenous peoples' priority rights to wildlife stipulated in Art. 49 of the Federal Law of 24 April 1995 "On Wildlife" (*Annex 4*) and the right to the free use of lands needed for traditional economic activity provided by Art. 8(1)(1) of the Federal law of 30 April 1999 No. 82-FZ "On the Guarantees of Indigenous Small-Numbered Peoples' Rights" (*Annex 5*).

Under these circumstances, granting our lands to a hunt club violates our right to free, prior and informed consent, including our right to be adequately consulted in good faith about projects that affect indigenous peoples, and to give or withhold our consent to such projects.

By allowing hunting in Lovozersky district and transferring the land to the hunt club, Russia is not complying with its international obligations under Articles 5(a), 5(d)(v) and (5)(d)(vi) of the Convention on the Elimination of All Forms of Racial Discrimination, Articles 6(1)(a), 6(3) 14 and 17(2) of the Convention concerning Indigenous and Tribal Peoples in Independent Countries, as well as Articles 18, 19, 26, 27, 29(1), 32 and 38 of the Declaration on the Rights of Indigenous Peoples.

We believe that the expression of concern by the honourable members of the Expert Mechanism would help convince the Russian government to reassess its authorisation of hunting on the lands used by indigenous peoples for reindeer herding and to register the farm's rights to these lands.

For these reasons we

- respectfully request that the Expert Mechanism' experts investigate the issues identified in this submission and call on the Russian Federation to ensure the protection of our human rights;
- invite the Expert Mechanism' experts to assess the absence of consistent legal framework on consultation procedures with indigenous peoples in Russia in breach of its international obligations, and to report this issue to the Human Rights Council;
- kindly ask the Expert Mechanism' experts to assist us in starting the dialogue with the Government concerning the scheme of hunting areas in Murmansk region.

We are also sending this submission to the Permanent Forum on Indigenous Issues and to the UN Special Rapporteur on the rights of indigenous peoples as the issues raised in this letter are also relevant to those mandates.

We thank you for your attention on this pressing issue. We are willing to provide you with any further information if necessary.

Annexes:

1. Letter of the Ministry for Natural Resources and Ecology of Murmansk region of 22 December 2016 No. 30-05/8714-ЛС (in Russian, 2 p.);
2. Letter of the farm "Reindeer Herder" of 30 November 2016 No. 01-01/12 (in Russian, 2 p.);
3. Letter of the Ministry for Natural Resources and Ecology of Murmansk region of 15 December 2016 No. 15-47/24543 (in Russian, 2 p.);
4. Art. 49 of the Federal Law of 24 April 1995 "On Wildlife" (in English, 2 p.);
5. Art. 8(1)(1) of the Federal law of 30 April 1999 No. 82-FZ "On the Guarantees of Indigenous Small-Numbered Peoples' Rights" (in English, 1 p.).

Sincerely,



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