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**Annual report of the United Nations High Commissioner
for Human Rights and reports of the Office of the
High Commissioner and the Secretary-General**

Written statement* submitted by Society for Threatened Peoples, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[20 May 2022]

* Issued as received, in the language of submission only. The views expressed in the present document do not necessarily reflect the views of the United Nations or its officials.

Violations of Indigenous Land Rights by Nornickel and the Russian State

The traditional way of living of the indigenous communities of the Russian Arctic is increasingly under threat: besides suffering from severe effects of climate change, they are affected by the industrial exploitation of natural resources and the associated pollution. In May 2020, near the city of Norilsk in Siberia, 21,000 tons of diesel were spilled from a defective tank owned by Nornickel, the world's largest producer of palladium and nickel, into the tundra, resulting in the heavy pollution of two rivers. This incident is one of the worst environmental disasters ever inflicted upon the Arctic. However, it is by far not the only one: Every year, around two million tons of toxic sulphur dioxide escape from Nornickel's smelters and shortly after the oil spill in May 2020, wastewater contaminated with toxins was pumped into the Charajelach river in Talnakh.¹⁾ In addition, in July 2020, 44.5 tons of kerosene found their way into the environment due to a leak in a pipeline at Nornickel's subsidiary Norilsktransgaz.²⁾ Nornickel's business practices are characterized by a catastrophic neglect of the infrastructure, disregard of safety and human rights standards, illegal disposal of toxic waste and resistance to modernisation. The repeated pollution of the environment is slowly poisoning the ecologically sensitive habitat of the indigenous communities and endangers even their subsistence. With the government showing no intention of protecting the rights of indigenous peoples, financial profit seems to be the only priority.

Instead of establishing a dialogue on an equal footing with the indigenous communities and listening to their concerns, the company only collaborates with indigenous representatives compliant with them. While local indigenous communities report major bureaucratic obstacles for receiving compensation, financial aid only goes to indigenous organisations and groups that are loyal to the company. This strategy of collusion is a particularly worrying aspect. Nornickel established an indigenous council composed of indigenous community members affiliated with and often paid by the company. Its role is to legitimise the interactions of the company with the indigenous communities. Indeed, the company presents indigenous employees as if they were representing the interests of the indigenous communities, despite the fact that they actually act on behalf of the company. This is a pretence through which Nornickel appears to show its support to the indigenous communities. However, this is a strategy through which the company is dividing the indigenous communities and making it difficult for them to create a commitment to claim their rights.

At the end of 2020, Nornickel began collaborating with the Association of indigenous small numbered peoples of the North, Siberia and the Far East (RAIPON) which claims to represent the interests of forty-one indigenous communities in Russia. The NGO is chaired by Grigori Ledkow, a close ally and a member of parliament for Vladimir Putin's United Russia party. Together, Nornickel and RAIPON are currently implementing a five-year program for the promotion and development of indigenous communities on the Taymyr peninsula. The costs will amount to more than 2 billion roubles (25 million Dollars). Additionally, Nornickel has established a department for indigenous affairs and initiated an "ethnological expert review", working closely together with RAIPON.³⁾ It is obvious that the measures are aimed at improving Nornickel's public image in response to the diesel oil spill. The company has repeatedly been accused of buying influence and consent through its funding program. Reportedly, Nornickel only speaks to those indigenous representatives who portray Nornickel in a good light towards the outside world. Those who ask inconvenient questions about breaches of regulations and other issues are excluded.⁴⁾

Additionally, the funding program addresses social, cultural and infrastructural projects, whilst the truly important questions about land, resources and compensation mechanisms are not seriously addressed by Nornickel.⁵⁾

Striking is the fact that the affected communities' free, prior, and informed consent has not been obtained in any of these support measures. The company continues to disrespect FPIC-procedures. Accordingly, together with the state-related NGO KMNSOYUZ (Association of

Indigenous Peoples Union), JSC Norilsktransgaz (the gas transmission subsidiary of Nor Nickel) and the residents of the village of Tukhard have jointly agreed on a planned resettlement of their village. Ostensibly, the indigenous communities have given their free prior and informed consent to relocate their houses. However, behind the resettlement plans is an actual need to relocate the residents in order to install a sanitary protection zone and not at all a choice.⁶⁾

A similar scenario now seems to be emerging again in the context of a planned mining project to extract Russia's most promising known lithium deposit (Kolmozerskoye deposit). It is located on the Kola Peninsula in the Murmansk Region. Nor Nickel signed a cooperation agreement with the Russian state nuclear energy company Rosatom to extract the reserves. The two partners emphasize in advance their willingness to consult with the indigenous Sami.⁷⁾ Nor Nickel likes to highlight its commitment to FPIC, but it again gives the impression that the outcome of the consultations is a foregone conclusion. The emphasis on the strategic importance of lithium extraction on Russian territory dominates.⁸⁾ Moreover, Nor Nickel and Rosatom hope to obtain a mining permit from the Russian state already by the end of this year.⁹⁾ It must be feared that the intended FPIC process is once again not serious. The credibility is questionable because the affected Sami communities have not even been contacted directly by the companies, although this is propagated by Nor Nickel and Rosatom.

Nor Nickel appears ready to take more drastic steps to silence indigenous communities. On February 6, armed state security forces, raided homes in Ust-Avam, a Taimyr-village situated in the polluted area where Nor Nickel has its operations. Indigenous communities there have repeatedly been protesting against the mining and smelting giant.¹⁰⁾ The armed group confiscated all the community's meat, which has never been given back. No legal foundation was presented justifying the raids.¹¹⁾ The communities much depend on the confiscated meat. The raids significantly influence the security of the indigenous peoples of the region and affect the community's opposition of Nor Nickel's practices.

These incidents highlight how the legal framework of the Russian Federation fails to protect the rights of indigenous peoples. As underlined by the war in Ukraine, the indigenous peoples of Russia are treated as second-class citizens. A particularly large number of indigenous young men are dying on the front lines, because they are the first to be sent into combat.

Society for Threatened Peoples calls upon the members of the United Nations Human Rights Council to urge Russia:

- To set up an independent expert analysis of the environmental damage and of any negative social impact, as well as to take preventive measures in order to prevent such industrial accidents in the future.
- To compensate the indigenous communities for the damage caused to their traditional way of living in accordance with Art. 28 of the UN Declaration on the Rights of Indigenous Peoples (UNDRIP): equitable, fair and appropriate. The type and modalities of the compensation should be negotiated in consultation with the communities concerned.
- To develop and implement a plan to re-cultivate the polluted land on the Taymyr and Kola Peninsulas.
- To sign the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) and to ratify the ILO Convention 169
- To include the UNDRIP and ILO 169 in Russian legislation, and notably the right to Free, Prior and Informed Consent (FPIC)
- To include and consider the rights of indigenous communities within its Arctic strategy
- To end the criminalisation of indigenous organisations, activists and human rights defenders

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