

Nomination

Bikin River Valley

(Extension of the Central Sikhote- Alin World Heritage property)

(RUSSIAN FEDERATION)

Proposal for Inscription on
THE UNESCO WORLD CULTURAL
AND NATURAL HERITAGE LIST
Supplementary Information Submitted in Accordance
with the IUCN Evaluation of the Bikin River Valley
(as an extension of Central Sikhote-Alin)

Prepared by:

- Ministry of Natural Resources and Environment of the Russian Federation
- Bikin National Park
- Amur Branch of the World Wide Fund for Nature (WWF)

1. The IUCN Panel considers that a buffer zone should be established, surrounding the whole of the extended site, if approved. Such a buffer zone would need to be established consistent with Russian national parks legislation and to meet the requirements of the Operational Guidelines. Such a buffer zone should address the main threats potentially affecting the proposed Outstanding Universal Value of the nominated property, such as fires, logging, poaching and mining. Please confirm the willingness of the State Party to establish such a buffer zone, the timeframes for possible establishment, and the management regime which would operate within such a buffer zone, if it was established.

In conformity with Clause 10 of Article 2 of the Federal Law "On Specially Protected Natural Areas", in order to prevent unfavorable anthropogenic effects on the land lots and water objects adjacent to the Bikin National Park, its protective zone will be created (around the whole territory of the National Park) according to the procedure established by the Russian Federation Government.

The regime of protecting and using the land lots and water objects within the boundaries of the protective zone will be set by Regulations on the protective zone; the Regulations will be approved by the Russian Ministry of Natural Resources and Environment.

By now the National Park's boundaries have been determined and recorded in the cadastral register.

At present, a special work group of experts from representatives of the Russian Ministry of Natural Resources and Environment, Federal State Budgetary Establishment "Bikin National Park", Primorsky Kray Administration and Khabarovskiy Kray Government as well as representatives of nature-protective and scientific organizations is being formed in order to elaborate the draft Regulations on determining the boundaries and area of the protective zone (Fig.1 The support letter from Khabarovskiy kray Government).

It is planned to do the work on creation of the protective zone during the year 2018.

The basic projecting document "Ecological-Economic background for projecting of Bikin national park" (Editors Bocharnikov A.N., Darman Yu.A., Ermoshin V.V., Pacific Institute of geography FEBRAS-WWF Russia, Volume 1. - Vladivostok, 2014) includes the proposal on establishment of the protective zone on 129509 ha:

The Protective Zone of the National Park

According to the Law on the Specially Protected Natural Areas, a national park must have a protective zone to ensure moderating the negative influence of economic activities in the contiguous territories. It is proposed to create the protective zone shaped as a strip 1 km wide along the main perimeter of the National Park's boundaries on the main watersheds. It is necessary to make a wider protective zone along the western boundary contiguous with the Khabarovsk-Nakhodka motorway (A375). The total area of the protective zone will amount to 129,509 ha.

Taking into account the low danger of the direct effect of anthropogenic activities along the National Park's boundary that goes on the natural mountain range crests, it is proposed to make a kilometer protective zone on these plots. Its regime will make it possible to safeguard from felling the forest strips directly adjacent to the boundary; the strips mainly belong to the watershed protective forests and must not be included into the lessees' felling plans.

The forests are processed the most actively on two plots adjacent to the western boundary of the National Park. Here develops a network of timber-carrying roads that permit going directly to the territory of the SPNT. That is why it is proposed to draw the boundary of the protective zone along the right of way of the Khabarovsk-Nakhodka motorway (A375) from its crossing the borders of Khabarovsky and Primorsky krays to Takhalinsky bridge across the Bikin and then along the plot that is being built to the River Mom-Biosani (Fig. 2).



Правительство Хабаровского края

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ОКПО 00021752, ОГРН 1022700931868, ИНН/КПП 2700000786/272101001

09.02.2018 № 12.3.50-3459

На № _____ от _____
Об охранной зоне национального
парка "Бикин"

Директору ФГБУ "Национальный
парк "Бикин"

А.В. Кудрявцеву

с. Красный Яр, Пожарский район,
Приморский край, 692017

Уважаемый Алексей Викторович!

Министерство природных ресурсов Хабаровского края рассмотрело Ваше письмо от 05.02.2017 № 01-22/33 о проводимой работе по образованию охранной зоны национального парка "Бикин" и не возражает против создания охранной зоны на территории Хабаровского края, прилегающей к национальному парку, в установленном законодательством порядке.

Заместитель Председателя
Правительства Хабаровского края –
министр природных ресурсов края

А.Б. Ермолин

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Fig.1 The support letter from Khabarovskiy kray Government.

Fig.1 The support letter from Khabarovsky kray Government.



Khabarovsky kray Government

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All-Russian Classifier of Enterprises and Organizations (OKPO) 00021752,
Primary State Registration Number (OGRN) 1022700931868, Taxpayer Identification Number
(INN)/Registration Reason Code (KPP) 2700000786/272101001

February 09, 2018 No. 12.3.50-3459

To No. _____ dated _____

On the protective zone
of the Bikin National Park

To the Director of the
Federal State Budgetary Establishment
"Bikin National Park"
A. V. Kudryavtsev
Krasny Yar village, Pozharsky district,
Primorsky kray, 692017

Dear Aleksey Viktorovich,

Khabarovsky kray Ministry of Natural Resources has considered your letter dated February 05, 2017, No. 01-22/33 about the work done on creation of the protective zone of the Bikin National Park and does not object to the creation of the protective zone in the Khabarovsky kray territory adjacent to the National Park according to the procedure established by the law.

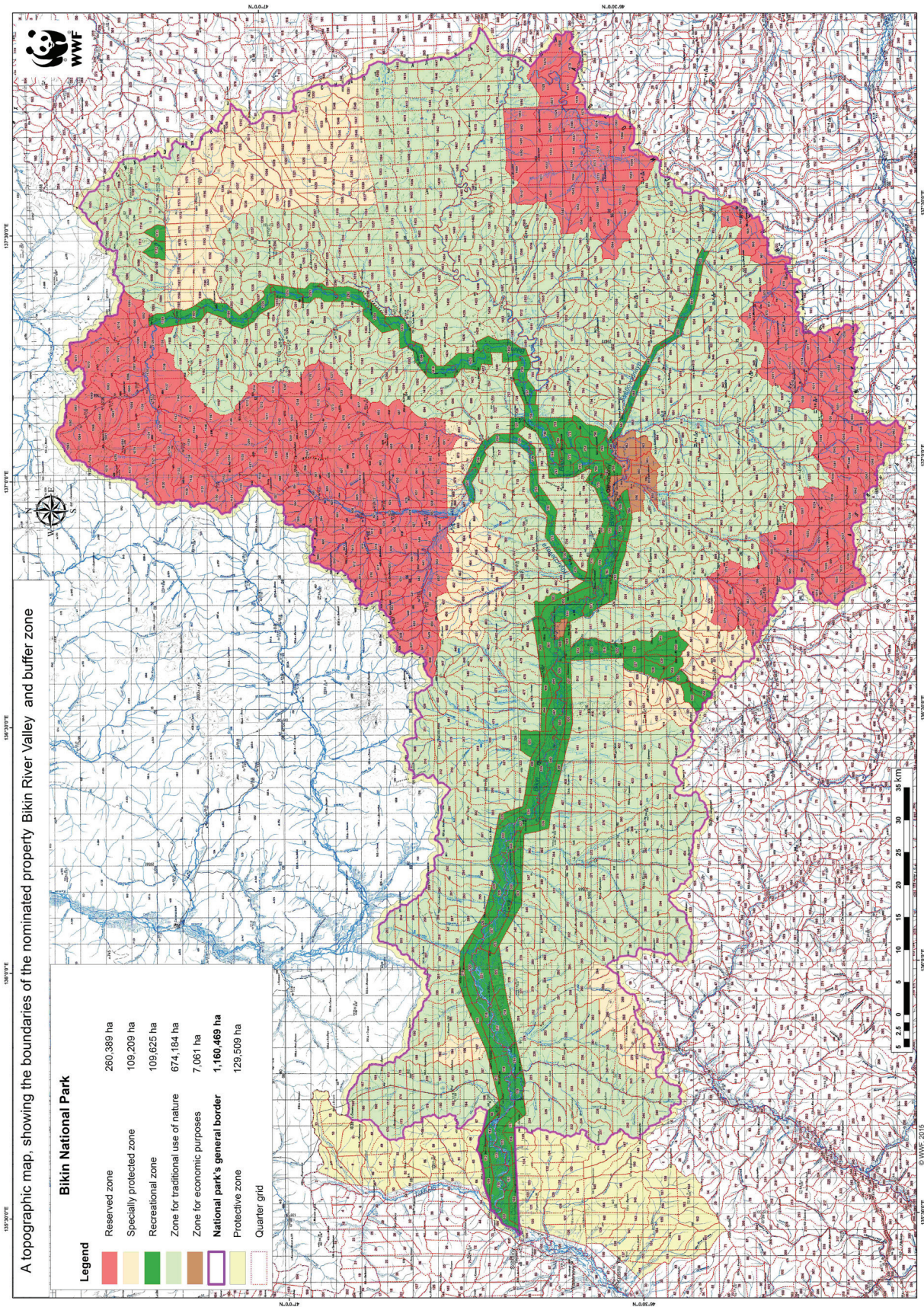
Deputy Head of
Khabarovsky kray Government —
kray Minister of Natural Resources

/Signature/

A. B. Yermolin

Bardyuk Viktor Vladimirovich
(4212) 32 76 17

Fig. 2. A map showing the boundaries of nominated property Bikin River Valley and buffer zone.



2. A management plan/system for a serial site is a requirement in the Convention's Operational Guidelines. The management plan for the Bikin National Park should be adopted, with a clear and comprehensive zonation and a linked monitoring programme, with the active participation of affected indigenous peoples and local communities. Please advise on the status and the timeframes for approval/adoption of the management plan/system for the Bikin National Park, and the overall property that would be formed by its addition to the existing Central Sikhote-Alin World Heritage Site.

At the beginning of the year 2017, the Federal State Budgetary Establishment "Bikin National Park" (hereinafter referred to as the Establishment), which manages the National Park, fully engaged in performing the tasks entrusted to it. At present, the Establishment's activities are being organized on the basis of the ecologic-economic feasibility study, which has passed the State ecologic and ethnologic expert examination. Earlier this plan was presented to IUCN experts.

On February 5, 2018, the RF Government approved a complex program for development of touristic activities in the territory of the National Park (2018-2020). In this sphere, the Establishment's activities will be built in conformity with the document approved.

A management plan of the National Park is being elaborated now on the basis of the suggestions given on pp. 151–172 of the nomination dossier. It will provide for interaction of the Bikin NP with the Sikhote-Alin State Nature Biosphere Reserve within the framework of the united World Heritage property.

3. Please clarify the long term vision for ensuring the connectivity of conservation areas within the wider region, in which the nominated property sits. Please advise specifically if the State Party sees that there could be potential future extensions of the nominated property to incorporate other high conservation value areas, particularly to strengthen Amur tiger habitat at a landscape scale.

The decision on the expediency of extension the UNESCO World Natural Heritage property Central Sikhote-Alin will be taken only after a comprehensive analysis of the consequences of a possible further extension of the UNESCO World Natural Heritage property Central Sikhote-Alin" for contravening the Russian Federation legislation.

4. Please provide detailed information regarding the approach taken to ensure the full and active participation of local communities and indigenous peoples in the management of the nominated property.

In the RF President's list of assignments for creation of the Bikin National Park, a special attention was focused on the necessity of regulating the issue of participation of representatives of the local indigenous small-numbered peoples in the management bodies of the Park.

Subclause 21 of Clause 32 of the Establishment's Charter declares that the Establishment Director shall form deliberative bodies on the issues of ensuring the rights and lawful interests of the indigenous small-numbered peoples in order to ensure their traditional way of life and traditional economic activities in the territory of the National Park.

A Council of the indigenous small-numbered peoples was created in conformity with this norm of the Charter; the Council has to guarantee their participation in preparation and adoption of managerial decisions by the Park directorate on the issues of protecting the aboriginal habitation environment; has to coordinate programs and projects the implementation of which can influence the traditional way of life of the local people who conduct their activities in the Park's territory.

The General Meeting of the indigenous peoples who conduct their traditional economic activities in the Park's territory adopted Regulations on the Council and submitted it for approval to the directorate of the Park; 11 members of the Council were elected. The Council members elected the Head of the Council.

By their position, the Council Head is the Deputy Director of the National Park on ensuring the traditional nature use.

5. The field mission learned that the “Tribal Commune Tiger” (TCT) is making a legal challenge to the establishment of the National Park, which is currently before the court. Please provide full information on this ongoing court case to clarify the situation on the ground regarding the status of the National Park, as well as the anticipated timeline for resolution of the court case. Please provide copies of the main original documents (in Russian) that relate this court case, with an English (or French) translation of their key points.

When creating the National Park, in order to satisfy the requirements of the community of the indigenous small-numbered peoples “The Tiger” as a user of the animal world objects for hunting and as a lessee of a part of the forest fund territory for harvesting the non-wooden products, two work groups were created who considered the issue of compensating the community as well.

Under the direction of the Russian Federation President’s Assistant, the Russian Federation President’s Administration Control Directorate Chief Konstantin Anatolyevich Chuychenko, an Inter-Agency Work Group was formed; it consisted of representatives of the kray and municipal state power bodies, scientists and experts, representatives of the communities and the Association of Indigenous Small-Numbered Peoples of the Russian Federation.

Primorsky kray Administration’s Resolution dated October 17, 2013, No. 360 ra formed a work group presided by the Vice-Governor of Primorsky kray.

Thus, according to the results of the two working groups, the community’s wishes were explored and fully satisfied.

Despite this, the community brought a lawsuit to the Supreme Court of the Russian Federation about recognizing the RF Government’s Decree “On Creation of the Bikin National Park” dated November 3, 2015, as partly ineffective. The claim was to exclude the part of the territory where the Community commercially harvested the non-wooden products from the National Park’s territory.

On September 6, 2017, the Court dismissed the case.

On December 12, 2017, the Appellate Chamber of the RF Supreme Court decided that the Judgement of the judicial chamber dated September 6, 2017, had to left unchanged.

Information about the decisions of the RF Supreme Court from the official website is attached (screenshot).



13.06.2017

Дело № АКПИ17-521

Вид судопроизводства:	Административное судопроизводство
Инстанция:	I инстанция
Дата поступления:	13.06.2017, Впервые
Судебная коллегия (Состав):	Судебная коллегия по административным делам
По иску:	о признании частично недействующим постановления Правительства РФ от 03.11.2015 N 1187 "О создании национального парка "Бикин"
Заявители (истцы / административные истцы):	Территориально-соседская община коренных малочисленных народов "ТИГР" с. Красный Яр Пожарского района Приморского края
Ответчики / административные ответчики:	Правительство РФ
Представители:	Гомзарь Анастасия Викторовна (Территориально-соседская община коренных малочисленных народов "ТИГР" с. Красный Яр Пожарского района Приморского края), Фаткина Елена Евгеньевна (Территориально-соседская община коренных малочисленных народов "ТИГР" с. Красный Яр Пожарского района Приморского края)
Обжалуемые нормативные правовые акты:	от 03.11.2015 (№ 1187), (Правительство Российской Федерации)
Движение по делу:	
13.06.2017	Передано судье
15.06.2017	Принято к производству
06.09.2017	Судебное заседание (Открытое судебное заседание) Судья: Романенков Н.С.
12.09.2017	Отказано в удовлетворении иска Возвращено в канцелярию
06.09.2017	Решение: Отказано в удовлетворении иска Докладчик: Романенков Н.С.



13.10.2017

Дело № АПЛ17-443

Вид судопроизводства: Административное судопроизводство
Инстанция: Апелляция
Дата поступления: 13.10.2017, По апелляционной жалобе (канцелярия 1-ой инстанции коллегии по административным делам)
Судебная коллегия (Состав): Апелляционная коллегия
Решение суда 1-ой инстанции: Верховный Суд РФ (АКПИ17-521). Решение от 06.09.2017. Отказано в удовлетворении иска
По иску: о признании частично недействующим постановления Правительства Российской Федерации от 3 ноября 2015 г. № 1187 "О создании национального парка "Бикин"
Заявители (истцы / административные истцы): Территориально-соседская община коренных малочисленных народов "ТИГР" с. Красный Яр Пожарского района Приморского края
Ответчики / административные ответчики: Министерство природных ресурсов и экологии Российской Федерации, Правительство Российской Федерации
Представители: Гомзарь Анастасия Викторовна (Территориально-соседская община коренных малочисленных народов "ТИГР" с. Красный Яр Пожарского района Приморского края), Фаткина Елена Евгеньевна (Территориально-соседская община коренных малочисленных народов "ТИГР" с. Красный Яр Пожарского района Приморского края)

Обжалуемые нормативные правовые акты:

от 03.11.2015 (№ 1187),
(Правительство Российской Федерации)

Движение по делу:

12.12.2017



Слушание (Открытое судебное заседание)
Решение (определение суда) оставлено без изменения

12.12.2017



Определение. Решение (определение суда) оставлено без изменения
Докладчик: Зайцев В.Ю.

June 13, 2017
Case No. АКПИ17-521

Judicial proceedings type:	Administrative judicial proceedings
Instance:	I instance
Date of receipt:	June 13, 2017 , for the first time
Judicial Chamber (members):	Judicial Chamber on Administrative Casesw
According to lawsuit:	On recognizing the Russian Federation Government's Decree dated November 03, 2015, No. 1187, "On Creation of the Bikin National Park" as partly ineffective
Applicants (plaintiffs / administrative plaintiffs):	Territorial-Neighbour Community of the Indigenous Small-Numbered Peoples 'THE TIGER', Krasny Yar village of Pozharsky district of Primorsky kray
Defendants (administrative defendants):	RF Government
Representatives:	Gomzar Anastasia Viktorovna (Territorial-Neighbour Community of the Indigenous Small-Numbered Peoples 'THE TIGER', Krasny Yar village of Pozharsky district of Primorsky kray), Fatkina Elena Evgenevna (Territorial-Neighbour Community of the Indigenous Small-Numbered Peoples 'THE TIGER', Krasny Yar village of Pozharsky district of Primorsky kray)
Normative legal acts appealed against:	dated November 03, 2015 (No. 1187), (Russian Federation Government)

Case progress:

June 13, 2017	Transferred to the Justice
June 15, 2017	Taken for the proceedings
September 06, 2017	Court sitting (Open court sitting) Justice: Romanenkov N. S. Case dismissed
September 12, 2017	Returned to the chancellery
September 06, 2017	Judgement. Case dismissed Speaker: Romanenkov N. S.

Judicial proceedings type:	Administrative judicial proceedings
Instance:	Appeal
Date of receipt:	October 13, 2017 , according to the appeal (chancellery of the 1 st instance of the Chamber on Administrative Cases)
Judicial Chamber (members):	Appeal Chamber
Decision of the 1 st instance court:	Russian Federation Supreme Court (АКПИ17-521). Judgement dated September 06, 2017. Case dismissed.
According to lawsuit:	On recognizing the Russian Federation Government's Decree dated November 03, 2015, No. 1187, "On Creation of the Bikin National Park" as partly ineffective
Applicants (plaintiffs / administrative plaintiffs):	Territorial-Neighbour Community of the Indigenous Small-Numbered Peoples 'THE TIGER', Krasny Yar village of Pozharsky district of Primorsky kray
Defendants (administrative defendants):	Russian Federation Ministry of Natural Resources and Environment Russian Federation Government
Representatives:	Gomzar Anastasia Viktorovna (Territorial-Neighbour Community of the Indigenous Small-Numbered Peoples 'THE TIGER', Krasny Yar village of Pozharsky district of Primorsky kray), Fatkina Elena Evgenevna (Territorial-Neighbour Community of the Indigenous Small-Numbered Peoples 'THE TIGER', Krasny Yar village of Pozharsky district of Primorsky kray)
Normative legal acts appealed against:	dated November 03, 2015 (No. 1187), (Russian Federation Government)
Case progress:	
December 12, 2017	Hearing (Open court sitting) Judgement (Ruling of the Court) left unchanged
December 12, 2017	Ruling. Judgement (Ruling of the Court) left unchanged Speaker: Zaitsev V. Iu.