

## **Implementation of the Policy of Sustainable Development of the Indigenous Small Peoples of the North, Siberia and the Far East of the Russian Federation**

### **1. Overall assessment of the situation**

The Russian Federation is one of the largest multi-national states formed on the federative basis. For most of its peoples, Russia is the land of their historical development, which makes all of them, irrespectively of their numbers and settlement areas, indigenous peoples of Russia; they all played an important role in the establishment of the Russian statehood.

The latest population census held in 2010 showed that Russia is inhabited by 194 ethnic communities.

This figure comprises, *inter alia*, 47 indigenous small peoples that are included into the category of indigenous small<sup>1</sup> peoples according to four criteria, which are as follows:

- inhabiting the traditional lands of their ancestors;
- preserving the traditional life and household patterns;
- recognizing themselves as independent ethnic communities;
- their number in the territory of the Russian Federation is under 50 thousand people.

Indigenous small peoples enjoy a special status enshrined in the Constitution of the Russian Federation. They inhabit areas of compact settlement in more than 30 constituents of the Russian Federation, speaking 47 languages and dialects.

40 peoples of these 47, constitute a special group under the state guardianship living in extreme conditions of the circumpolar region, and have the legal status of the indigenous small peoples of the North, Siberia and the Far East (hereinafter – indigenous small peoples of the North)<sup>2</sup>.

At present, indigenous small peoples of the North inhabit the territories of 28 constituents of the Russian Federation (the republics of Altai, Buryatia, Karelia, Komi, Sakha (Yakutia), Tuva, Khakassia; the Altai, Trans-Baikal, Kamchatka, Primorye, Khabarovsk Territories; the Amur, Vologda, Irkutsk, Kemerovo, Leningrad, Magadan, Murmansk, Sakhalin, Sverdlovsk, Tomsk, Tumen Regions; the Nenets, Khanty-Mansi, Chukotka and Yamalo-Nenets Autonomous Areas). Because of the special vulnerability of the traditional way of life and environment, their special legal status and priority right to the exploitation of natural resources are guaranteed by the Russian legislation.

The remaining 7 small peoples (Abazins, Besermyans, Vod, Izhorians, Nagaibaks, Setu (Seto), Shapsugs), although living outside the circumpolar region, also enjoy certain special rights related to the preservation of their ethnic identity, social coverage, traditional lifestyle and economic pattern.

During the period between the two All-Russian population censuses (2002 through 2010) the total number of indigenous small peoples increased from 306,700 to 316,000 people (i.e. by 9.3 thousand people, or by 3%); this total number includes that of the indigenous small peoples of the North, which increased from 244,000 to 257,900 people (i.e. by 13.9 thousand people, or by 5.7%). Certain indigenous small peoples account for a more rapid population increase than others (for instance, Telengits by 55%, Soyots by 30%, Chelkans by 38%, Tubalars by 26%, Evens (Lamuts) by 14%, Dolgans by 9%, Evenki by 8%, Khanty by 8%, Mansi by 7%).

Because of the vulnerability of the traditional life patterns of all the indigenous small peoples, and particularly of the indigenous small peoples of the North, the severe weather conditions in which they live, urbanization and globalization, the state's coherent efforts towards preserving their cultures and traditional ways of life become increasingly urgent and necessary.

<sup>1</sup> Under Federal Law No. 82-Φ3 of April 30, "On Securing the Rights of Indigenous Small Peoples of the Russian Federation."

<sup>2</sup> The list of these peoples was approved by Executive Order of the Government of the Russian Federation No. 536-p of April 17, 2006.

## **2. Russian national policy towards the small indigenous peoples of the North**

### **2.1. The main objective and principles of the national policy towards the small indigenous peoples of the North**

Russian national policy towards small indigenous peoples, including the small indigenous peoples of the North is aimed at ensuring their sustainable development and is based on the provisions of the national legislation that significantly coincide with the provisions of the UN Declaration on the Rights of Indigenous Peoples.

The transition from the Soviet command economy to the market economy and the need for government support of the small indigenous peoples of the North under current conditions provoked the development of a new national policy of the Russian Federation towards indigenous peoples.

The Concept of the Sustainable Development of the Small Indigenous Peoples of the North, Siberia and the Far East of the Russian Federation<sup>3</sup> (hereinafter referred to as the Concept) is the key document determining the main principles of Russian national policy towards the protection of rights of the small indigenous peoples of the North.

The main objective of the policy towards the sustainable development of the small indigenous peoples of the North is to strengthen their social and economic potential, to protect the traditional environment, traditional lifestyle and cultural values with the government support as well as through mobilization of the internal resources of the peoples themselves.

The principles of the policy towards the sustainable development are as follows:

- guaranteeing the small indigenous peoples of the North some specific rights, in conformity with the Constitution of the Russian Federation, the generally accepted principles and norms of the international law and the international agreements of the Russian Federation;
- providing an integrated approach to the problems of social and economic and ethno-cultural development of the small indigenous peoples of the North; coordinating actions of the public and local government authorities aimed at resolving the problems of their social and economic and ethno-cultural development;
- ensuring active participation of the small indigenous peoples of the North in achieving their sustainable development goals;
- recognising the value of land and other natural resources, including biological ones, and environmental well-being as a basis of traditional lifestyle and traditional economic activities of the small indigenous peoples of the North;
- sound management of land and other natural resources in traditional habitat and the areas of traditional economic activities;
- recognising the right of the small indigenous peoples of the North to a priority access to fishing and hunting grounds, biological resources in traditional habitat and the areas of traditional economic activities;
- participation of the representatives and the associations of the small indigenous peoples of the North in making decisions on their rights and interests while exploring natural resources in traditional habitat and the areas of traditional economic activities;
- obligatory estimation of cultural, ecological and social consequences of the suggested projects and activities in traditional habitat and the areas of traditional economic activities of the small indigenous peoples of the North;
- compensation of damage to the traditional environment, traditional lifestyle and the health of the small indigenous peoples of the North.

### **2.2. Implementation of the policy towards the sustainable development of the small indigenous peoples of the North in the priority areas**

Under current conditions of intensive industrial exploitation of natural resources in traditional habitat of the small indigenous peoples of the North the sustainable development policy is based on the necessity to maintain the traditional environment and traditional use of natural resources of these peoples, to development of their traditional lifestyle providing an equal access to basic social services.

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<sup>3</sup> Approved by the order of the Government of the Russian Federation of February 4, 2009, No. 132-p.

**2.2.1. Favourable conditions for a better healthcare system and medical science in the territories of residence of indigenous small peoples of the North; increased vital rates, including through reduction of child mortality and improvement in life expectancy.**

In 24 out of its 28 entities populated by the indigenous small peoples of the North, the Russian Federation implements regional programs for the modernization of healthcare system<sup>4</sup>. New healthcare standards have been introduced for the members of indigenous small communities of the North with respect to such locally wide-spread illnesses as blood disorders, digestive diseases, respiratory diseases, malignancies. Special attention is given to the development of the mother-and-child services, introduction of remote healthcare telecommunication technologies (at present, they undergo an intensive testing in Yamalo-Nenets and Khanty-Mansi Autonomous Areas). Provision of prosthetic dentistry services is also envisaged.

The activities carried out under the regional programs for the modernization of healthcare system in the territories of indigenous small peoples of the North have involved in total over 1000 healthcare institutions.

Special measures are taken in all 28 Russian entities populated by the members of indigenous small communities of the North, which are aimed at reducing the scale of alcohol abuse and preventing alcoholism among the indigenous peoples, and special programs to lower the level of alcohol consumption are afoot in seven Russian entities (the Vologda Region, the Krasnoyarsk Territory, the Chukotka Autonomous Area, the Altai Republic, the Kemerovo Region, the Tyumen Region, Zabaykalsky Territory).

The healthcare activities that have been undertaken result in a generally improved state of protection of health for indigenous small peoples of the North. Thus, the years 2005-2010 saw a tendency towards an increased natural growth rate (lower attrition rate) in the majority of regions populated by these peoples.

Thus, in 2009 the number of doctors and paramedical personnel who provided healthcare services to the indigenous small peoples of the North increased by 6.4% and 4.2% correspondingly in comparison to 2008.

In general, the number of paramedical personnel in the territories of residence of indigenous small peoples of the North throughout the country is higher by 31.1% than the average nationwide level. The number of doctors exceeds the average nationwide level in four entities of the Russian Federation (by 76.9% in the Chukotka Autonomous Area, by 67.3% in the Komi Republic, by 49.4% in the Khanty-Mansi Autonomous Area, and by 42.4% in the Tyumen Region).

**2.2.2. Greater access to educational services for the indigenous small peoples of the North with due account of their ethnic and culture specifics, including through wider use of their native languages in education.**

Modernization of regional systems of general education is a step towards ensuring greater access to educational services for indigenous small-umbered peoples of the North. Modern equipment is being provided to educational institutions located in the traditional territories and areas of traditional livelihood of indigenous small peoples of the North; school library stock is being replenished. The amount of subsidies allocated for these needs from the federal budget in 2011 totaled 20 billion roubles.

According to the 2010 census, the overall number of languages and dialects used in Russia amounts to 277, with 89 languages used in children's education, 39 of which are used for teaching and 50 are studied as school subjects.

The usage area of languages of indigenous small peoples of the North is limited and is confined mainly to family circle or small labour groups. Overall schooling is provided in the following languages of indigenous small peoples of the North: the Chukchi, the Evenki, the Even and the Yukaghir languages (i.e. they are used for teaching non-language school subjects such as maths and physics).

Russian schools teach 17 languages as separate subjects – the Dolgan, the Itelmen, the Ket, the Koryak, the Mansi, the Nanai, the Nganasan, the Nenets, the Nivkh (two dialects), the Saami, the Selkup,

<sup>4</sup> These programs have been implemented in 2011-2012 in accordance with No. 326-Φ3 Federal Law of November 29, 2010 "On compulsory medical Insurance in the Russian Federation" in order to improve the quality of and access to medical help provided to the insured, including the members of the indigenous small communities of the North.

the Tofa, the Ulch, the Khanty (three dialects), the Shor, and the Escimo languages. Since 2005, schools in the Okinsk region of the Republic of Buryatia have been teaching the Soyot language, which until recently had been unwritten.

Regional targeted programmes are undertaken in order to develop mother languages of indigenous small peoples of the North. Such programmes are underway in the Republics of Altai and Sakha (Yakutia), the Yamalo-Nenets and Khanty-Mansi Autonomous Area, the Khabarovsk Territory, the Magadan and Kemerovo Regions.

Textbooks and scientific and fiction literature, including in electronic format, are written and published in languages of these peoples to be used in the education process.

For example:

- textbooks on the Evenki language, literature of peoples of the Russian North-East and the history of homeland, as well as a Russian-Evenki phrase book have been published and republished in Magadan Region;
- in 2009–2011, schools in the Republic of Sakha (Yakutia) have received approximately 12,000 copies of textbooks in the Even, Evenki, Yukagir and Chukchi languages;
- thirty six sets of textbooks and manuals on the Mansi language and 128 ones on the Khanty language focused on dialects have been published in the Khanty-Mansi Autonomous Area – Yugra and supplied to schools.

Research and training conferences and workshops on issues related to studying native languages and national cultures are regularly held in educational institutions in areas with a high concentration of indigenous small peoples (in the republics of Buryatia and Sakha (Yakutia), in the Krasnoyarsk Territory, Arkhangelsk Region and other regions). Vocational training courses are held in advanced training institutes, vocational training centers and higher education institutions (in the republics of Buryatia and Khakassia, in Khabarovsk and Krasnoyarsk Krays, Kemerovo, Murmansk, Tomsk and Sakhalin Regions, in Yamalo-Nenets Autonomous Area, etc.).

Advanced training programmes for teachers include units on history and culture of indigenous small peoples of the North, as well as project activities for education work with students.

The admission of members of indigenous small communities of the North to secondary and higher education institutions under special conditions is carried out in accordance with treaties between education institutions and local self-government authorities.

The Herzen State Pedagogical University of Russia, the North-Eastern Federal University named after M.K. Ammosov, Yugra, Gorno-Altai and Buryat State Universities provide for targeted admission of members of indigenous small communities of the North to programmes of higher education based on applications from constituent entities of the Russian Federation. Khanty-Mansiysk Technology and Pedagogics College implements the project "Training of national teachers. Complementary training in the native language and literature" (annual admission – 85 students). Nikolaevsk-na-Amure Pedagogical College for small peoples of the North provides complementary training in the Olcha, the Nivkh and the Evenki languages. Naryan-Mar College for Social Studies and Humanities named after I.P. Vyucheiskiy provides complementary training in teaching the native language (the Nenets language). Education programmes carried out by the North National Lyceum (Murmansk Region) are targeted at preserving the authentic culture of the Sami.

Development of a professional retraining programme "Management of ethno-cultural projects" is a separate activity. Training in this major started in the 2010–2011 academic year at the Moscow School of Social and Economic Sciences.

This major is the first master's programme in ethno-cultural management carried out in Russia and it is targeted at local governments specialists, representatives of regional executive authorities and public associations, whose work is related to traditional cultural communities and maintaining sustainable development of indigenous small peoples.

The programme is aimed at advanced training of managers from indigenous small communities in ethno-cultural management, including in territories of traditional residence and traditional economic activities of indigenous small peoples.

### **2.2.3. Increasing the rates of employment among the small indigenous peoples of the North by developing and modernizing their traditional economic activities and supporting businesses and self-employment.**

The best results in developing the employment among the small indigenous peoples of the North have been achieved by supporting businesses and self-employment of unemployed citizens.

In every entity of the Russian Federation where small indigenous peoples of the North reside we implement regional programmes to promote self-employment of unemployed citizens and encourage the unemployed citizens with their own businesses to create additional jobs in order to give employment to unemployed citizens. The unemployed citizens belonging to small indigenous peoples of the North who have been given support in organizing their businesses carry out their activities primarily in the sphere of folk industries and crafts, production and marketing of agricultural goods, livestock breeding, and logging.

For example, in 2011, in the entities of the Russian Federation where small indigenous peoples of the North reside and carry out traditional economic activities, 1.9 thousand unemployed citizens started their own businesses and created 1.223 additional jobs for unemployed citizens.

In the Arkhangelsk Region, representatives of small indigenous peoples of the North started a business on shoe and leather goods repair, fur dressing and dyeing, and manufacturing of fur goods.

In the Khanty-Mansi Autonomous Area, people launched a deer breeding business to produce meat and animal hides to be sold in particular at the Khanty-Mansiysk market.

In the Nizhneudinsk district of the Irkutsk Region, unemployed Tofalar citizens started a horse and mule breeding business, and in the Katangsk district, unemployed Evenks carry out logging activities.

The Russian Federation works purposefully at the state level to establish shops for the primary and advanced processing of the products of deer breeding and other traditional industries, including with the application of modern technologies, in the traditional habitats of these peoples.

### **2.2.4. Improving the living standards of small indigenous peoples of the North by constructing housing, communication facilities, infrastructure, etc.**

In order to monitor the living standards of small indigenous peoples of the North, a special system of indices to determine their living standards and social status, and well-being of communities has been elaborated at the federal level (it is now being considered by the Federal Government).

Taking into account the magnitude of the territory where small indigenous peoples of the North reside, low population density and the fact that the circumpolar zone remains largely undeveloped, special attention is given to providing high-quality communication services, including mobile communication and Internet, to small indigenous peoples of the North in their traditional habitats and areas of economic activity. In particular, contracts on the provision of multi-purpose communication services in the areas densely inhabited by small indigenous peoples of the North have been signed between the Federal Communications Agency and such multi-purpose service providers as "Sakhatelecom", "Chukotkasvyazinform", "Sibirtelecom", "Dalsvyaz", Construction Bureau "Iskra", and "North-West Telecom".

The development of comprehensive social construction in habitable zones in the traditional habitats and areas of economic activity of small indigenous peoples of the North is a promising line of work. For this purpose, we plan to use the technology of rapid construction of ready-to-use low-rise buildings with the application of energy-efficient and eco-friendly thermo-structural panels.

The corresponding measures, as well as the construction of social infrastructure facilities, etc., are carried out in the framework of providing special funding for the purposes of supporting small indigenous peoples of the North out of the federal budget to the budgets of the Russian Federation entities where these peoples reside<sup>5</sup>.

<sup>5</sup> The funding is carried out according to the Decree of the Government of the Russian Federation No. 271 of March 10, 2009. The funding amounted to 600 mln. roubles in 2009 and to 240 mln. roubles in 2010; 240 mln. roubles annually are envisaged by the federal budget for the years 2011-2013.

### **2.3. Ethnocultural and economic rights of indigenous small peoples of the North.**

The guarantee of respect for the rights of indigenous small peoples is enshrined in Article 69 of the Constitution of the Russian Federation, in furtherance of which the Russian Federation ensures the protection of original habitat and traditional lifestyle of these populations.

Preservation and protection of original habitat are understood not so much in an ecological sense, as conservation of ecosystems, but rather as maintenance of the easiest possible access to natural resources, which are "the basis of life and activity" (art. 9, para. 1 of the Constitution), to the natural habitat of the peoples leading a traditional lifestyle. Preserving the traditional way of life, in its turn, depends not only on preserving cultural heritage, language and self-identity of members of indigenous small communities, but also on preserving the economic base of communities' life, i.e. developing traditional livelihoods (hunting, fishing, reindeer herding) and traditional crafts.

Special ethnocultural and economic rights of members of indigenous small communities should be separated.

#### **2.3.1. Realization of ethnocultural rights of indigenous small peoples of the North.**

The ethnocultural rights belonging to members of indigenous small communities of the North (meeting the ethnocultural needs, preserving cultural heritage, promoting and disseminating ethnographic knowledge throughout the society, developing ethnotourism in places of their traditional residence) can be exercised on the whole territory of the Russian Federation in accordance with the Russian legislation in force. They have an extraterritorial basis and apply to all indigenous small peoples regardless of climatic or other features of their habitats.

Supporting ethnocultural development of the peoples of Russia, along with strengthening civic unity, are the two key goals of the state national policy.

In particular, within the framework of the Second International Decade of the World's Indigenous Peoples the appropriate sets of measures<sup>6</sup> are being implemented at federal and regional levels, including the organization of events aimed primarily at developing traditional ethnic cultures of indigenous small peoples of the North as well as preserving and multiplying their cultural heritage.

More than 40 large international and all-Russian events of such character were held in 2010-2011 solely by the Ministry of Regional Development of the Russian Federation responsible for protecting the rights of indigenous small peoples and ensuring their ethnocultural development. Among them are international scientific conferences, congresses of indigenous peoples, cultural festivals, trade fairs, workshops, etc.

The following events can be highlighted as the most prominent ones in terms of contribution to developing the culture of indigenous small peoples of the North: the All-Russian School for Young Members of Indigenous Small Communities of the Russian Federation's North, Siberia and the Far East "Workshop of the Future", which aims at contributing to the development of leadership and management skills of young members of indigenous small communities of the North and their social mobility; "Beringia" project (dog sled races held in Kamchatka Region since 1990 and awarded with the status of the Region's official holiday in 2010); seminars on issues of preserving the mother tongues of indigenous small peoples of the North, etc.

The International Symposium on Intellectual Property, Traditional Knowledge, Traditional Cultural Expressions and Genetic Resources for Sustainable Development of Indigenous Peoples was held from October 31 to November 3, 2010, in Saint Petersburg within the framework of interaction with the World Intellectual Property Organization (WIPO).

The aim of this Symposium was to discuss the key political and legal issues connected with securing traditional knowledge and traditional cultural expressions as intellectual property objects.

On the other hand, much importance is attributed to events aimed at popularizing the knowledge on Russian indigenous small peoples in the Russian society in general. Such events as competitions, festivals, theatre performances, olympiads, exhibitions, master classes for teachers, specialized summer camps, guided tours, practical classes to study national handicrafts contribute to popularizing traditions

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<sup>6</sup> A set of top priority measures on preparing and holding the Second International Decade in the Russian Federation was implemented at the federal level in 2008-2010 (funding – 80 mln roubles from the Federal budget each year), a regular set of measures is being implemented in 2011-2014 (funding – 80 mln roubles in 2011).

and customs of indigenous small peoples of the North, increasing interest in studying their language and national culture among members of other nationalities.

A few regions, for example, the Tomsk Region, the Khanty-Mansi Autonomous Area – Yugra have well-performing multi-purpose ethnic cultural centers, including those for children. Moreover, educational institutions located in the areas of residence and traditional activities of the indigenous small peoples of the North house ethnic museums which offer classes in their mother tongues and national cultures, as well as provide extra-curricular activities; and exhibitions devoted to their national arts take place in school libraries.

The federal television produced series of documentary and animated films about indigenous small peoples of Russia, which tell about the Evenkis, the Saami, the Tuvianian Todzhins, the Eskimos, the Chukchi and the Koryaks. Three editions of the profound illustrated atlas of cultures and religions of the peoples of Russia, which includes a multimedia CD-ROM, went out in 2008, 2010 and 2011 respectively. In addition, the photo album named "The Culture of indigenous small peoples of the North, Siberia and the Russian Far East" and devoted to the traditional culture of indigenous small peoples was published.

The "*Natsionalny Aktsent*" supplement to the "*Argumenty Nedeli*" newspaper is issued twice a month. The circulation of the newspaper, which includes this supplement, exceeded 550.000 copies in 2011, and, according to Gallup Media, each issue of that newspaper had an audience of more than 950.000 people. Materials of those issues cover matters of the ethnic and cultural advancement and the social and economic growth of peoples of Russia, including the indigenous small peoples of the North, as well as of the preservation of their culture and languages and the interaction between the state authorities of the Russian Federation and the national public associations.

The development of the ethnic tourism in areas traditionally inhabited by the indigenous minorities of the North also contributes to the dissemination of information about them.

The ethnic tourism has the most rapid rate of development in the Yamal-Nenets Autonomous Area, the Khanty-Mansi Autonomous Area, the Republic of Sakha (Yakutia) and etc. For instance, ethnic tours offered in the Yamal-Nenets Autonomous Area include visiting sacred sites where tourists can hunt and visit sacred tribal places, besides discovering lifestyles of the indigenous small peoples of the North. As experts say, an efficient business management makes the ethnic tourism in the Area go beyond the traditional types of tourism in terms of cost-effectiveness. Moreover, its development will contribute to the improvement of the economic situation in the communities of the indigenous small peoples of the North.

### **2.3.2. Realization of economic rights of small indigenous peoples of the North**

Economic rights of small indigenous peoples of the North presume a priority access to the use of land resources, including agricultural lands, forest resources, water bioresources, fishing areas and hunting lands, land tax exemption, etc.

*Inter alia*, the Land Code of the Russia Federation sets that for lands "in areas of traditional habitat and economic activity of small indigenous peoples of the Russian Federation and of ethnic communities in cases provided by federal laws, laws and other normative legal acts of the entities of the Russian Federation, normative legal acts of municipal authorities, a special legal regime of use can be established" (para. 3 Art. 7).

The Land Code of the Russian Federation also confirms the right of small indigenous communities to use agricultural lands in order to preserve and develop their traditional way of living, economic management and crafts (Art. 68, 78, 82).

Rights of indigenous peoples to the priority use of natural resources are also enshrined by in the Forest Code of the Russian Federation which guarantees protection of their traditional way of living (Art. 48) and free timber stocking for personal purposes (Art. 30) in case of using forests in traditional habitats of small indigenous peoples.

The Water Code of the Russian Federation sets the right to use water objects in traditional habitats of small indigenous peoples for exercising traditional exploitation of natural resources (Art. 3, 54) as one of its principles. Small indigenous peoples do not need to conclude a contract to use water objects (Art. 11). In order to guarantee that small indigenous peoples take part in decision-making, the Water Code of the Russian Federation provides for their obligatory representation in river basin councils that create recommendations on usage and protection of water objects within the river basin area (Art. 29)

According to Article 19 of the Federal Law No. 209-FZ of 24 July 2009 "On Hunting and Preservation of Hunting Resources and on Amendments to Certain Legal Acts of the Russian Federation",

hunting for the purpose of providing traditional way of living and economic activity is free (does not require a permit) while obtaining hunting resources within the limits necessary for meeting personal needs.

In accordance with para. 2 Art. 333.2 of the Tax Code of the Russian Federation, objects of wildlife and objects of biological water resources obtained within the limits necessary for meeting personal needs in traditional habitats and areas of traditional economic activity of small indigenous peoples are exempt from taxes. Small indigenous peoples are also exempt from paying land tax (Art. 395).

Thus, according to the Russian legislation in action, economic rights of small indigenous peoples are directly linked to types of traditional economic activities and are only ensured in so called traditional habitats and areas of traditional economic activity of those peoples.

In 2009, the Russian Government set special lists – the List of traditional habitats and areas of traditional economic activity of small indigenous peoples of the Russian Federation, as well as the List of types of traditional economic activity of small indigenous peoples of the Russian Federation<sup>7</sup>.

Such lists were set to resolve the problem of confirmation of ethnicity by small indigenous peoples of the North in order to receive priority rights to use land, forest, water and other resources.

Identifying oneself as a representative of a small indigenous people of the North is hindered by a large number of mixed marriages, unclear habitat boundaries and other reasons.

During the Soviet period, the indigenous, small peoples of the North used to enjoy their benefits on the basis of the identification of their nationality (ethnicity) in their passports. However, at present, in accordance with Article 19 of the Constitution of the Russian Federation<sup>8</sup>, which guarantees the principle of equality of citizens regardless of nationality of a person, the nationality (ethnicity) is no longer identified in the passport of a citizen of the Russian Federation.

Besides, some representatives of the indigenous, small peoples of the North live in large cities where they do not conduct traditional economic activities. Conversely, representatives of other nationalities that do not formally belong to the indigenous, small peoples of the North, live in the areas of their traditional residence and maintain traditional lifestyle.

The lists approved by the Russian government allow for priority use of natural resources not so much on the basis of ethnicity as on the basis of being one of those who lead a the traditional way of life and live in the areas of traditional residence. For example, it excludes the situation when a representative of the indigenous, small peoples of the North, who lives in Moscow or in another major city, gets preferential fishing quotas in the Far East. Such an approach meets both the letter and the spirit of the legislation on the indigenous, small peoples.

The efforts are currently being undertaken to improve the mechanisms that provide for a special legal status of the indigenous, small peoples of the North.

For example, in order to protect the native environment and traditional lifestyle of the indigenous, small peoples, as well as to preserve and develop original culture of the indigenous, small peoples, there were plans to create special Territories of Traditional Use of Natural Resources (hereinafter referred to as the TTUNP) within boundaries of which only the traditional economic activities of the indigenous small peoples of the North would have been permitted (Federal Law No. 49-Φ3 of May 7, 2001 On Territories of Traditional Use of Natural Resources by the Indigenous Small Peoples of the North, Siberia and the Far East of the Russian Federation).

The TTUNP is classified as a specially protected natural territory under a legal regime restricting its use. In fact, these are nature-protection territories where all economic activities are restricted, including hunting, fishing and logging that are traditional to the indigenous small peoples of the North.

Currently, a law has been drafted that provides for the differential treatment for the use and protection of the TTUNP. This draft law greatly simplifies the process of their establishment and contains an exhaustive list of economic activities that may be restricted or prohibited within the boundaries of the TTUNP. In particular, such restrictions or prohibitions may be applied to the development of mineral deposits and other activities that interfere with traditional economic activities and traditional lifestyle preservation of the indigenous, small peoples of the North.

There is an ongoing improvement in the approach to ensuring the access of the indigenous, small peoples of the North to aquatic biological resources classified as the objects of fishing.

<sup>7</sup> Lists were approved by the Order No. 631-p of 8 May 2009 of the Government of the Russian Federation.

<sup>8</sup> The passport of a citizen of the Russian Federation was introduced in accordance with Decree of the President of the Russian Federation No. 232 of March 13, 1997 On the Basic Document to Prove an Identity of a Citizen of the Russian Federation on the Territory of the Russian Federation



At present, the interests of those, for whom fishing is the basis of livelihood, are only addressed through allocation of preferential (extraordinary) fishing grounds and fishing quotas to provide for the life of the communities (in accordance with Federal Law No. 104-Φ3 of July 20, 2000 On General Principles of Organization of Communities of the Indigenous Small Peoples).

Since fishing is the basis of livelihood for the majority of the indigenous, small peoples of the North, it is important to secure their rights for traditional fishing to satisfy not only personal, but also family, household and other needs not related to business activities. Moreover, it should be done freely, at no cost, with no volume restrictions on production (catch) of aquatic biological resources and without allocation of fishing ground, but all this should only be applied to a traditional method of history. The Government of the Russian Federation has prepared a relevant draft federal law.

### **2.3.3. Corporate social responsibility of industrial companies developing natural resources**

Decision-making on issues affecting the rights and interests of small and indigenous peoples of the North, especially when industrial companies develop natural resources in the territories of their residence, is implemented with their involvement, including through public-private partnership mechanism.

For instance, in the Russian Federation there is an established practice of concluding agreements between corporations (dealing with the development of mineral resources at close proximity to traditional residences of small and indigenous peoples), regional authorities and indigenous peoples concerning the support for various cultural, educational, and other projects of the indigenous peoples. The large industrial enterprises that enter into such agreements and providing targeted support for indigenous communities include JSC TNK-BP, JSC Gazpromneft, JSC Lukoil, JSC Novatek, JSC Surgutneftegaz, Sakhalin Energy, etc.

Such examples of corporate social responsibility are supported by the State. Corporations have traditionally maintained their relations with indigenous peoples in various formats and with variable degree of efficiency. Presently, industrial companies acknowledge the need to establish uniform rules of those relations.

In view of that, the Methodology of calculation of damage incurred by associations of indigenous peoples caused by economic or other activities of organizations with any form of ownership or individuals in traditional places of residence of small and indigenous peoples of the Russian Federation<sup>9</sup> was developed and approved in late 2009. The Methodology is an advisory paper establishing a model bilateral agreement between industrial enterprises and populations that follow traditional lifestyles.

The work has been already done to calculate the damage inflicted on households that use natural resources in traditional ways, in particular, in the Nenets Autonomous Area, the Yamal-Nenets Autonomous Area, the Amur Region, the Trans-Baikal Territory, and the Republic of Sakha (Yakutia).

The details of appraisal and implementation of the Methodology has been repeatedly discussed with state authorities, production companies, small and indigenous peoples of the North, and expert community, including at the meeting on 28 February 2012 attended by industrial companies (JSC Novatek, JSC Gazprom, JSC RusHydro, JSC Surgutneftegaz, JSC Lukoil, JSC TNK-BP, etc.).

## **3. Civil society institutions**

### **3.1. Communities. Self-governance**

Communities are a type of non-governmental organization of the small and indigenous peoples of the North. Communities are a form of self-organization of persons belonging to the small and indigenous peoples of the North united on the basis of kinship (family or clan members) and (or) common or neighboring territories<sup>10</sup>. Communities are organized for the purposes of protection of native homelands

<sup>9</sup> The Methodology was approved by the Order No. 565 dated 9 December 2009 of the Ministry of Regional Development of the Russian Federation.

<sup>10</sup> The status of communities is regulated by the provisions of Federal Law No. 104-Φ3 on *General Principles for Organization of Communities of Small and Indigenous Peoples of the North, Siberia and Far East of the Russian Federation* of July 20, 2000.

of the small and indigenous peoples of the North, preservation and promotion of their traditional lifestyle and livelihood, trades and culture.

On the interregional, regional and local level, small and indigenous peoples are represented by Unions (Associations) of Communities.

As of December 31, 2011, there are 1.172 Communities of small and indigenous peoples of the North registered in the Russian Federation. One of the organizations representing the interests of such peoples on the international and federal level is the Russian Association of Indigenous Peoples of the North, Siberia and Far East, which unites 35 regional associations and ethnic unions comprising representatives from communities. Various activities are carried out by "the Union of the communities of the indigenous small peoples of the North, Siberia and the Far East" and Lauravetlian Information and Education Network of Indigenous Peoples of the Russian Federation.

The Russian Federation has been consistent in implementing self-governance and business regulations concerning small and indigenous peoples of the North based on the principle of community self-governance, including with regard to ensuring a priority access to natural resource. At the same time, there is a need for enhancing the legal framework that regulates the functioning of communities.

According to the existing Federal Law on *General Principles for Organization of Communities of Small and Indigenous Peoples of the North, Siberia and Far East of the Russian Federation*, one and the same individual belonging to the small and indigenous peoples of the North can organize more than just one community and is eligible for receiving several quotas for extracting water bio-resources and allocation of several fishing grounds. Moreover, this Federal Law allows persons who do not belong to small and indigenous peoples of the North and do not lead their traditional lifestyle to become community founders entitled for relative preferences.

Thus, in order to streamline the process of organization and operation of communities at the federal level, a draft Federal Law on *Amendments to Federal Law No. 104-Φ3 on General Principles for Organization of Communities of Small and Indigenous Peoples of the North, Siberia and Far East of the Russian Federation of July 20, 2000* has been worked out. It would stipulate that the founders of a community are not able to simultaneously be founders of other communities, as well as community members can not simultaneously be founders and members of other communities.

This law, if adopted, would provide a basis for conflict-free realization of the rights of the small and indigenous peoples of the North for traditional environmental management.

### **3.2. Mechanisms for interaction between non-governmental organizations (NGOs) of small indigenous peoples of the North and state authorities and industrial companies.**

In the 2000's the Russian Federation has formed different kinds of constructive cooperation between national public associations of small indigenous peoples of the North (not only communities are included) and federal authorities, the bodies of state power of the subjects of the Russian Federation, local authorities and industrial companies.

Moreover, taking into account the small number of indigenous peoples, the legislature provides them with opportunity to be elected in the representative bodies under special conditions<sup>11</sup>. For this reason some subjects of the Russian Federation introduced standards to ensure a guaranteed representation of small indigenous peoples in elected regional bodies of state power. As an example, according to the Charter of the Khanty-Mansi Autonomous Area No. 4-O3 (Basic Law), dated April 26, 1995, one of the deputy governors of the Area is a representative of small indigenous peoples of the North. Three deputies represent small indigenous peoples in the legislative (representative) body of the Khanty-Mansi Autonomous Area – Yugra. Deputies of the Duma of the Autonomous Area, elected in a multi-mandate electoral constituencies, form the Assembly of representatives of small indigenous peoples of the North, whose chairman is the Duma's deputy chairman.

The regional government of the Yamal-Nenets, Nenets Autonomous Areas, Krasnoyarsk Territory and other northern subjects of the Russian Federation has specialized departments responsible for maintaining the small indigenous peoples living in the territory of the region.

According to the information of 2005, among the employees of executive authorities of the Khabarovsk Territory there were 44 representatives from small indigenous peoples, including 3 Evenks, 1 Udegey, 6 Evens, 1 Negidal and 27 Ulchs.

<sup>11</sup> Federal Law No.21-Φ3 of 7 February 2003 on provisional measures to ensure representation of small peoples of the Russian Federation in legislative (representative) bodies of state power of the constituents of the RF.

A number of constituents of the Russian Federation implements measures to expand the right of indigenous peoples to participate in the public and political life of the region. According to the law of the Khabarovsk Territory, authorized representatives of indigenous peoples are elected in 81 inhabited localities; Councils of authorized representatives have been formed under the governor of the Territory and the heads of 15 districts.

Representatives of small indigenous peoples of the North are members of the Advisory Council of Interdepartmental Working Group on Inter-Ethnic Relations, chaired by Deputy Prime Minister of the Russian Federation. The Advisory Council is an effective mechanism which ensures participation of representatives of small indigenous peoples of the Russian Federation in the process of decision making on their ethnic and cultural development.

Representatives of small indigenous peoples are also members of the National organizing committee of the Russian Federation responsible for the preparation and hosting the second Decade of indigenous peoples of the world. The Organizing committee plans and supervises the implementation of a series of special events on social, economic, ethnic and cultural development of small indigenous peoples of Russia.

Under the authorized representative of the President of the Russian Federation in the Siberian Federal District there is an Advisory Committee on small indigenous peoples of the North, Siberia and the Far East of the Russian Federation. In the Far Eastern Federal District interaction with the organizations of the small indigenous peoples is carried out through the Interdepartmental commission on public and religious associations under the authorized representative of the President of the Russian Federation in the Far Eastern Federal District.

Representatives of small indigenous peoples are members of the Working group of the Public Council under the Russian Ministry of Regional Development on ethnic and cultural policy and human capacity.

#### **4. International Cooperation of the Russian Federation to protect the rights of small and indigenous peoples of the North.**

The Russian Federation is a member of the UN Permanent Forum on Indigenous Issues; it observes the international obligations to protect the rights of indigenous peoples in the framework of implementation of the UN International Convention on the Elimination of All Forms of Racial Discrimination, the Framework Convention for the Protection of National Minorities of the Council of Europe, the International Covenant on Economic, Social and Cultural Rights, the European Social Charter.

On the basis of UN Resolution A/RES/59/174 of December 20, 2004 to hold the Second International Decade of the World's Indigenous People in 2005-2014, the Government of the Russian Federation is holding this decade in our country.

Decree of the Government of the Russian Federation No. 758-r of May 27 2006 established the National Organizing Committee to prepare and hold the Second International Decade of the World's Indigenous People in the Russian Federation; this Committee is chaired by the Minister of Regional Development of the Russian Federation. 16 constituent entities of the Russian Federation, where small indigenous peoples of the North live, also formed regional organizing committees to hold events in the framework of the Second International Decade.

In the framework of the policy for sustainable development of small and indigenous peoples of the North, Russia is actively cooperating with Canada to address the pressing issues in the field of ethno-cultural and socio-economic development of these peoples.

On the basis of the Memorandum of Understanding between the Department of Indian Affairs and Northern Development (Canada) and the Ministry of Regional Development of the Russian Federation Concerning Cooperation on Aboriginal and Northern Development signed in late 2007 in Ottawa (Canada), action plans are being implemented that in particular provide for holding joint Russian-Canadian roundtables on strengthening of the international cooperation of public authorities, civil society institutions and industrial companies in the field of development of indigenous peoples; elaborating the Code of Corporate Conduct to protect the rights of indigenous peoples; developing indicators of living standards of indigenous peoples.

Discussion of socio-economic development of the Far North is part of the agenda of the Arctic and North Working Group, established under the Canada-Russia Intergovernmental Economic Commission.

A good example of international cooperation between Russia and neighboring countries in the field of ensuring rights of indigenous peoples of the North is the interaction with the Kingdom of Norway and Finland.

The Russian-Norwegian cooperation is developing in the framework of the Norwegian-Russian Intergovernmental Commission on Economic, Industrial and Scientific-Technical cooperation. The interaction is carried out through the implementation of the Work plan to create favorable legal, trade, economic and other conditions for strengthening the Norwegian-Russian cross-border cooperation for 2011-2015. The Plan includes activities aimed at deeper cooperation between the Russian and Norwegian sides in the field of supporting small and indigenous peoples of the North, including implementation of joint projects.

In the follow-up of the 2011 agreements between the Russian side and the government of Finland, an inter-governmental working group was established with the aim of coordinating joint projects and programs supporting the ethnic and cultural development of the Finno-Ugrian peoples of Russia and Finland that partly belong to the indigenous peoples of the North (Veps, Mansi, Saami, Khanty).