

INDIGENOUS PEOPLES OF RUSSIA COUNTRY PROFILE

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ACRONYMS AND ABBREVIATIONS

ADB	Asian Development Bank
AO	Autonomous Oblast (or Okrug)
ASSR	Autonomous Soviet Socialist Republics
CANSR	Chief Administration of the Northern Sea Route
CCCS	Cross-Cultural Consulting Services, PLLC
CERD	Committee on the Elimination of Racial Discrimination
CPS	Country Partnership Strategy
CSO	Civil Society Organization
EBRD	European Bank for Reconstruction and Development
ECA	Europe and Central Asia region of the World Bank
FPIC	Free, Prior and Informed Consent
ICCPR	International Covenant on Civil and Political Rights (ICCPR)
ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICESR	International Covenant on Economic, Social, and Cultural Rights
IFC	International Finance Corporation
IP	Indigenous People
IPO	Indigenous Peoples Organization
IPP	Indigenous Peoples Plan
IPPF	Indigenous Peoples Planning Framework
KMNRF	Small-numbered Indigenous Peoples of the Russian Federation
KMNSSDV	Small-numbered Indigenous Peoples of the North, Siberia and the Far East
MIGA	Multilateral Investment Guarantee Agency
MINREG	Ministry of Regional Development
OD	Operational Directive
OP	Operational Policy
PS	Performance Standard
RAIPON	Russian Association of Indigenous Peoples of the North
RSFSR	Russian Soviet Federative Socialist Republic
RTA	Reimbursable Technical Assistance
TTNU	Territories of Traditional Nature Use
UDHR	Universal Declaration of Human Rights
UN	United Nations
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNHRC	United Nations Human Rights Council
USSR	Union of Soviet Socialist Republics
WBG	World Bank Group
WGIP	Working Group on Indigenous Populations
WIPO	United Nations World Intellectual Property Organization

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EXECUTIVE SUMMARY

A popular saying holds that, “In Russia, everyone is indigenous.” Indeed, there is some truth to this statement, as most ethnic communities in today’s Russian state resided—*ab origine*—within its current territorial borders. Many of these communities self-identify as both Russian citizens and as distinctive ‘peoples’. Some maintain customary cultural, economic, social, and/or political institutions that are separate from those of the dominant society and culture. Some claim collective attachment to geographically distinct habitats or ancestral territories and to the natural resources therein. Some speak distinctive languages. The World Bank’s concept of Indigenous Peoples (IPs), as elaborated, under Operational Policy (OP) 4.10, is therefore pertinent to at least some of these groups.

OBJECTIVES

This Country Profile has several specific aims. One is to provide Bank task teams with an understanding of some of the historical, legal and social issues that are involved in making a determination to apply OP 4.10. If OP 4.10 is invoked, this report seeks to inform task teams of some of the key concerns of IPs and the requirements of the Russian legal context that should be taken under consideration to enhance project sustainability. Another aim is to define priority issues of particular concern to IPs in the Russian Federation that the Bank might reference as it continues to work with the Government of the Russian Federation to implement the Bank’s Country Partnership Strategy (CPS)’s *Theme 2: Expanding Human Potential*.

IPS IN THE RUSSIAN FEDERATION

Discussions of ethnicity in the Russian Federation are both complex and sensitive due to historical legacies of state- and nation-building. As the Russian Empire expanded in the 17th century, it subsumed numerous, diverse peoples. During the Tsarist period, state policies focused on asserting state political and economic control over northern and eastern territories. They otherwise paid little attention to reforming or integrating traditional political institutions and subsistence systems of newly subjugated peoples—though in later years there was an increasing pressure toward ‘Russification’. With the fall of the Russian Empire

and the ensuing economic, social and administrative reforms instituted under the Soviet Union, ethnicity developed into a central political issue—with sizeable minority populations vying with the Central Government for territorial control and sovereignty. In contrast to previous eras, the modes of life of indigenous populations were forcibly changed during the Soviet period. Since the end of the Soviet era, both minority and indigenous communities have had to re-negotiate their place within a multi-ethnic, multi-cultural Russia.¹

A) RUSSIAN DEFINITION

The concept of indigeneity has considerably evolved throughout the recent history of the Russian state. Prior to the Revolution of 1917 the peoples today classified as “indigenous” were seldom referred to in state policy, except in general terms such as “stray persons of different origin” found in 1822 in the Charter for the Management of Persons of Different Ethnicity. During the Soviet period, the terms “native peoples and tribes of the Northern regions”, “small peoples of the North,” and “peoples of the North,” were used sequentially to define legal categories of peoples targeted for special state policy protections. With the post-Soviet (1993) *Constitution of the Russian Federation*, the concept of “indigeneity” was introduced via provisions for “small-numbered Indigenous Peoples.” This legal category was later refined by the ‘Unified Register of Indigenous Small-numbered Peoples of the Russian Federation’ codified by the Government of the Russian Federation on March 24, 2000.

The Russian Unified Register enumerates a list of formally recognized indigenous groups. It now comprises 47 ‘numerically small’ minority peoples, of which 40 inhabit territories belonging to Siberia, the Russian North or the Russian Far East. Other indigenous groups include IPs living in the Caucasus, the Volga, and the steppe zone, as well as the small peoples of north-west Russia². In the modern Russian state, official identification of ethnic groups as “Indigenous Peoples” is based on the following criteria:³

- Living in the historical territories of their ancestors.
- Preserving their traditional way of life, occupations, and folk art [handicrafts].

- Self-recognizing themselves as a separate ethnicity.
- Numbering at most 50,000 people within Russia.

IPs’ advocacy groups often decry the definitional approach taken by the Government of the Russian Federation. Indigenous communities that are larger than 50,000 cannot be included in the Unified Register and they are thus not eligible for the benefits of the IP status. However, there are larger ethnic groups in the Russian Federation that share the characteristics and challenges of small-numbered IPs but do not enjoy recognition or legal protections (such as priority access to natural resources such as fishing and hunting grounds). The requirement to maintain a traditional way of life and inhabit certain remote (especially Northern or Far East) regions of the country is also of concern, as it restricts the freedom of IPs to engage with the modern economy and hinders their competitiveness.

As of 2010, the peoples recognized as small-numbered IPs comprised ca. 316,000 individuals. 258,000 of them are small-numbered IPs of the North, Siberia, and the Far East, residing within 28 constituent political administrative units of the Russian Federation. The size of these groups varies from fewer than 300 to more than 40,000. According to the 2010 census, the population of IPs in Russia has been modestly growing. A comparison between the results of censuses held in 2002 and 2010 reveals that the IP population increased during the period by 9,567 (representing a population growth in 16 out of 47 recognized IP communities). The census also revealed that the number of women in most IP communities outweighs the number of men. The IP population is currently concentrated in original territories designated for IP communities, and only 4.3 percent of IPs reside outside of these territories. Nearly 65 percent of the recognized IP population resides in rural areas, often constituting the majority of farmers in mixed communities.

The median age of the IP population is relatively young and their education level is relatively low. The median age of IPs ranges between 21 and 29 for most indigenous groups. Compared to averages in the Russian Federation, IP communities have more population below working age, and less population above working age. This statistics also reflects the fact that IP groups have higher birth rates and higher mortality rates compared to the average in the Russian Federation. Infant mortality is 1.8 times higher among IPs compared to the Russian Federation average. Education levels of IP communities are relatively low, but vary from one group to another. Among Nentsy, for example, more than 25 percent of

the population lacks primary education. In other groups, more than 10 percent of the population lack primary education. Russian is the first and main language for more than 90 percent of IP communities. Levels of unemployment among the IP population are 1.5-2 times higher than average in the Russian Federation. A considerable part of the working IP population indicates that its primary income derives from private farming.

B) THE WORLD BANK’S DEFINITION

The definition of indigeneity is a central part of the World Bank’s OP 4.10. OP 4.10 notes that a wide range of terms may refer to peoples that would be recognized as Indigenous Peoples for purposes of policy application, including “indigenous ethnic minorities, aboriginals, hill tribes, minority nationalities, scheduled tribes, or tribal groups” (paragraph 3). However, “[b]ecause of the varied and changing contexts in which Indigenous Peoples live and because there is no universally accepted definition of Indigenous Peoples” (paragraph 3), OP 4.10 does not “define the term.” Instead, it states that ‘distinct’ and ‘vulnerable’ social and cultural groups that possess the following cumulative requirements would trigger the policy for operational purposes: self-identification as members of a distinct indigenous cultural group; collective attachment to geographically distinct habitats or ancestral territories; distinctive customary cultural, economic, social, or political institutions; and an indigenous language.

The definitions used by the World Bank and the Russian Federation currently diverge. OP 4.10 applies unambiguously to small-numbered IPs residing in the northern and far eastern areas of the Russian Federation. However, OP 4.10 could also be triggered by the presence of distinct and vulnerable sociocultural groups that are not covered by the Russian definition.

LEGAL PROTECTIONS FOR IPS

Protections granted to IPs as part of OP 4.10 and by Russian legislation are as follows.

A) PARTICIPATION IN DEVELOPMENT PROCESSES

A central pillar of OP 4.10 is the requirement for “free, prior, and informed consultation” with IPs regarding

projects that affect them. The scope of IPs' participation within Bank-financed projects includes participation in the process of project preparation for the purposes of ascertaining and responding to the concerns of IPs. Such participation is predicated on full disclosure about the nature and intention of the proposed project activities. Broad community support is seen as a necessary precondition of project approval.

Russian federal law formally requires the participation of IPs in development contexts, but this requirement is not always implemented in practice. The formal legal requirement includes IPs' participation in monitoring the use of land resources, adoption and implementation of federal and regional laws, environmental and ethnological assessments, and more. However, despite legal safeguards that require informing and consulting IPs in development processes, there is a lack of a systematic consultative framework. IPs remain underrepresented in executive and legislative bodies at the national level, and their representatives do not always have opportunities to participate in consultative working groups (whenever such groups are created) to review new legislation.

B) LANDS AND RELATED NATURAL RESOURCES

OP 4.10 refers to the protection of lands and related natural resources. Recognizing that "Indigenous Peoples are closely tied to land, forests, water, wildlife, and other natural resources," OP 4.10 requires projects that 'affect such ties' to pay attention to the customary rights of IPs pertaining to lands and territories, the need to protect such lands, the cultural and spiritual values that IPs attribute to such lands, and IPs' natural resource management practices.

Formally, Russian law offers IPs several protections related to the use of lands and natural resources. These protections aim to ensure that IPs retain access to their customary territories for the purposes of traditional economic activity, participate in the enforcement of state legal protections, and retain access to material and financial resources required to maintain such areas. However, the Russian Land Code also rules out any form of land tenure other than rent and private property. This contradictory approach creates severe difficulties for IPs in asserting their rights to land and resources. While government representatives maintain that indigenous groups rarely pay any fees for the use of land, IP representatives contend that they do pay such fees, and even if these are small, they nonetheless impose an economic burden on indigenous communities.

Russian law also provides that the land utilized by an indigenous community for traditional economic activities can be formally recognized as a "territory of traditional nature use." These territories can be assigned to that community to use free-of-charge for a certain renewable period of time. IPs living in these territories are guaranteed several privileges: the right to continue occupy the land and use its renewable resources for traditional activities, the right to participate in decision-making when industrial development in the territory is considered, and the right to receive compensation when industrial development occurs that interferes with their access to land or damages the environment. However, IP organizations maintain that these provisions are often not implemented.

Hunting rights and access to forests, and aquatic resources present a challenge. These areas are regulated by codes which define limitations to the concepts of usufruct and ownership and obligate IPs to compete in commercial tenders for hunting and fishing grounds with private businesses. These legislative provisions substantially endanger IPs' continued access to their sources of subsistence, food, and income.

In practice, the majority of IPs has no permanent legal rights over the land and natural resources that they depend on for their survival. Although the constitution of the Russian Federation allows for varied forms of land and natural resources ownership (private, state, municipal and otherwise), most of the land and subsoil resources in Russia are the property of the state. Agricultural, forest, pasture and other land parcels utilized by private entities are primarily leased from the government. IPs' rights to land and natural resources are consistent with this general framework; they are accorded rights to use the land and its renewable and common resources while title ownership remains with the state.

Reindeer herders are particularly vulnerable and dependent on access to land. Reindeer communities represent a considerable portion of the indigenous population that preserves traditional lifestyle, and unrestricted access to land is critical for the preservation of their sources of livelihood. However, as reindeer herding is typically nomadic, the access rights of these communities are not sufficiently protected, and they may not be able to graze their reindeer due to changes in land use induced by commercial projects. In such cases, physical displacement does not occur due to an official decision to relocate the community, but rather because lands on which the community used to graze its reindeer become

affected by industrial projects and are no longer suitable for reindeer purposes.

C) COMMERCIAL DEVELOPMENT OF NATURAL AND CULTURAL RESOURCES

OP 4.10 provides that the commercial development of the natural and cultural resources of IPs is conditional upon their prior agreement to such development. This requirement applies to projects involving “the commercial development of natural resources... on lands or territories that Indigenous Peoples traditionally owned, or customarily used or occupied” as well as projects involving “the commercial development of Indigenous Peoples’ cultural resources and knowledge.”

Territories inhabited by IPs of the North are affected by an ongoing expansion of industrial operations, mostly in the extractive industries. IPs and their representative organizations note that such industrial activity often occurs without prior consultation with IPs about planned activities—let alone adequate compensation or benefits-sharing arrangements. This situation is exacerbated by both federal and regional government bodies’ lack of appropriate guidelines and the legislative provisions that exist carry no sanctions for their violation. Large infrastructure development projects in the North and Far East regions of the Russian Federation are particularly worrisome in terms of their negative effect on the livelihood of IPs. Recent reports of industrial operations in indigenous territories operating without consultation, consent or even information sharing have come from Tomsk oblast, Yamal Nenets okrug, Altai republic, the Republic of Sakha (Yakutia), Kamchatka territory, and Sakhalin oblast.

Russian legislation does not limit tenders and auctions of land, forest and water areas in territories where IPs live and for the natural resources they use. This situation effectively reduces the hunting grounds and pastures for IPs. Moreover, the law has no regulation that obliges license holders to provide indigenous users access to areas that they use for traditional livelihood. Such legislation creates grounds for conflicts and lawsuits where IPs have to defend their right to traditional livelihood.

Fishery presents a particular challenge. Access to fish stocks and fishing grounds is especially critical, as fish constitute the single most important source of nutrients for many IPs. In spite of this right being protected by federal law, fishing authorities pursue highly restrictive policies

and impose often arbitrary and non-transparent restrictions on indigenous fish-dependent communities that make traditional fishing practices impossible.

D) PHYSICAL RELOCATION OF INDIGENOUS PEOPLES

OP 4.10 requires borrowers “to explore alternative project designs to avoid physical relocation of Indigenous Peoples.” This requirement reflects the recognition that “physical relocation of Indigenous Peoples is particularly complex and may have significant adverse impacts on their identity, culture, and customary livelihoods.” In those “exceptional circumstances, when it is not feasible to avoid relocation”, borrower relocation must have “broad support” from the affected IPs communities as part of the free, prior, and informed consultation process.

Russian law does not contain provisions that require the consent of IPs for involuntary resettlement. The lack of protections for IPs in the Russian Federation against government or private sector project-related involuntary relocations is a serious issue, as physical displacement can cause irreparable damage to a way of life if access to ancestral territories is severed. However, physical displacement of indigenous communities in Russia is more likely to occur due to project-induced changes in land use rather than by official government fiat.

E) DEVELOPMENTAL ASSISTANCE

OP 4.10 provides that the Bank may offer financial assistance to support initiatives that protect IPs. At a member country’s request, the Bank may support the country in its development planning and poverty reduction strategies by providing financial assistance for a variety of initiatives.

Russian national policy objectives for development assistance to IPs largely correlate with OP 4.10. Yet, in spite of legislative improvements envisioned in a 2009 Federal Decree on the *Concept of the Sustainable Development of the Small Indigenous Peoples of the North, Siberia and the Far East of the Russian Federation*, little has been accomplished so far to help realize these objectives.

In sum, there is a gap between formal IP rights under the Russian legislation and their practical implementation.

Formally, IPs in the Russian Federation have a wide range of special benefits and rights guaranteed to them, broadly paralleling the special considerations and requirements for participation and consultation called for in OP 4.10. However, they are not always attainable. Contradictory laws and regulations as well as a lack of enforcement can result in the de facto denial of many of the rights accorded to IPs. Many IP organizations maintain that the Constitution actually affords little space to IP *communities* (as differentiated from individuals). As a result, IPs and their representative organizations tend to refer to international law—rather than Russian law—to substantiate community claims to specific rights and freedoms vis-à-vis conflicting laws and activities of central and regional state bodies. The outcome is a tension-ridden relationship between the state and indigenous communities.

The cumulative effects of historical circumstances and current socio-political conditions aggravate existential threats posed to IPs. These include the on-going degradation of their environment caused by resource exploitation, the relatively inferior state of their health, the rapid loss of culture, language and traditional knowledge, the impoverishment of indigenous rural populations and the profound environmental changes being brought about by global climate change. In this context, the IPs consulted for this report talked about development that balances economic potential and resource extraction with ecological and cultural sustainability.

IPS' CORE DEVELOPMENTAL PRIORITIES

The following five areas can be considered to be core developmental priorities of IPs in the Russian Federation:

- *Protection of Rights to Land and Resources.* IPs in the Russian Federation desire coherence, consistency and certainty in regard to state legal formulations concerning their access to land and resources. They are also in need of assistance to obtain such access.
- *Participation.* IPs seek the right to participate fully and effectively in the decisions that will concern their lives and livelihoods. They seek the widespread acceptance of this right, along with support for the creation of mechanisms guaranteeing this right that would allow

them to be involved in the crafting of laws and regulations affecting them.

- *Rights Awareness and Access to Justice.* IPs wish to have full access to information that affects their lives and livelihoods and to raise awareness in indigenous communities of the rights they are entitled to. In those cases where IPs are excluded from exercising their rights to participate in development processes, they wish to have access to effective—and legally established—forms of recourse.
- *Benefits-sharing.* IPs desire fair and equitable benefits to project-affected indigenous communities based on just compensation for damages and impacts. Programmatically speaking, initiatives in support of education and access to health services are the most frequently cited community social needs. There is also an increasing awareness of the need for targeted gender-based initiatives.
- *Cultural Survival.* Declining population sizes combined with increased acculturative pressures have brought some peoples' very existence into question. IPs are concerned about their ability to carry their culture to subsequent generations and hope to use any development initiative to advance that goal.

POSSIBLE DIRECTIONS FOR FURTHER ACTION

- *Support for Indigenous Priorities.* To support indigenous priorities, it may be useful to develop appropriate regulatory frameworks, both at the federal and regional levels, to extend protection of rights to land and resources and to enhance participatory approaches. Capacity-building efforts could address the need for raising rights awareness and increasing access to justice, while programmatic initiatives could speak to benefits-sharing preferences and cultural heritage protection measures.
- *Supporting Concrete Initiatives.* It could be promising to support initiatives that make the development process more inclusive of IPs, and raise the capacity of both local governments and indigenous communities

to collaborate on development projects. Other types of initiatives include recognition of customary land tenure systems and establishing data baselines of indigenous communities focusing on traditional economic activities and making this information publically available.

- *Ensuring the Engagement of IPOs.* As a means of helping to ensure that developmental initiatives are devised with the active participation of IPs, representative Indigenous Peoples Organizations (IPOs) could be engaged as interlocutors on projects affecting IPs communities.
- *Engagement with the Private Sector.* A unified approach could be devised to support corporate engagement with indigenous communities regarding projects that will affect those communities. This could include encouraging responsible private sector relationships with project-affected IPs through voluntary compliance with the provisions of IFC ‘Performance Standard 7 (Indigenous Peoples).’ Following on these initial developments, a new paradigm of community engagement with the private sector can be explored based on a dynamic three-way partnership between indigenous communities, local governments, and companies.

NOTES:

- 1 This report focuses on the 47 IPs populations of the North, Siberia, and the Far East.
- 2 Diatchkova, Galina. 2001. ‘Indigenous Peoples of Russia and Political History’ *Canadian Journal of Native Studies* 21(2): 217-233. Available online at: http://www2.brandonu.ca/library/cjns/21.2/cjnsv21no2_pg217-233.pdf
- 3 The criteria defining ‘Indigenous Peoples’ as such in Russia (the legal Russian term being *коренные малочисленные народы Российской Федерации* [korennyye malochislennyye narody Rossiyskoy Federatsii], abbreviated as “малочисленные народы”) is established in Article 1 of Federal Law of April 30, 1999 N 82-FZ ‘On the Guarantees of the Rights of Indigenous Peoples of the Russian Federation’ (as amended). Available at: <http://base.garant.ru/180406/>

INTRODUCTION

This Country Profile has several objectives. One is to provide Bank task teams with an understanding of some of the historical, legal and social issues that are involved in making a determination to apply OP 4.10. In cases where OP 4.10 is invoked, this report seeks to inform task teams of some of the key concerns of Indigenous Peoples (IPs)³ and the requirements of the Russian legal context that should be taken under consideration to enhance project sustainability. Another aim is to define priority issues of particular concern to IPs in the Russian Federation which falls under *Theme 2: Expanding Human Potential* of the Bank's Country Partnership Strategy for the Russian Federation for the period of 2012-2016 (CPS)'s.

The basis of this Country Profile Report is a desk review of publically available English and Russian language materials (analysis of secondary data). Efforts have also been made to confirm report findings, including a questionnaire survey distributed to recognized experts in IP issues in the Russian Federation. Also, a panel of stakeholders from government, civil society and academia was convened at the Moscow office of the World Bank on June 18, 2012 to discuss key topics and issues. Some of the attendees later served as peer reviewers for a draft version of this document. A final working group meeting to review the outcomes of this report and the case-study annexes was convened at the Moscow office of the World Bank on April 2, 2013.

The structure of the report is as follows. *Part I* of this 'Country Profile' provides the historical context for the emergence of minority and indigenous issues in Russia including the concept of indigeneity. *Part II* outlines the definition of "indigenous people" under Russian and international law, and according to the World Bank policy, as stated in OP 4.10. *Part III* discusses the legal and regulatory protections granted to IPs under Russian law and pursuant to the Bank's OP 4.10. It focuses in particular on IPs' rights to participate in developmental processes, access to lands and related natural resources, commercial development of natural and cultural resources, physical relocation of IPs, and developmental assistance. *Part IV* outlines key development priorities of IPs in the Russian Federation, relying on inputs from the Russian Association of Indigenous Peoples of the North, Siberia, and the Far East (RAIPON). This part also includes directions for further action that could be undertaken to support dialogue on IP rights in the Russian Federation. The *annexes* provide comparative data on the circumstances and locations of indigenous groups in Russia.



PART I.

INDIGENOUS PEOPLES IN THE EVOLUTION OF THE RUSSIAN STATE – A BRIEF HISTORICAL REVIEW

A popular saying holds that, “in Russia, everyone is indigenous.” Indeed, there is some truth to this statement. Most ethnic communities in today’s Russian state reside—*ab origine*—within its current territorial borders.¹ Many of these communities self-identify as both Russian citizens and as distinctive ‘peoples.’ Some maintain customary cultural, economic, social, and/or political institutions that are separate from those of the dominant society and culture, and some claim collective attachment to geographically distinct habitats or ancestral territories and the associated natural. Some also speak their own languages. In sum, there is a wealth of distinctive ethnic and cultural communities within the modern Russian state.

By Russian legal and regulatory standards, however, only a small subset of ethnic peoples count as IPs. It is therefore important to start by engaging with the question: Who is indigenous? Historical context is important to respond to this question, as it exposes the sensitivity of the concept of ethnicity in Russian socio-politics and the depth of inter-ethnic tensions and political struggles. It also explains the emergence of the Russian differentiation between IPs and other minority ethnic groups according to population size (a point that will be treated in greater length in Part II).

A. ETHNICITY IN HISTORICAL CONTEXT: THE POLITICS OF REGIONALISM AND ETHNO-NATIONALISM THROUGHOUT THE HISTORY OF THE RUSSIAN STATE

The current complexity and sensitivity of ethnicity in the Russian Federation is based on the historical dynamics of state- and nation-building. As the Russian Empire expanded in the 17th century, it brought under Russian state control numerous peoples. Throughout most of the Tsarist period, the concept of indigeneity was non-existent and was instead subsumed within more general state

policies differentiating primarily between Russian and non-Russian populations. Some recognition was however made of the special circumstances of northern indigenous groups. Throughout most of this period, political and economic control of northern and eastern territories was the primary concern of the Russian state, while traditional indigenous political institutions and subsistence systems were preserved. Towards the end of the period, there was an increasing pressure toward ‘Russification’ and gaining territorial control. This project also included efforts to convert minority religious groups to Orthodoxy, which would often result in civil unrest.

With the fall of the Russian Empire in 1917, ethnicity became a central political issue. The economic, social and administrative reforms instituted under the Soviet Union forcibly changed the modes of life of indigenous populations. This resulted in sizeable minority populations vying with the central government for territorial control and sovereignty.

Since the collapse of the Soviet Union in 1991, both minority and indigenous communities have had to re-negotiate their place within a multi-ethnic, multicultural Russia. The post-Soviet period can be characterized by relatively more democratic methods of governance and a renaissance of traditional cultures of IPs and other small nations, though only within the limited political and economic space opened by the Government of the Russian Federation.² The next section of this report focuses on the period of the Russian Empire through the Soviet Union, followed by a separate discussion of ethnic politics and IP issues in the post-Soviet Russia.

A) MINORITY INTEGRATION IN THE RUSSIAN EMPIRE AND THE SOVIET UNION

The integration of minority nationalities with the Russian state has its historical antecedents in the Russian

Empire and even the Tsardom of Russia. By some accounts, the annexation of the territories where indigenous and minority populations were settled began in the 13th century in the northern part of what is known today as European Russia, when the Saami were the first people to pay levies to the state of Novgorod.³ More intensive efforts at state expansion were undertaken from the mid-16th century onward. As local rulers sought to extend their territorial control and power, their policies toward minority populations varied between greater and lesser degrees of intervention in economics and governance. However, Russian state interference in social and cultural practices was relatively limited in scope throughout this period.

At the time of first encounter, indigenous and minority populations already had well-developed communities, economies and cultures. The indigenous populations of the North, Siberia and the Far East had specially-adapted livelihoods based on a nomadic or semi-nomadic way of life, of fishing, hunting, and/or reindeer herding⁴ and complex forms of social organization and governance to regulate their societies.⁵ In this period, state (Tsarist) policy was to not interfere with these systems, nor to worry whether the diverse ethnic subjects self-identified as independent peoples rather than as part of a collective ‘Russian’ cultural community. The primary concern was that they recognized the administrative dominion of the Russian state, i.e the authority of the Tsar, and were prepared to remit tributes.⁶

Interaction between Russian and non-Russian peoples continued to increase throughout this early period. This was due to various political interests, including military expeditions to further expand the eastern territories. This ultimately led to the construction of well-fenced towns and the collection of levies. At the time, the main governing body dealing with non-Russian populations was the Siberian Department, established in 1637. As part of these developments, Russian peasants started to settle in Siberia in large numbers by the early 19th century.

As settlers and aboriginal peoples entered into commercial relations, the Russian state began to realize the necessity of legal regulation. “Regulations of Indigenous Peoples”, adopted in 1822, aimed to respond to this need, establishing legal judicial and regulatory entities, and defining the status of the non-Russian population.⁷ It sought to preserve the traditional administration and economy of indigenous populations, while prohibiting Russians from settling in areas of clan communities without asking their

permission. Hiring manpower was allowed "with the consent of clan administration." The importation and sale of liquor was strictly forbidden.⁸

Yet shortly thereafter, in the 1830s, Russian imperial authorities started promoting the concept of a unified ‘Russian’ national identity. This project included efforts to convert minority religious groups to Orthodoxy. This initial drive for ‘Russification’ (русификация; *rusifikatsiya*)⁹ led to civil unrest and was subsequently moderated. However, it regained momentum after the November Uprising of partitioned Poland in 1831, and especially after the Russian defeat in the Crimean War in 1856, the Polish rebellion of 1861, and the January Uprising of the Polish-Lithuanian Commonwealth in 1863.

One response to the imperial ‘Russification’ project was heightened national sentiment among many of the minority populations in the Russian Empire.¹⁰ In the build-up to the Russian Revolution of 1917, the Bolsheviks leveraged this sentiment to develop pacts with leading ethnic groups that traded promises of territorial recognition in return for political allegiance. Following the triumph of the Soviet forces in the following years, the concepts of ethnicity and territoriality (ethno-regionalism) took on an entirely new form as various peoples previously subjugated under the Russian Empire sought to define a new multi-ethnic and multi-confessional state.

The practice of granting ethno-territorial autonomy to leading ethnic groups was institutionalized as an organizing principle of the Soviet state. But the definition of how such autonomous ‘nations’ would be constituted became politically charged. Joseph Stalin’s (1913) *Marxism and the National Question*, the cornerstone of the Soviet policy towards nationalities, defined a nation as “a historically constituted, stable community of people, formed on the basis of a common language, territory, economic life, and psychological makeup manifested in a common culture.”¹¹ Yet many of the subject nationalities or communities of the former Russian Empire did not fully meet these criteria for reasons of cultural, linguistic, religious and tribal diversity. Other groups lacked a political consciousness articulated on the basis of ethnic unity. Throughout the subsequent evolution of Russian state administration, ethnicity remained a salient political concern.

The Bolshevik government adopted the *Declaration of the Rights of the Peoples of Russia*. The Declaration, issued on November 15, 1917, recognized equality and sovereign-

ty of all the peoples of Russia; their right for self-determination, up to and including secession and creation of an independent state; freedom of religion; and free development of national minorities and ethnic groups on the territory of Russia.¹² This position was confirmed by the Constitution of 1918. Thus, the IPs of the Russian North acquired equal rights with other ethnic groups of Russia. Also worth noting is the ‘Decree of the Government On the Preliminary Protection of Indigenous Tribes’ of 1923, which established a category of people, “natives of the north,” who were in need of special state protection, banned the import of alcohol to areas of permanent inhabitation by northern IPs, and introduced a state monopoly on the fur trade, along with other measures.¹³

The establishment of the Soviet Union cemented the concept of “nationalities.” The Union of Soviet Socialist Republics (USSR, also ‘Soviet Union’) was formally established in 1922 as a federation of nationalities within the boundaries of the former Russian Empire. Immediately thereafter, the Bolshevik government began the process of ‘national-territorial delimitation’ (национально-территориальное размежевание; *natsional'no-territorial'noye razmezhevaniye*). This process strengthened the concept of ‘nationalities’ via officially sanctioned territorial definitions in which ethnographers and ethnographic knowledge played a significant role.¹⁴ Eventually, the USSR came to encompass 15 major national territories, each organized as a Union-level republic (Soviet Socialist Republic or SSR). All 15 national republics, created between 1917 and 1940, had constitutionally equal rights and equal standing in the formal structure of state power. The largest of the 15 republics was the Russian Soviet Federative Socialist Republic, (RSFSR), which, albeit predominantly comprised of ethnic Russians, was also ethnically the most diverse—hence ‘a federation within a federation.’

In the early 1920s, the RSFSR (Russian Soviet Federal Socialistic Republic) was administratively partitioned into autonomous ethnic territories.¹⁵ Those were referred to as Autonomous Soviet Socialist Republics (ASSR) and Autonomous Oblasts (AO)—many of which exist to this day as ethnic republics within the Russian Federation. Pursuant to the general policy of granting ‘national territories’ to all ethnic groups, numerous lower-level administrative territorial divisions were also created. The larger of these units were the republics (республика; *respublika*), or so-called “titular nations” (титульная нация; *titul'naya natsiya*) of the Yakuts in the Sakha Republic (Yakutia), the

Bashkirians in the Bashkirian Republic, and the Tuvians in the Republic of Tuva, named after the dominant ethnic group in the given territories. The republics were extended varying degrees of governmental autonomy.¹⁶ Areas with relatively large population ratios of aboriginal people in sparsely populated regions were recognized as ‘national okrugs’ (now ‘autonomous okrugs’). Some of those also included titular nations, such as the Chukchi in the Chukotkan AO and the Evenks in the Evenkian AO. Yet the ethnic peoples after whom these territorial administrative units were named never constituted a majority population and were still considered “national minorities” (национальные меньшинства; *natsional'nyye men'shinstva*).¹⁷ Apart from national republics, oblasts, and okrugs, several hundred national districts were also established (population 10,000-50,000) and several thousand national townships (population 500-5,000).

Despite the general policy of granting national territories to all ethnic groups, several small nationalities initially remained without their own territories. The first population census of the USSR in 1926 reported that the state was constituted of 176 distinct nationalities.²¹ However, the peoples of the North, as a prominent example, had neither autonomous republics nor autonomous oblasts. They were particularly vulnerable because of their small size and dependency on traditional economic activities of fishing, hunting and reindeer herding. It is from this context that the modern category of IPs first began to take shape as distinct from other ‘minority nationalities.’ This situation began to change in the 1930s with the creation of 10 national/autonomous areas for IPs and local tribal governments, including the Chukotka Autonomous Okrug, the Koryak Autonomous Okrug, and the Nenets Autonomous Okrug.¹⁹

During this period, scholars and politicians proposed two alternative approaches to IPs’ status:²⁰

- The ‘Traditionalist’ or ‘Native’ approach emphasized the importance of preserving the culture of the northern IPs and proposed that contacts with the newly arrived population be minimized. Some proponents of this approach also advocated for the creation of ‘reserved’ areas similar to those existing in Western countries (that is, the United States of America).²¹
- The ‘Innovative’ or ‘Integrative’ approach argued for the rapid and radical integration of the northern IPs into the culture of other peoples of Russia and their adoption of socialist values.

At first, the ‘traditionalist’ policy was pursued. Under the *Decree of the Presidium of the All-Russian Central Executive Committee* dated 20 June 1924, the Committee of the North²² was set up to attend to the “problems” of the indigenous population.²³ In 1926 the Central Executive Committee issued a *Decree on the Establishment of Interim Regulations for the Management of Indigenous Tribes of the Northern Periphery of the RSFSR*,²⁴ identifying 26 Indigenous Peoples (туземных народностей; *tuzemnykh narodnostey*).²⁵ Immediate steps were taken to “assist” these specially recognized indigenous populations. Exemptions from taxation and conscription were codified, along with a law requiring that Native people, including Native women, be included in courts of the people. “Culture bases” were also established, where cinemas, cooperatives, clinics, and libraries were located.²⁶ The policies of the early 1920s that aimed at the development of indigenous cultures and economies by means of limited partnership and slow-paced reform, while relatively benign, still reflected a common perception that IPs were backward (отсталый; *otstalye*) and had to be ‘saved’ from their ‘primitiveness.’

In the late 1920s and early 1930s, political sentiment shifted in support of the ‘innovative’ or ‘integrative’ approach. The political discourse at the time revolved around the notion that the whole society had to move quicker along the road to “true” socialism and eventual communism. The Committee of the North was disbanded in 1934. In 1935, power over Northern Affairs was assumed by the Chief Administration of the Northern Sea Route (CANSR).²⁷ The earlier toleration of the Russian state for the quasi-independence of indigenous societies was replaced with forced integration. All the trappings of ‘primitive communism’—animism, shamanism, rituals and ceremonies, the chum and yaranga (temporary tent-like traditional dwellings), native languages, etc.—were to be reformed by socialist principles and industrial development.

Collectivization became the major factor of reorganizing traditional economy and social life. Centralized settlements with modern houses, schools, and hospitals would replace the nomadic and semi-nomadic life-styles of the IPs.²⁸ Along with the larger economy of the entire Soviet Union, the means of production were socialized—whether farmland or reindeer herds—transforming customary subsistence systems.²⁹ Household-based family relations gave way to collective farms (колхозы; *kolkhozes*)³⁰ sustained by state subsidies. Overall, state control and regulation were introduced into all aspects of the economic, social and political lives of IPs.³¹ For both minority regions and

small-numbered IPs, these changes had dramatic ramifications for community interaction with nature and society.

The Soviet government was also concerned with the development of nationalism in ethno-territorial units. To secure its position, the Soviet government therefore subjected some minority populations to deportation—notably peoples of the North Caucasus and the Volga Germans—and forced others to assimilate with the prevailing Russo-Soviet culture. This forced relocation resulted in the destruction of ethnic social, cultural and economic structures.³² The migration of Russian-speaking Slavs to non-Russified regions reinforced the process of acculturation.

By the end of the 1930s, the concept of nationality had largely supplanted that of ethnicity. Official Soviet narratives celebrated ethnic differences through colorful folkloric displays that emphasized the existing unity and friendship of the peoples of the USSR but—at the same time—concealed any forms of cultural difference that would threaten or cast doubt upon this narrative. From the 1930s onwards, teaching of Russian language became compulsory and many native languages disappeared from schools.³³ To encourage this process, indigenous children were sent to boarding schools where their Moscow-trained teachers refocused their lives, languages, and identities away from their indigenous heritages.

In the 1960s, the government started pursuing a policy of resettling people from small villages to larger urban areas. This policy had the most significant impact on indigenous lifestyles. It destroyed ecologically balanced environmental management systems that had prevailed for centuries. Ethnic integration and mass separation of children from their parents occurred due to their education in boarding schools. This was coupled with the reduction of accessible hunting, fishing and herding areas and the loss of opportunities to engage in traditional activities. Those trends led to a spiritual and economic crisis among IPs. From the 1970s, hidden unemployment, alcoholism, broken families and the undermining of traditional culture all continued to increase. These phenomena led to a decrease in rates of population growth and later to declining aboriginal populations—paralleling similar trends in countries from Australia to the USA.

Partially in response to these changes, ethno-nationalist sentiments began to arise among minority groups from the 1960s onward. New classes of indigenous political and cultural elites began to emerge. In the 1980s, the

combination of growing ethno-nationalist sentiments, the emergence of a reformist General Secretary, Mikhail Gorbachev, and disparities across the territorial administrative constituents of the Soviet Union provided the conditions for minority issues to re-assume central significance.³⁴

In sum, while the USSR was conceived as a union of distinct nations,³⁵ not all nationalities were considered as equally advanced. The 19th century Marxist conceptualization of nationality, retained by many Communist Party theoreticians, encompassed a range of ethnic formations that were defined on a continuum of backward to advanced, with Russians as the most advanced group. Pastoral groups like the Sakha occupied a sort of middle ground—perceived as less advanced than the national populations of the Ukraine, Belarus, and Uzbekistan, but still less backward than the small indigenous populations of the North, Siberia and the Far East. These varied classifications—linked as they were to administrative hierarchies of territorial governance—have partially conditioned how the concept of IPs is understood in the post-Soviet period.³⁶

B) ETHNICITY AND INDIGENEITY IN THE FORMATION OF THE RUSSIAN FEDERATION

The abrupt transition to a market economy and the collapse of the Soviet Union brought questions of ethnicity and nationality back into the center of Russian politics. Both ethnic Russians and minority populations faced two principal and interrelated challenges. First, the question arose as to how to formulate a Russian national identity that incorporated the diversity of peoples and cultures of the new Russian Federation. In the RSFSR of the late 1980s, the Russian democratic movement was formed around a civic notion of the state. Yet after independence, this movement disintegrated in the face of ethno-nationalist sentiments. The status of ethnic Russians, Russian culture and history, and the Russian language in the new Russian state thus needed to be determined. Second, due to the link between territory and political/economic rights that developed in the late 1980s,³⁷ the administrative arrangements of the new Russian Federation became extremely important. The contradiction between the Kremlin's desire to maintain dominance over the regions and the desire for autonomy, or even independence on the part of the minorities, fostered a power struggle between federal and regional authorities.³⁸ Political contestation over issues of ethno-nationalism escalated into open conflict between the Russian state and some of its national minority constituents—particularly in the North Caucasus.

Russia's small-numbered minority and indigenous populations became even more vulnerable within the newly re-constituted state. Many communities experienced something of an organizational void, lacking the former structure imposed by the Soviet government and unable to define a role for themselves in the newly-emerging systems of state governance. Furthermore, the collapse and disintegration of state-owned fur farms, fisheries, and reindeer breeding enterprises eliminated the wage-earning opportunities that indigenous communities had relied on. As a result, the post-Soviet era saw many minority and indigenous communities surviving in virtually non-cash environments with a significantly increased dependency on natural resources for their subsistence.³⁹ Unemployment, poverty and alcoholism soared, and some communities were brought to the brink of extinction.⁴⁰

The political struggles of the early 1990s and the increasing prominence of ethno-regionalism sparked a general revival of the ethnic practices of minority populations. Russia's minority IPs (especially the twenty-six "Indigenous Peoples" of the 1926 'The Central Executive Committee Decree') grew more active. They established representative organizations advocating actively for protection and expansion of their rights and freedoms. The First Congress of the Northern Minorities took place in March 1990, calling for a return of historic lands and the creation of traditional tribal councils.⁴¹

NOTES:

- 1 The Russian State similarly is very strong in asserting that all people living in Russia are indigenous. In the key document, *On the Concept of Sustainable Development of the Indigenous Peoples of the North, Siberia and the Far East of the Russian Federation*, the very first paragraph states that ‘most ethnic groups living in the country were composed as ethnic entities on the territory of Russia and in this sense they are indigenous people that have played a historic role in establishing the Russian state.’
- 2 Diatchkova, Galina. 2001. ‘Indigenous Peoples of Russia and Political History,’ *Canadian Journal of Native Studies* 21(2): 217-233. Available online at: http://www2.brandonu.ca/library/cjns/21.2/cjnsv21no2_pg217-233.pdf
- 3 Diatchkova 2001.
- 4 United Nations Human Rights Council. 2010. ‘Report of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people,’ James Anaya. Addendum – ‘Situation of Indigenous Peoples in the Russian Federation’ [A/HRC/15/37/Add.5] New York: Office of the High Commissioner on Human Rights. Available online at: <http://www.ohchr.org/EN/Issues/IPeoples/SRIndigenousPeoples/Pages/CountryReports.aspx>
- 5 The peoples of the Caucasus region—incorporated into the Russian state in the 19th century, along with a variety of Central Asian populations—had similarly developed lifeways and institutions of governance. By the time of the Russian occupation, the Indigenous Peoples of the North had already developed subsistence patterns in accordance with their natural environment, as well as regulations concerning social relations, mutual aid, public support of the disabled, orphans and widows, regulations of collective use of certain territories (hunting grounds, fishing sites, reindeer pastures), property relations and inheritance. Most indigenous nations led a nomadic life and were organized in autonomous clans or territorial communities based on common law. Under these circumstances the Tsarist policy towards the indigenous population rested on indirect control through the traditional institutions of the community. (Diatchkova 2001, citing: Высочайше утвержденный 22 июля 1822 года Устав Об управлении инородцев [Regulations of Indigenous population of 1822], 1998 Национальная политика в императорской России [National Politics in the Tsarist Russia], Russian Academy of Sciences, Institute of Ethnology and Anthropology, ed. VII. Semenov, Moscow, Staryi Sad: 141-176.)
- 6 Diatchkova 2001.
- 7 Высочайше утвержденный 22 июля 1822 года Устав Об управлении инородцев (Regulations of Indigenous Population of 1822), 1998 Национальная Политика в императорской России (National Politics in the Tsarist Russia), ed. Yu I. Semenov, Russian Academy of Sciences, Institute of Ethnology and Anthropology, Moscow, Staryi Sad: 7
- 8 Diatchkova, 2001.
- 9 Russification was actually known as early as the 16th century with the Khanate of Kazan (medieval Tatar state which occupied the territory of former Volga Bulgaria; conquered by Ivan IV in 1552) and other Tatar areas, but this passage speaks of a more deliberate and systemic policy.
- 10 Minority Rights Group International. 2011. ‘World Directory of Minorities and Indigenous Peoples - Russian Federation: Overview.’ [Updated August 2011]. UNHCR Refworld. Available at: <http://www.unhcr.org/refworld/country,,,COUNTRYPROF,RUS,,4954ce18c,0.html> [accessed 01 June 2012].
- 11 Definition of a nation in J. Stalin, *Marxism and the National Question*, March–May 1913; Russian original: J. Stalin, *Collected Works* in 16 Volumes, volume 2.
- 12 Declaration of Rights of the Peoples of Russia, 15 November 1917, *Big Soviet Encyclopedia*, on-line edition. Retrieved 15 November 2008.
- 13 Arctic Monitoring and Assessment Programme (AMAP). 2004. *Persistent Toxic Substances, Food Security and Indigenous Peoples of the Russian North*. [Chapter 2 of the Final Report]. Oslo: Arctic Monitoring and Assessment Programme Website. Available online at: <http://amap.no/documents/index.cfm?dirsub=%2FPersistent%20Toxic%20Substances%2C%20Food%20Security%20and%20Indigenous%20Peoples%20of%20the%20Russian%20North&sort=datelastmodified&CFID=8305&CFTOKEN=113E1F0F-1653-1298-0AFC124363948720>
- 14 Hirsch, Francine. 2005. *Empire of nations*. Ithaca: Cornell University Press; Hicks, Susan M. 2011. ‘Between Indigeneity and Nationality: The Politics of Culture and Nature in Russia’s Diamond Province.’ Theses submitted in partial fulfilment of the requirements for the degree of Doctor of Philosophy. Vancouver: Faculty of Graduate Studies, University of British Columbia. Available online at: <https://circle.ubc.ca/handle/2429/37777>.
- 15 The exact number of ASSR and AO varied over the years as new entities were created while old entities switched from one form to another, transformed into Union-level republics (for example, Kazakh and Kyrgyz SSR created in 1936, Moldovan SSR created in 1940), or were absorbed into larger territories (for example, Crimean ASSR absorbed into the RSFSR in 1945 and Volga German ASSR absorbed into RSFSR in 1941).
- 16 Such ‘autonomy’ did not in fact imply any form of self-administration.
- 17 Dallmann, Winfried and Helle Goldman. No date. ‘Indigenous – native – aboriginal: Confusion and translation problems.’ ANSIPRA website: <http://ansipra.npolar.no/english/items/Confusion.html>. Here we do not enter into temporary Stalinist policies, which tried to eliminate the concept of “национальности” [“nationalities”] as a whole, to wipe out all ethnic differences.
- 18 List of nationalities in the 1926 USSR census on demoscope.ru
- 19 Gerhard Simon. 1991. *Nationalism and Policy toward the Nationalities in the Soviet Union: From Totalitarian Dictatorship to Post-Stalinist Society*. Westview Press, Boulder, CO.
- 20 AMAP, 2004.
- 21 Bogoraz-Tan V.G., 1923. On study and preservation of the borderland peoples. The report presented at the extended Narkomnat Board, 24 March 1923. ‘Zhizn’ natsionalnostej (Life of nationalities)’, Book III-IV, 168-180 (in Russian).
- 22 Consisting of Marxists and non-Marxists, the Committee of the North was a conglomeration of experts on Indigenous Peoples. The basic principle of this Committee was non-interference with the development of traditional societies and the creation of new bodies of autonomous administration. Until 1934, it ‘was responsible for the economic development, conservation and management of the wildlife, establishment of political and legal institutions, trade, medical care, and education in Native regions’ (Bartels, 1986:6-7; Diatchkova, 2001).
- 23 Diatchkova, 2001.
- 24 Referenced in Klovov KB, Hrushchev SA. No date. ‘Demographic

- Reproduction Dynamics of Populations Reproduction of Native Small Peoples of the North of Russia and its Regional Features.’ Available online at: <http://www.shu.ru/old/pages/magazin/n20/klok-ov.pdf>. Also referenced in Golovnev A. 2012. ‘Ethnicity: Stability and Variability (The Experience of the North).’ Available online at: http://ethnobs.ru/library/237/_aview_b19541
- 25 России: саамы, ненцы, ханты, манси, энцы, долганы, нганасаны, селькупы, кеты, эвенки, юкагиры, эвены, чукчи, коряки, эскимосы, алеуты, ительмены, тофалары, ульчи, нанайцы, нивхи, удэгейцы, негидальцы, ороки, орочи, чуванцы.
 - 26 <http://www2.brandonu.ca/library/cjns/14.2/hele.pdf>
 - 27 <http://www2.brandonu.ca/library/cjns/14.2/hele.pdf>
 - 28 A. I. Krushanov, 1987. ‘Isotoriia i kul'tura Chukchei (The history and culture of the Chulchchi).’ Leningrad: Nauka; D. L. Schindler, 1991. ‘Theory, Policy and the Narody Severa.’ Anthropological Quarterly 64(2): 68-79; M. A. Sergeev, 1955. ‘Nelcapitalisticheskii put' rarvitiia malykh narodov Severa,’ Trudy Instituta Etnografi AN SSSR, New Series, XXVII, Moscow-Leningrad; Iu Slezkine, 1992. ‘From Savages to Citizens: The Cultural Revolution in the Soviet Far North, 1928-1938,’ Slavic Review 51(1): 52-76; V. A. Uvachan, 1977. ‘Perekhod malykh narodov Severa at rodovogo stroia K razvitomu sotsializmu,’ Letopis' Severa 1 8: 21-36; I. S. Vdovin, 1973. ‘Legislative, economic, social and cultural policies of the USSR to encourage the development of the Chukchi and the Eskimo,’ The MuskOx, 13:41-48.
 - 29 V. Komarov, October 27, 1988. ‘U narodosvi Severa (Among the peoples of the North),’ Sel'skma Zhizn'. This reorganization was part of an attempt to provide an infrastructure of locally produced goods (eggs, milk, meat, vegetables, etc.) and services to support the growth of industry in the Far North.
 - 30 Later on, kolkhozes in the northern areas were replaced by Soviet farms (совхоз; sovkhozes) with nearly all the property of the indigenous population nationalized (AMAP, 2004).
 - 31 Diatchkova, 2001.
 - 32 Secretariat of the Working Group on Indigenous Populations. 1997. ‘Review of Developments Pertaining to the Promotion and Protection of Human Rights and Fundamental Freedoms of Indigenous People: Environment, Land And Sustainable Development. Addendum: Information received from indigenous peoples and non-governmental organizations.’ Available online at: <http://www.suri.ee/doc/saamide.html>. It should be noted, however, that the major deportations which took place during World War II did not affect the Indigenous Peoples (i.e., those referred to as “Small-numbered Peoples of the North, Siberia, and the Far East”) and such mass deportations were never a routine element of Soviet ethnic politics.
 - 33 Minority Rights Group International, 2011.
 - 34 Minority Rights Group International, 2011.a
 - 35 Hicks, 2011.
 - 36 Köhler, Thomas, and Kathrin Wessendorf, eds, 2002. Towards a New Millenium: Ten Years of the Indigenous Movement in Russia. Copenhagen: IWGIA; Hicks, 2011.
 - 37 In the 1980s, the RSFSR was organized into 88 administrative components (subjects) of higher than city and district level. These subjects were divided into two categories. First, ethno-territorial units: 16 Autonomous Soviet Socialist Republics (ASSRs) – based around sizeable non-Russian ethnic groups and considered the embodiment of the national statehood of their titular populations; 5 autonomous oblasts (regions) (AOs) – smaller ethnic-based units; 10 autonomous okrugs (districts) (AOKs) – the lowest level ethnic units, situated within an oblast or krai (province). Second, the remaining areas of the RSFSR, comprising most of its constituent members and accounting for about 70 per cent of its territory and more than 80 per cent of the population, was divided into territorial formations: 6 kraia (mostly large and lightly populated areas), and 49 oblasts – largely ethnically homogeneous, Russian-populated districts. In addition, Moscow and Leningrad (now St Petersburg) were given a status broadly equivalent to that of an oblast.
 - 38 Minority Rights Group International, 2011. ‘World Directory of Minorities and Indigenous Peoples - Russian Federation: Overview.’ [Updated August 2011]. UNHCR Refworld. Available at: <http://www.unhcr.org/refworld/country,,COUN-TRYPROF,RUS,,4954ce18c,0.html> [accessed 01 June 2012].
 - 39 RAIPON, IWGA, 2011. ‘Parallel Information Concerning the Situation of Economic, Social and Cultural Rights of Indigenous and Small-Numbered Peoples of the North, Siberia and the Far East of the Russian Federation.’ Paper submitted at the occasion of the 46th Session of the Committee on Economic, Social and Cultural Rights, 2-20 May 2011. IWGA and RAIPON: Copenhagen & Moscow. Available online at: http://www2.ohchr.org/english/bodies/cescr/docs/ngos/IWGIA_RAIPON_RussianFederation_CESCR46.pdf
 - 40 United Nations Human Rights Council, 2010. ‘Report of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, James Anaya. Addendum - Situation of Indigenous Peoples in the Russian Federation’ [A/HRC/15/37/Add.5] New York: Office of the High Commissioner on Human Rights. Available online at: <http://www.ohchr.org/EN/Issues/IPeoples/SRIndigenousPeoples/Pages/CountryReports.aspx>
 - 41 Minority Rights Group International, 2011.



PART II.

WHO IS INDIGENOUS?

A. RUSSIAN LAW

The definition of indigeneity reflects the historical development of IPs in the Russian Federation. Prior to the Revolution of 1917 the peoples today classified as indigenous were subsumed under a broader category such as the term "stray persons of different origin" (бродячие инородцы; *brodyachiye inorodtsy*) found in 1822 in the 'Charter for the Management of Persons of Different Ethnicity.' In the Soviet period, the terms "native peoples and tribes of the Northern regions" (туземные народности и племена Северных окраин; *tuzemnyye narodnosti i plemena Severnykh okrain*, 1920), "small peoples of the North" (малые народности Севера; *malye narodnosti Severa*, 1930s-1940s), and "peoples of the North" (народности Севера; *narodnosti Severa*, 1940s–1980s) were used to define legal categories of peoples eligible for special state policy protections. They referred to minority nationalities that were clearly distinct from the larger ethnic populations surrounding them and also considered endangered populations.

The post-Soviet Constitution of the Russian Federation contained similar distinctions. When the *Constitution of the Russian Federation* (Конституция Российской Федерации; *Konstitutsiya Rossiyskoy Federatsii*) was adopted by national referendum in 1993, it took into account the need to establish a legal distinction between ethnic (that is, "national") minorities (национальные меньшинства; *natsional'nyye men'shinstva*) and "small-numbered Indigenous Peoples" (коренные малочисленные народы; *korennyye malochislennyye narody*).¹ Both ethnic minorities and small-numbered IPs are granted constitutionally safeguarded rights to their own language, culture, education, and participation in decision-making, yet the small-numbered IPs are distinguished by statutory definition as small-numbered peoples living on ancestral lands with a lifestyle associated with the conduct of traditional economic activities.

The definition of IPs in the Russian Federation relies on several cumulative requirements. The *Law On Guarantees of the Rights of Numerically-small Indigenous Peoples of the Russian Federation* ('On Guarantees

of the Rights of Numerically-small Indigenous Peoples') establishes the legal definition of "small-numbered Indigenous Peoples"² as, "ethnic communities with fewer than 50,000 persons who inhabit their ancestral homelands, maintaining traditional ways of life, community organization and economic activities and folk art [handicrafts] and who perceive themselves as belonging to separate ethnic communities" (Article 1). These requirements can be summarized as follows:

- Living in the historical territories of their ancestors
- Preserving their traditional way of life, occupations, and folk art [handicrafts]
- Recognizing themselves as a separate ethnicity
- Numbering at most 50,000 people within Russia^{3,4}

In order to be legally recognized as small-numbered IPs, an indigenous community has to be formally registered. As of March 24, 2000, small-numbered IP have to be registered in the 'Unified Register of Indigenous Small-numbered Peoples of the Russian Federation' (Единый перечень коренных, малочисленных народов Российской Федерации; *Yedinyu perechen' korenykh, malochislennykh narodov Rossiyskoy Federatsii*). The Unified Register enumerates a list of 47 small-number minority peoples,⁶ 40 of which inhabit territories belonging to Siberia, the Russian North or the Russian Far East.⁷

Special legal provisions apply to recognized IP communities. Adopted in 2000, *On General Principles of Organization of Obshchina of Numerically-small Indigenous Peoples of the North, Siberia and the Far East of the Russian Federation*⁸ ('On Obshchina') establishes general principles for the formation of *obshchina*, or clan community, of small-numbered Indigenous Peoples of the North, of Siberia and the Far East of the Russian Federation "for the goals of defending their age-old surroundings, and the maintenance and development of traditional ways of life, economy, trades and culture." *Obshchinas* may consist of a single family, a few families, or a whole village, and are entitled to receive use rights for allotments of land parcels,

and quotas for fishing and hunting, accommodating their traditional practices.

As of 2010, the peoples recognized as small-numbered IPs comprised ca. 316,000 individuals. 258,000 of them are small-numbered IPs of the North, Siberia, and the Far East, residing within 28 constituent political administrative units (*also* “federal subjects”) of the Russian Federation.⁹ The size of these groups varies from fewer than 300 (e.g., 14 Aliutortsy, 227 Entsy, 274 Taz, and 295 Orok) to more than 40,000 (41,000 Nenets)¹⁰ and the Evenks with 35,000 members in Russia and 30,000 more in Northern China.¹¹ Other indigenous groups include IPs living in the Caucasus (Abaza in the Karachay-Cherkessia Republic of Dagestan, Shapsugs in Krasnodar), the Volga (Bessermiane in Udmurtia Republic), and the steppe zone (Nagaybaki in Chelyabinsk Region), as well as the small peoples of north-west Russia (Veps in Karelia Republic, Leningrad, Vologda Region), Izhorians (in Leningrad), Vod (in Leningrad), and Setu (in Pskov Region) engaged in farming and animal husbandry. This data does not include the over two million strong Dagestan peoples who, according to a government decree in 2000, were to be included in the overall Register of small-numbered Indigenous Peoples of Russia after Dagestan carried out its own regional listing.¹² For more demographic details about the IP population, please see Annex A.

IPs’ advocacy groups often decry the definitional approach taken by the Government of the Russian Federation. Some note that the Russian legal system does not recognize the concept IPs as based on self-identification, but instead requires groups to seek inclusion into the *Unified Register of Indigenous Small-numbered Peoples of the Russian Federation*. This process of inclusion is both bureaucratic and cumbersome: it has to be proposed by the federal subject (region/republic/province) in which the respective ethnic group lives. IPs’ advocacy groups note that there are several cases in which regional authorities refused to make such a proposal.¹³

The population limit of 50,000 as a condition for IP recognition is also contested. Indigenous communities that are larger than 50,000 cannot be included in the Unified Register and they are thus not eligible for the benefits of the IP status. However, there are larger ethnic groups in the Russian Federation that share the characteristics and challenges of small-numbered IPs but do not enjoy recognition or legal protections (such as priority access to natural

resources such as fishing and hunting grounds).¹⁴ The requirement to maintain a traditional way of life and inhabit certain remote (especially Northern or Far East) regions of the country is also of concern, as it restricts the freedom of IPs to engage with the modern economy and hinders their competitiveness.

B. INTERNATIONAL LAW

Over the years, the United Nations system has chosen to refrain from an adoption of a formal definition of IPs. The first definition, proposed by the United Nations Working Group on Indigenous Populations (WGIP) in 1972, focused on indigenous populations that are primarily composed of pre-colonial populations. This definition was, however, recognized as too limiting. In 1986, Special Rapporteur Martínez Cobo revised his preliminary definition, and proposed an amended version.¹⁵

According to this definition, the category of ‘Indigenous Peoples’ contains any community that maintains historical continuity with ancestral territories. The definition is commonly accepted for practical purposes, but it has not been adopted in formal legal documents. However, observers from indigenous organizations agreed that a formal and universal definition is not necessary.¹⁶ Ms. Erica-Irene Daes, the Rapporteur of the WGIP, noted that this was because ‘historically speaking, indigenous peoples have suffered from definitions imposed by others.’¹⁷ The United Nations Declaration of the Rights of Indigenous Peoples similarly does not independently define “indigeneity”, but recognizes in the preamble that indigeneity should take into account regional and national particularities. It also gives primacy to IPs’ self-determination as regards their political status, economic, social and cultural development.

The current international understanding of ‘Indigenous Peoples’ is defined via a variety of characteristics: self-identification at the individual level and accepted by the community as their member; historical continuity with pre-colonial or pre-settler societies; a strong link to territories and surrounding natural resources; a distinct social, economic, or political system; a distinct dialect/language, culture, and beliefs; non-participation as a dominant group in national society; and possessing a resolve to maintain and reproduce their ancestral environments and systems as distinctive peoples and communities.¹⁸

C. WORLD BANK POLICY

The definition of indigeneity is a central part of OP 4.10. OP 4.10 notes that a wide range of terms may refer to peoples that would be recognized as Indigenous Peoples for purposes of policy application, including “indigenous ethnic minorities, aboriginals, hill tribes, minority nationalities, scheduled tribes, or tribal groups” (paragraph 3). However, “[b]ecause of the varied and changing contexts in which Indigenous Peoples live and because there is no universally accepted definition of Indigenous Peoples” (paragraph 3), OP 4.10 does not “define the term.” Instead, it states that ‘distinct’ and ‘vulnerable’ social and cultural groups that possess the following cumulative requirements would trigger the policy for operational purposes:¹⁹

For purposes of this policy, the term ‘Indigenous Peoples’ is used in a generic sense to refer to a distinct, vulnerable, social and cultural group²⁰ possessing the following characteristics in varying degrees:

- (a) self-identification as members of a distinct indigenous cultural group and recognition of this identity by others;
- (b) collective attachment to geographically distinct habitats or ancestral territories in the project area and to the natural resources in these habitats and territories²¹
- (c) customary cultural, economic, social, or political institutions that are separate from those of the dominant society and culture; and
- (d) an indigenous language, often different from the official language of the country or region.

A group that has lost ‘collective attachment to geographically distinct habitats or ancestral territories in the project area’ (paragraph 4 (b)) because of forced severance remains eligible for coverage under this policy.²² Ascertaining whether a particular group is considered as ‘Indigenous Peoples’ for the purpose of this policy may require a technical judgment.

OP 4.10 applies unambiguously to small-numbered IPs residing in the northern and far eastern areas of the Russian Federation. As noted above, 40 groups, with a total population of over 250,000, are recognized by the Government of the Russian Federation as “Small in Number Peoples of the North, Siberia and Far East of Russia” while 47 groups with over 300,000 people are recognized as the somewhat larger category of “Small in Number Peoples of the Russian Federation.” The classification is limited to indigenous groups with a population of less than 50,000 to distinguish them from other larger groups that inhabit regions named after them, such as Yakutia (Yakuts) and Tuva (Tuvinians). While these larger groups have characteristics that might lead to their classification as IPs elsewhere, this has not been the practice in Russia due to the political and historical circumstances (see Part I above).

However, the definitions used by the World Bank and the Russian Federation currently diverge. OP 4.10 could be triggered by the presence of distinct and vulnerable sociocultural groups that are not covered by the Russian definition.

NOTES:

- 1 Ethnic minorities (paragraph “c”, Article 71 and paragraph “b”, Article 72) and “small-numbered peoples” (Article 69). Ethnic minorities policies are based on the Federal Law of June 17, 1996, ‘On the national-cultural autonomy’ (although both this law and Russian legislation in general does not contain a legal definition of ethnic minorities) and the Framework Convention for the Protection of National Minorities (ratified by the Federal Law of June 18, 1998). Status as “small-numbered Indigenous Peoples of the North, Siberia, and the Far East of the Russian Federation” is determined by Federal Law of 30 April 1999 ‘On Guarantees of the Rights of Indigenous Peoples of the Russian Federation,’ with a specified list approved by governmental decree № 255 on March 24, 2000.
- 2 The full Russian legal formulation is ‘numerically small Indigenous Peoples of the Russian Federation’ (коренные малочисленные народы Российской Федерации; *korennyye malochislennyye narody Rossiiskoi Federatsii*); the term is abbreviated to ‘small peoples’ (малочисленные народы; *malochislennyye narody*) [alt. ‘small nations’], though the common English gloss is ‘Indigenous Peoples’ (which more accurately would be rendered in Russian as “коренных народов”; “*korennykh narodov*”).
- 3 Some argue that the provisions of this Federal Law are applicable to persons who are not related to the small nations, but who reside in traditional areas of residence and who conduct traditional economic activities as do Indigenous Peoples in accordance with the laws of the Russian Federation (Art. 3). That is, RF subjects may be included in the regional list of persons living with KMNRF, and thereby have extended to them all the rights of small-numbered IPs. This is done only in Yakutia, where the list includes a group of Russian old-timers. Others warn that the claims of some to have this law apply to them are bogus and motivated simply by economic interest. For example, in the areas of Kamchatka, Sakhalin, Murmansk, and elsewhere in the Far East much of the local population, indigenous and not, want to fish freely (primarily for salmon) as Indigenous Peoples. This is a particularly sensitive question in Kamchatka, the richest salmon region in Russia. There some criminal fishers (poachers) try to receive the status of indigenous persons (in their personal documents) by decisions of the courts (or through some other means) so as to be entitled to fish salmon freely as small-numbered IPs. They sometimes go as far as to organize ‘*obschinas*’ by themselves or use the local indigenous population (actually only their passports) to receive the fish quotas.
- 4 Small-numbered IPs status remains tied to the condition that a people has no more than 50,000 members (the determination of the size of a people is in Russia based on self-designation in public censuses), maintains a traditional way of life, inhabits certain remote regions of Russia and identifies itself as a distinct ethnic community. A definition of “indigenous” without the numerical qualification does not exist in Russian legislation.
- 5 Refer to: Постановление Правительства РФ от 24 марта 2000 г. N 255 «О Едином перечне коренных малочисленных народов Российской Федерации» (с изменениями от 30 сентября 2000 г., 13 октября 2008 г., 18 мая, 17 июня, 2 сентября 2010 г., 26 декабря 2011 г.). Available online at: <http://base.garant.ru/181870/>
- 6 The 47 indigenous, small-numbered peoples comprising the Unified Register of the Indigenous Peoples of the Russian Federation is detailed in Постановление Правительства РФ от 24 марта 2000 г. N 255 «О Едином перечне коренных малочисленных народов Российской Федерации» (с изменениями от 30 сентября 2000 г., 13 октября 2008 г., 18 мая, 17 июня, 2 сентября 2010 г., 26 декабря 2011 г.). Available online at: <http://base.garant.ru/181870/>
- 7 One should note that the small-numbered Indigenous Peoples of the North, Siberia and the Far East living in extreme conditions of the circumpolar or nearby regions have special legal status and are under the state guardianship. The list of these peoples was approved by Executive Order of the Government of the Russian Federation No. 536-p of April 17, 2006, Available online at: <http://base.garant.ru/6198896/>. 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 priority rights to the exploitation of natural resources are guaranteed by the Russian legislation. The remaining seven 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.
- 8 Adopted July 20, 2000 [№ 104-ФЗ] Available at: <http://base.garant.ru/182356/>
- 9 Figures taken from: Коренные малочисленные народы РФ. Перепись 2010 г. Available for download at: http://www.gks.ru/free_doc/new_site/perepis2010/perepis_itogi1612.htm. Other documents list a total of 35 regions where the KMNSSDV live.
- 10 Figures taken from: Governmental Decree dated August 28, 2009 N 1245-r On approval of an action plan for implementation in 2009-2011. Concept of Sustainable Development of Indigenous Peoples of the North, Siberia and Far East.
- 11 The features that characterize the northern Indigenous Peoples are determined by their environment. Their small population size also results from external factors and does not indicate either under-development or inherent population decline. On the contrary, for their specific geographic environment and economy type, a small population size represents an optimal solution (Gumilev and Kurkchi, 1989). However, the same factors that ensured the high degree of adaptability of northern populations to their extreme living conditions also made it difficult for them to integrate with other cultures, especially those which were more “developed.” The resulting conflicts have affected all aspects of their life, including social, cultural and spiritual integrity.
- 12 The Dagestan peoples include (with population figures derived from the 2010 Russian Census): Lak in northeastern Dagestan (178,620); Tabasaran in southern Dagestan and in the former Soviet Republics (146,360); Rutul in the northeast (36,000); Agul in mountainous regions north of the Samur Valley (23,314); Tsakhur in southwestern Dagestan— while the majority live in northern Azerbaijan (12,976); Kumyk in Dagestan and Chechnya, Ingush, and Ossetia and in bordering countries (503,060); Nogai in Dagestan and scattered throughout areas of the old USSR (38,168 in Dagestan); Akhvakh in west Dagestan and Azerbaijan (7,930); Hinukh in Tsunta region of southwest (443); Hunzib in the south (1,010); Abazin in Karachay-Cherkessia and Adygea Republics (34,800; 2002 census); Shapsug (included in the Register). Census figures refer only to people resident in the Russian Federation.

- 13 RAIPON, INFOE, 2008. Parallel Information: Discrimination against indigenous small-numbered peoples of the Russian North, Siberia and the Russian Far East. (Johannes Rohr, Mikhail Todyshhev, Olga Murashko, eds.). Available online at: http://lib.ohchr.org/HRBodies/UPR/Documents/Session4/RU/RAIPON_IWGIA_RUS_UPR_S4_2009anx_Indigenous_Peoples_Russia_RAIPON_IN-FOE_2008.pdf
- 14 The Altai Kezhi in the Altai Republic, for example, number more than 50,000 but share a similar history and way of life to the Telen-gits, who are included in the official list of small-numbered peoples. The Altai-Kezhi are actually an amalgam of local peoples who were artificially placed together for the political reason of creating a larger administrative unit. The Nogay are another example. Numbering well over 50,000, and constituting an ethnically differentiated people, the Nogay also experience many problems similar to those of smaller indigenous groups. Also, the Komi-Izhemtsy or Izvatas, have a traditional reindeer-herding and fishing way of life and the numbers (16,000 according to the 2002 Census) to be considered KMNSSDV, but in order to maintain the status of a republic, the Government of Republic of Komi refuses to recognize them as a separate indigenous group. Some of these groups—in spite of their size or other reasons—would fit into the framework definition of OP 4.10. (United Nations Human Rights Council, 2010. A/HRC/15/37/Add.5)
- 15 UN Doc. E/CN.4/Sub.2/1986/7 and Add. 1-4. “Indigenous communities, peoples and nations are those which, having a historical continuity with pre-invasion and pre-colonial societies that developed on their territories, consider themselves distinct from other sectors of the societies now prevailing on those territories, or parts of them. They form at present non-dominant sectors of society and are determined to preserve, develop and transmit to future generations their ancestral territories, and their ethnic identity, as the basis of their continued existence as peoples, in accordance with their own cultural patterns, social institutions and legal system. This historical continuity may consist of the continuation, for an extended period reaching into the present of one or more of the following factors: a) Occupation of ancestral lands, or at least of part of them; b) Common ancestry with the original occupants of these lands; c) Culture in general, or in specific manifestations (such as religion, living under a tribal system, membership of an indigenous community, dress, means of livelihood, lifestyle, etc.); d) Language (whether used as the only language, as mother-tongue, as the habitual means of communication at home or in the family, or as the main, preferred, habitual, general or normal language); e) Residence on certain parts of the country, or in certain regions of the world; f) Other relevant factors.
- On an individual basis, an indigenous person is one who belongs to these indigenous populations through self-identification as indigenous (group consciousness) and is recognized and accepted by these populations as one of its members (acceptance by the group).”
- 16 Secretariat of the Permanent Forum on Indigenous Issues, 2004. ‘The Concept of Indigenous Peoples. Background paper prepared by the Secretariat of the Permanent Forum on Indigenous Issues for the Workshop on Data Collection and Disaggregation for Indigenous Peoples’ (New York, 19-21 January 2004). New York: Department of Economic and Social Affairs. Available online at: http://www.un.org/esa/socdev/unpfi/documents/workshop_data_background.doc
- 17 Working Group on Indigenous Populations, 1995. ‘Note by the Chairperson-Rapporteur of the Working Group on Indigenous Populations, Ms. Erica-Irene Daes, on criteria which might be applied when considering the concept of indigenous peoples.’ [Presented in the context of: Standard-Setting Activities: Evolution of Standards Concerning the Rights of Indigenous People - New Developments and General Discussion of Future Action, 21 June 1005. E/CN.4/Sub.2/AC.4/1995/3, p. 3]. New York: Economic and Social Council. Available online at: <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G95/128/02/PDF/G9512802.pdf?OpenElement>
- 18 World Bank. No date. ‘Still Among the Poorest of the Poor,’ Indigenous Peoples Policy Brief. Available online at : http://siteresources.worldbank.org/EXTINDPEOPLE/Resources/4078011271860301656/HDNEN_indigenous_clean_0421.pdf
- 19 World Bank, 2005. Operational Directive 4.10 – Indigenous Peoples. Available online at: <http://go.worldbank.org/TE769PDWN0>
- 20 OP 4.10 Footnote 6: The policy does not set an a priori minimum numerical threshold since groups of Indigenous Peoples may be very small in number and their size may make them more vulnerable.
- 21 OP 4.10 Footnote 7: ‘Collective attachment’ means that for generations there has been a physical presence in and economic ties to lands and territories traditionally owned, or customarily used or occupied, by the group concerned, including areas that hold special significance for it, such as sacred sites. ‘Collective attachment’ also refers to the attachment of transhumant/nomadic groups to the territory they use on a seasonal or cyclical basis.
- 22 OP 4.10 Footnote 8: ‘Forced severance’ refers to loss of collective attachment to geographically distinct habitats or ancestral territories occurring within the concerned group members’ lifetime because of conflict, government resettlement programs, dispossession from their lands, natural calamities, or incorporation of such territories into an urban area. For purposes of this policy, ‘urban area’ normally means a city or a large town, and takes into account all of the following characteristics, no single one of which is definitive: (a) the legal designation of the area as urban under domestic law; (b) high population density; and (c) high proportion of non-agricultural economic activities relative to agricultural activities.



PART III.

LEGAL PROTECTION FOR INDIGENOUS PEOPLE

A. GENERAL LEGAL FRAMEWORK IN THE RUSSIAN FEDERATION

A) CONSTITUTIONAL PROTECTIONS

The protection of IPs is enshrined in the Constitution of the Russian Federation. In addition to general commitments to human rights and freedoms (dealt with especially in Articles 2, and 17–64), the Constitution of the Russian Federation contains at least five articles that have direct consequences for IPs:¹

1) Article 9

1. Land and other natural resources shall be utilized and protected in the Russian Federation as the basis of the life and activity of the peoples living on the territories concerned.
2. Land and other natural resources may be subject to private, State, municipal and other forms of ownership.

2) Article 15

1. The Constitution of the Russian Federation shall have supreme legal force, direct effect and shall be applicable on the entire territory of the Russian Federation. Laws and other legal acts, which are adopted in the Russian Federation, must not contradict the Constitution of the Russian Federation.
2. State government bodies, local self-government bodies, officials, citizens and their associations shall be obliged to observe the Constitution of the Russian Federation and laws.
3. Laws must be officially published. Unpublished laws shall not have force. Any normative legal acts concerning human and civil rights, freedoms and obligations shall not have force unless they have been

officially published for the information of the general public.

4. Universally recognized principles and norms of international law as well as international agreements of the Russian Federation should be an integral part of its legal system. If an international agreement of the Russian Federation establishes rules, which differ from those stipulated by law, then the rules of the international agreement shall be applied.

3) Article 36

1. Citizens and their associations shall have the right to possess land as private property.
2. Possession, utilization and disposal of land and other natural resources shall be exercised by the owners freely, provided that this is not detrimental to the environment and does not violate the rights and lawful interests of other people.
3. The conditions and procedure for the use of land shall be determined by federal law.

4) Article 69

The Russian Federation shall guarantee the rights of indigenous small peoples in accordance with the universally recognized principles and norms of international law and international treaties of the Russian Federation.

5) Article 72, part 1, item 'l'

The following shall be within the joint jurisdiction of the Russian Federation and constituent entities of the Russian Federation: ... (l) protection of traditional habitat and the traditional way of life of small ethnic communities.²

Russian constitutional commitments to international law are especially important for IPs. The Russian Federation

is a party to many international treaties and conventions that protect IPs rights. Of those Conventions, perhaps the three most prominently cited³ by IPOs of the Russian Federation when making rights-based claims are as follows.

- The *UN International Convention on the Elimination of All Forms of Racial Discrimination* (ICERD)⁴ commits its signatories to the elimination of racial discrimination and the promotion of understanding among all races (Article 2).⁵
- The *International Covenant on Civil and Political Rights* (ICCPR)⁶ commits its parties to respect the civil and political rights of individuals, and also includes provisions to protect collective rights.⁷
- The *International Covenant on Economic, Social and Cultural Rights* (ICESCR)⁸ commits its parties to work toward the granting of economic, social, and cultural rights to individuals, and also contains provisions for collective rights.

Additional international commitments include the following. The Russian Federation ratified the European Union Council of Ministers' Resolution of 30 November 2008 on *Indigenous Peoples within the Framework of the Development Cooperation of the Community and Members States* [13461/98], which affirmed IPs' rights, including self-development, and called for integrating IPs' concerns into the European Union's existing procedures and guidelines for development cooperation.⁹ However, the Russian Federation has not signed several international legal documents that protect IPs. For instance, it has not ratified International Labour Organization Convention No. 169 concerning *Indigenous and Tribal Peoples in Independent Countries* (1989), and abstained from voting on the *United Nations Declaration on the Rights of Indigenous Peoples*.¹⁰

IPOs lament that Russian policy emphasizes IPs' individual, rather than collective rights. IPOs maintain that the Constitution gives little space to IPs as communities, as opposed to individual indigenous people. IPs and their representative organizations often cite international law to substantiate their claims *as groups* to specific rights and freedoms vis-à-vis conflicting laws and activities of the states. This generates a critical tension in the legal and regulatory relationship between the state and indigenous communities.

B) LEGISLATIVE PROTECTIONS

Federal laws constitute the second category of legal sources that offer protection to IPs. In case of a conflict between federal law and another act issued in Russia, the federal law prevails. The core framework for Russia's federal protections of IPs' rights is primarily comprised of three federal laws:

1. *On Guarantees of the Rights of small-numbered IPs of the Russian Federation ("On Guarantees")*:¹¹ Passed in 1999, the law recognizes the rights of Russia's small-numbered IPs to protect and utilize their natural habitats, traditional ways of life and economic activities (particularly fishing and hunting). It affirms that IPs may set up territorial self-government bodies in places of compact settlement, form communities and other organizations, manage their educational institutions according to their traditional way of life, receive compensation for damage to their traditional environment due to industrial activities, and have courts consider their customary laws. 'On Guarantees' also requires federal executive bodies to ensure that federal and regional programs protect customary indigenous rights regarding land tenure, community management of natural resources, etc.
2. *On General Principles of Organization of the Obshchina of small-numbered Indigenous Peoples of the North, Siberia and the Far East of the Russian Federation ("On Obshchina")*:¹² Adopted in 2000, the law establishes general principles for the formation of *obshchina*, or clan community, of small-numbered Indigenous Peoples of the North, of Siberia and the Far East.
3. *On Territories of Traditional Nature Use of small-numbered Indigenous Peoples of the North, Siberia and the Far East of the Russian Federation ("On Territories")*:¹³ Adopted in 2001, the law provides that the land an indigenous community utilizes for traditional economic activities may be granted a special legal designation of "territory of traditional nature use," and be assigned to that community to use free-of-charge for a certain renewable period of time.

A Concept Paper issued by the Russian Government elaborated on the federal policy toward IPs. The Federal Decree *On the Concept of Sustainable Development of the Indigenous Peoples of the North, Siberia and the Far East*

of the Russian Federation¹⁴ ('Concept Paper') was issued by the Government of the Russian Federation in February 2009. The 'Concept Paper' outlines the federal policy for the period of 2009 to 2025 for improving the socio-economic conditions of IPs and for protecting their traditional environments, way of life, and cultural values.¹⁵ It presents seven key objectives for state support to indigenous development¹⁶ and specifies time frames and benchmarks for realizing these objectives.

There is no single ministry or agency responsible at the national level for all indigenous issues. Instead there are a number of departments that share such responsibility and often act at cross-purposes. The table below lists the key players in the Government of the Russian Federation, the Presidential Administration, and in the Duma. Agencies that are considered by indigenous observers as the most critical are indicated in italics.

AGENCY / OFFICE	KEY INDIGENOUS-RELATED FUNCTION
GOVERNMENT OF THE RUSSIAN FEDERATION	
Ministry of Regional Development	Coordinates IPs policy and legislation at the federal level; prepares lists of recognized IPs; coordinates federal subsidy program to regional budgets for IPs.
Ministry of Natural Resources (Environment)	
• Department of State Policy for Hunting and Wildlife	Coordinates laws and regulations on hunting.
• Federal Service for Supervision of Natural Resources	Checks compliance with environmental legislation; source of ecological expertise.
• Federal Forestry Agency	Responsible for forested areas' development.
Ministry of Agriculture	
• Federal Fisheries Agency	Responsible for supervision of water biological resources, including registers and tenders for fishing grounds.
Ministry of Culture	Cultural preservation.
Ministry of Education and Science	Educational standards.
Ministry of Public Health	Public health, including policy.
Ministry of Labour and Social Protection	Includes provisions for special IP pensions.
Ministry of the Far East	Coordination of major investment projects in the Far East.
PRESIDENTIAL ADMINISTRATION OF THE RUSSIAN FEDERATION	
Commissioner's Office of the President in the Federal Districts (Far Eastern, Siberian, Ural)	Monitoring compliance with federal laws regarding IPs.
Internal Policy Management of the Presidential Administration	Monitors compliance with federal laws dealing with IPs; responsible for harmonizing IPs' policies.
STATE DUMA OF THE FEDERAL ASSEMBLY OF THE RUSSIAN FEDERATION	
Committee on Federal Form, Regional Policy, Local Government, and Northern Affairs	Legislation related to indigenous affairs.

B. PARTICIPATION IN DEVELOPMENT PROCESS

A) WORLD BANK

A central pillar of OP 4.10 is the requirement for “free, prior, and informed consultation” with IPs regarding projects that affect them. As part of this requirement, borrowers are expected to comply with the following procedure:¹⁷

- (a) establish an appropriate gender and intergenerationally inclusive framework that provides opportunities for consultation at each stage of project preparation;
- (b) use consultation methods¹⁸ appropriate to the social and cultural values of the affected IPs’ communities and their local conditions and, in designing these methods, give special attention to the concerns of indigenous women, youth, and children and their access to development opportunities and benefits; and
- (c) provide the affected IPs’ communities with all relevant information about the project in a culturally appropriate manner at each stage of project preparation and implementation.

OP 4.10 does not articulate the specific scope of the participatory process. The scope of IPs’ participation within Bank-financed projects includes participation in the process of project preparation for the purposes of ascertaining and responding to the concerns of IPs.¹⁹ Such participation is predicated on full disclosure about the nature and intention of proposed project activities.²⁰ Further, the nature and level of IPs’ participation in Bank-financed projects based on the results of free, prior, and informed consultations with IPs. Thus, the emphasis of OP 4.10 is both on the engagement and on its outcomes.²¹

Broad community support is seen as a necessary precondition of project approval. The Bank regards stakeholder participation in Bank-funded projects and programs as key for ensuring the long-term sustainability of the project. Promoting participation helps build ownership and enhances transparency and accountability, and in doing so enhances effectiveness of development projects and policies. Successful community-based development requires tapping into local needs, and building on the strengths of existing institutions and community action.²² This is particularly important in indigenous communities.

B) RUSSIAN FEDERATION

Russian federal law formally requires the participation of IPs in development contexts. The federal law *On Guarantees*²³ is particularly important in this regard. ‘On Guarantees’ establishes the “framework of legal guarantees for the socio-economic and cultural development of the Indigenous Peoples of the Russian Federation, to protect their original habitat, traditional way of life, economy and folk art [handicrafts]” (‘On Guarantees,’ preamble). Article 8 further clarifies the rights granted to IPs, including their participation in development activities. Some of these provisions correspond to the requirements of OP 4.10:

- §8.1.2. participation in monitoring the use of various categories of land required for the traditional economic activities and traditional folk art [handicrafts] of indigenous peoples, as well as of common minerals in traditional places of residence and traditional economic activities of indigenous peoples;
- §8.1.3. participation in the implementation of federal laws and laws of the Russian Federation on environmental protection in the industrial use of land and natural resources, construction and reconstruction of economic and other objects in places of traditional residence and economic activities of indigenous peoples;
- §8.1.5 through authorized representatives of indigenous peoples, participation in the preparation and adoption, by public authorities of the Russian Federation in bodies of state power of subjects of the Russian Federation and in local self-government, of solutions for the protection of original habitat, traditional way of life, farming and folk art [handicrafts] of indigenous peoples;
- §8.1.6 participation in environmental and ethnological assessments utilized in the development of federal and regional government programs on natural resources and the environment in places of traditional residence and traditional economic activities of indigenous peoples;
- §8.2.2 participation in the formation and activities of the councils of indigenous representatives in the executive bodies of subjects of the Russian Federation and local government bodies.

The Law On Guarantees also requires the participation of IPs in law making. The law provides for the inclusion of IPs, via their authorized representatives, in the “development and assessment of projects of federal laws and other normative legal acts of the Russian Federation” (§5.1.1). It also requires to engage IPs in decisions regarding “limitations on non-traditional economic activities of Indigenous Peoples' organizations in federally-owned places of traditional residence and economic activities of Indigenous Peoples” (§5.1.5).

Russian law also requires companies to conduct environmental, social, and economic assessments. The *Regulations on Environmental Impact Assessment of Planned Economic and Other Activities*²⁴ oblige companies to inform the public about the impact of the project on the environment, and to assess the project's environmental, social and economic consequences. Under the environmental impact assessment law, public participation is required during the preparation and evaluation of the environmental impact assessment report (§2.2.5), which itself should be developed with the prior and informed consultation of affected peoples (see, for example, §2.3.1.1.).

Despite legal safeguards that require informing and consulting IPs in development processes, there is a lack of a systematic consultative framework. IPs remain underrepresented in executive and legislative bodies at the national level, and their representatives do not always have opportunities to participate in consultative working groups (whenever such groups are created) to review new legislation. Policy areas that affect IPs are distributed across various state agencies (for example, ministries and departments)²⁵ without any strategic coordination on indigenous issues, which results in the uneven observation of IPs' development priorities. More critically, the initial drafting of federal laws affecting IPs occurs without direct indigenous representative participation, and some observers contend that IPs are not adequately engaged in the review of already mature draft legislation.²⁶

BOX 1. REPRESENTATIVE IP BODIES IN RUSSIAN REGIONS

Some regional governments have shown sensitivity to the need to engage with IPs in the political process. For example, in 1996 the Khanti-Mansiysky Autonomous Region was the first region to formalize the representation of IPs by statutorily creating the Assembly of Indigenous Peoples as part of its regional Duma (parliament).²⁷ The region's administration works closely under a formal agreement with the indigenous organization ‘Salvation of Yugra’ (which has 22 offices throughout the region with over 3,000 active participants) when making any decisions affecting IPs. Together, they have adopted a general policy on IP rights, and over 10 laws and 40 normative acts guaranteeing the rights of IPs to priority and free-of-charge use of land, language education, self-organization, development of reindeer herding, and promoting the pursuit of traditional activities.²⁸

Khabarovsk Krai has similarly established an indigenous body with a consultative status in the Governor's office: the Regional Council of Representatives of Indigenous Peoples of the Governor's Office (created in 2003 under the regional law ‘On Representation of Indigenous Peoples’). Each village elects representatives for its municipal council, and the heads of municipal councils sit on the Regional Council of Representatives of Indigenous Peoples, currently consisting of 15 members. All decisions of the Government of Khabarovsk Krai that have to do with IPs are discussed in consultation with the Council, and the Council can make proposals to regional and federal legislative bodies.²⁹

C. LANDS AND RELATED NATURAL RESOURCES

A) WORLD BANK POLICY

OP 4.10 refers to the protection of lands and related natural resources. Recognizing that “Indigenous Peoples are closely tied to land, forests, water, wildlife, and other natural resources,” OP 4.10 requires projects that ‘affect such ties’ to pay attention to:

- (a) the customary rights of IPs, both individual and collective, pertaining to lands or territories that they traditionally owned, or customarily used or occupied, and where access to natural resources is vital to the sustainability of their cultures and livelihoods;
- (b) the need to protect such lands and resources against illegal intrusion or encroachment;
- (c) the cultural and spiritual values that IPs attribute to such lands and resources; and
- (d) IPs’ natural resource management practices and the long-term sustainability of such practices.

OP 4.10 also specifies that a plan must be put in place to ensure IPs’ protection in projects that affect them. This requirement applies to projects involving (a) activities that are contingent on establishing legally recognized rights to lands and territories that IPs have traditionally owned or customarily used or occupied (such as land titling projects), or (b) the acquisition of such lands. It should be noted, however, that the operationalization of these sections in prior Bank projects has been relatively limited.

B) RUSSIAN FEDERATION LAW

Russian legislation contains some provisions that have a similar intent to OP 4.10. The *Law On Guarantees*³⁰ provides for certain measures that accord with the general intent of OP 4.10 requiring ‘special consideration’ for projects affecting IPs’ ties to lands and related natural resources. Specifically, the following rights are afforded to IPs’ groups under Article 8 of *On Guarantees*:

- §8.1.1. free-use access, in places of traditional residence and economic activities of indigenous peoples,

to various categories of land necessary to carry out their traditional economic activities and traditional folk art [handicrafts] and to commonly-occurring minerals in the manner prescribed by federal law and the legislation of the Russian Federation; [also 8.2.1.]

- §8.1.2. participation in monitoring the use of various categories of land required for the traditional economic activities and traditional folk art [handicrafts] of indigenous peoples, as well as of common minerals in traditional places of residence and traditional economic activities of indigenous peoples;
- §8.1.3. participation in the implementation of federal laws and laws of the Russian Federation on Environmental Protection in the industrial use of land and natural resources, construction and reconstruction of economic and other objects in places of traditional residence and economic activities of indigenous peoples;
- §8.1.4. access, from authorities of the Russian Federation, bodies of state power of subjects of the Russian Federation, local authorities, organizations of all forms of ownership, international organizations, NGOs and individuals, to material and financial resources needed for socio-economic and cultural development of indigenous peoples, protection of their original habitat, traditional way of life, farming and fisheries;
- §8.1.8. compensation for damages suffered as a result of damage to the native habitat of indigenous peoples' economic activities by organizations of all forms of ownership and by individuals; [also 8.2.3.]
- §8.2.4. as necessary for the protection of minorities of their original habitat, traditional way of life, farming and fisheries, use of quotas on land usage and environmental management, established by federal legislation, the legislation of the Russian Federation and normative legal acts of local government bodies.

These provisions provide minimal ‘guarantees’ of the rights of IPs affected by development activities. Their intention, however, appears to roughly approximate the aims of OP 4.10 insofar as they require—as a matter of federal

policy—that IPs retain access to their customary territories for the purposes of traditional economic activity, participate in the enforcement of state legal protections, and retain access to material and financial resources required to maintain such areas.

However, Russian law rules out any form of land tenure other than rent and private property. The 2001 Land Code (*Земельный кодекс; zemel'nyi kodeks*)³¹ states (§20) that: “Citizens cannot be granted permanent (indefinite) use [rights] over plots of land. Judicial persons, except those named under item 1 of this provision are obliged to have their right to permanent (indefinite) use of land plots transferred into the right to rent (*право аренды; pravo arendy*) the given plots or to obtain the plots as property.” [Incidentally, this formulation runs counter to another provision of the Code (§12) that defines land as a public good “*to be preserved as the basis of the life and the activities of the peoples inhabiting the respective territory.*”] The contradictions of the Land Code with the provisions of ‘On Guarantees’ create severe difficulties for IPs in asserting their rights to land and resources. Yet, government representatives maintain that despite the fact that the current version of the Land Code has been operational for several years, indigenous groups rarely pay any fees as a practical matter. However, IP representatives contend that IP communities do pay such fees, and even if these are small, they nonetheless impose an economic burden on indigenous communities.

Indigenous territories can also be protected as “Territories of Traditional Nature Use.” The Federal Law “*On Territories*”³² provides that the land utilized by an indigenous community for traditional economic activities can be recognized as a “territory of traditional nature use” and be assigned to that community to use free-of-charge for a certain renewable period of time. IPs living in these territories are guaranteed several privileges: the right to continue to occupy the land and use its renewable resources for traditional activities, the right to participate in decision-making when industrial development in the territory is considered, and the right to receive compensation when industrial development that interferes with their access to land or damages the environment occurs. Significantly, the law ‘On Territories’ also provides that when designated traditional nature use territories are established, oil and other industrial development may take place only after consultation and agreement with the indigenous communities living there.³³ **The right to secure land and resource tenure is consid-**

ered to be one of the most fundamental human rights for IPs. It is grounded in general human rights principles of equality, property and cultural integrity that are incorporated within several multilateral treaties to which the Russian Federation is a party.³⁴ The creation of a legal environment that ensures full respect for IPs’ traditional ownership, access and use rights has been the main aspiration of indigenous organizations since the inception of the Russian indigenous movement in the late 1980s.³⁵ It is also an issue that remains unresolved.

In practice, however, the majority of IPs has no permanent legal rights over the land and natural resources that they depend on for their survival. Although the constitution of the Russian Federation allows for varied forms of land and natural resources ownership (private, state, municipal and otherwise), most of the land and subsoil resources in Russia are the property of the state. Agricultural, forest, pasture and other land parcels utilized by private entities are primarily leased from the government. IPs’ rights to land and natural resources are consistent with this general framework; they are accorded rights to use the land and its renewable and common resources while title ownership remains with the state.³⁶

There is a lack of congruence among the Russian Federation laws with regard to how land and tenure are established. The designation of the land as a public good under the 2001 Land Code §12 runs contrary to forms of land ownership enshrined in IPs’ own customary law as it provides no room for the recognition of an indigenous community as a collective rights-holder.³⁷ This provision also acts as a major obstacle to the realization of land use rights of IPs, enshrined in other federal laws, namely the Federal law *On Guarantees*.³⁸ The law provides certain privileges regarding land tenure and use of natural resources, including the right of IPs to use land free of charge at places traditionally inhabited and used by them. With regard to the federal law *On Territories*,³⁹ there is little evidence of progress toward defining workable implementing measures. Indigenous organisations in Russia regard the implementation of this law as an important—but by itself insufficient—step towards providing them with some degree of control over on-going developments in their territories and to ensure the protection and full realisation of their right to adequate food and to subsistence (as provided under Article 11 and Art. 1.2, respectively, of the International Covenant on Economic, Social and Cultural Rights).⁴⁰ **There are also only a few by-laws or procedures specifying methods for policy implementation.** On-going land

reforms at the federal level sometimes result in conflicting or inconsistent legal and regulatory rules, which create significant legal uncertainty regarding the status of indigenous rights in existing regional territories of traditional use.⁴¹ For example, even in places where areas of traditional nature use have been designated, IPs may still be subject to licensing and auctioning regimes that force them to bid for hunting and fishing licenses in competition with non-indigenous (usually commercial) interests, without any priority given to traditional hunting or fishing practices.⁴² Further, in some places, fishing and hunting licenses are issued with quotas that are grossly insufficient to meet nutritional needs. As a result, indigenous communities experience problems realizing access to the resources that they depend on for their livelihood.⁴³

Further, the concept of “territories of traditional nature use” established under the Law *On Territories* is often not carried out in practice. In theory — while not amounting to full recognition of indigenous ownership of given territories—the formation of TTNUs would at least serve to institute co-management regimes, granting indigenous communities certain decision-making powers over a given territory and installing a minimum level of protection against unmitigated industrial exploitation by third parties. Since the law was adopted over a decade ago, in 2001,⁴⁴ only a few such territories have been created (in Khanty-Mansiysk, the Republic of Sakha [Yakutia], Khabarovsk Krai, and the Nenets AO). Russian authorities attribute this to the absence of necessary administrative by-laws.⁴⁵ Moreover, a draft policy proposed by the Ministry of Regional Development jeopardizes the status of TTNU as specially protected territories.

Hunting rights,⁴⁶ access to forest,⁴⁷ and aquatic resources⁴⁸ also present an issue. These issues are regulated by codes which define similar limitations to the concepts of usufruct and ownership and obligate indigenous *obshchinas* to participate in commercial tenders for hunting and fishing grounds with usually more competitive private businesses. These legislative provisions substantially endanger the continued access of IPs to their sources of subsistence, food, and income.⁴⁹ In cases where policies and practices of the federal government and regional governments diverge, the legal weight of regulations introduced by regional administrations is often unclear. This is especially the case when different regional and/or federal laws have conflicting provisions, and also because much of the land inhabited or used by IPs is under the jurisdiction of the federal government rather than the regional administration.

Another factor affecting IPs’ access to lands and natural resources has been the establishment of parks or nature reserves on the basis of conservationist objectives. In some areas, such as in the Beloyarski municipality in Khanti-Mansiyski, the establishment of state nature parks has been viewed as positive, since it has kept areas free from industrial development and resource extraction, while allowing traditional activities to continue. However, in other areas, such as the Sinda village in Khabarovsk Krai, specially protected nature parks have been in conflict with the interests of the IPs who traditionally have used resources from these areas.⁵⁰

D. COMMERCIAL DEVELOPMENT OF NATURAL AND CULTURAL RESOURCES

A) WORLD BANK POLICY

OP 4.10 provides that the commercial development of the natural and cultural resources of IPs is conditional upon their prior agreement to such development. This requirement applies to projects involving “the commercial development of natural resources... on lands or territories that Indigenous Peoples traditionally owned, or customarily used or occupied” as well as projects involving “the commercial development of Indigenous Peoples’ cultural resources and knowledge.” The nature and content borrower agreements with IPs must be documented in the project’s Indigenous Peoples Plan (IPP) along with specification of “arrangements to enable Indigenous Peoples to receive benefits in a culturally appropriate way and share equitably in the benefits to be derived from such commercial development.”

As part of this, OP4.10 requires that borrowers—through a process of free, prior, and informed consultation—inform project affected communities of (paragraph 18):

- (a) their rights to such resources under statutory and customary law;
- (b) the scope and nature of the proposed commercial development and the parties interested or involved in such development; and
- (c) the potential effects of such development on the Indigenous Peoples’ livelihoods, environments, and use of such resources.

OP 4.10 also requires borrowers to establish arrangements ‘to enable the Indigenous Peoples to share equitably in the benefits to be derived from such commercial development.’ At a minimum, these include ‘benefits, compensation, and rights to due process at least equivalent to that to which any landowner with full legal title to the land would be entitled in the case of commercial development on their land.’

B) RUSSIAN FEDERATION LAW

The rights and safeguards under the Federal Law *On Guarantees* also apply to the cultural development of IPs’ lands and resources. In addition to the provisions cited above, two additional provisions are relevant:

- §8.2.6. in the manner prescribed by civil legislation, create economic partnerships and associations, industrial and consumer cooperatives, to engage in traditional economic activities and fisheries between indigenous peoples and non-indigenous persons, provided that the organization has not less than half the jobs given to indigenous peoples;
- §8.2.7. acquire primary ownership of organizations of traditional economic and traditional handicraft institutions of indigenous peoples in their places of traditional residence and economic activity.

To objectively assess the extent of exposure of Indigenous Peoples to risks imposed by potential development projects on their lands and territories, the Ministry of Regional Development on December 9, 2009 adopted Order № 565, *Methodology calculating the amount of damages to all forms of property and individuals caused to associations of Indigenous Peoples of the North, Siberia and the Russian Far East as a result of economic and other activities of organizations in places of traditional residence and economic activities of Indigenous Peoples of the Russian Federation.*

The territories inhabited by IPs of the North are affected by an on-going expansion of industrial operations, mostly in the extractive industries. IPs and their representative organizations note that such industrial activity often occurs without prior consultation with IPs about planned activities—let alone adequate compensation or benefits-sharing arrangements. This situation is exacerbated by both federal and regional government bodies’ lack

of appropriate guidelines. The legislative provisions that exist carry no sanctions for their violation. Recent reports of industrial operations in indigenous territories operating without consultation, consent or even information sharing have come from Tomsk oblast, Yamal Nenets okrug, Altai republic, the Republic of Sakha (Yakutia), Kamchatka territory, and Sakhalin oblast.⁵¹ Environmental impact studies show that such projects do not only affect the infrastructure and access to lands in the relevant territories, but lead to the degradation of entire habitats.⁵²

The Land Code, Forestry Code, and Water Code do not limit tenders and auctions of land, forest and water areas in territories where IPs live and for the natural resources they use. This situation effectively reduces the hunting grounds and pastures for IPs. Moreover, the law has no regulation that obliges license holders to provide indigenous users access to the areas they inhabit and use. Such legislation creates grounds for endless conflicts and lawsuits where IPs have to defend their right to traditional livelihood.⁵³ Further, in many regions, IPs establish small local community-based enterprises called *obshchinas*.⁵⁴ In small, remote indigenous settlements, *obshchinas* serve as the only source of employment and income. Since 2008, however, *obshchinas* have lost their access to fishing, hunting areas and pastures in many regions and, with this, their economic basis for development.⁵⁵

The use of fisheries presents a particular challenge. To compound the complexities of managing industrial operations in IPs’ territories, the Federal Ministry of Regional Development is currently promoting changes to federal fishery legislation, which *de facto* ban *obshchinas* from selling their produce and thus from generating income for their employees. As noted above, according to three federal laws adopted or revised since 2001 (the *Forestry Code*⁵⁶, the Federal Law *On Fishing and Conservation of Water Biological Resources*⁵⁷ and the Federal Law *On the Conservation of Hunting Grounds and Amendments to Specific Regulations of the Russian Federation*⁵⁸) all forest, hunting and fishing areas, including those in the territories inhabited by IPs, may be granted to commercial companies on the basis of long-term licenses obtained by tender. The duration of such licenses is usually 20 years or more, meaning that even if the government takes measures to implement the law on TTNUs, many of the land areas and resources being used by IPs are already under private control, protected by long-term contracts.

Access to fish stocks and fishing grounds is especially critical, as fish constitute the single most important

source of nutrients for many IPs. In spite of this right being protected by federal law,⁵⁹ fishing authorities pursue highly restrictive policies and impose often arbitrary and non-transparent restriction on indigenous fish-dependent communities that make any meaningful perpetuation of traditional fishing practices impossible. For example, even though the law ‘On Fishing’ states that IPs do not require fishing permits for private consumption, the practice of the Russian authorities is to annually determine per capita quotas for ecological reasons. IPs are usually required to obtain individual permits, even for personal consumption. The policy is very restrictive and sanctions, including fines and confiscation of equipment, are frequently reported.⁶⁰

The principal flaws of such quota systems from the perspective of IPs can be summarized as follows:⁶¹

- *Lack of transparency and participation:* Quotas and their durations and effective areas of coverage are determined by the authorities without participation of IPs; decisions may come at short notice and appeals may not be heeded or even answered.
- *Inaccessibility:* The procedures for obtaining quotas are often either prohibitively bureaucratic or require travel to a distant central settlement or town, which IPs may not be able to afford.
- *Insufficient quotas:* The annual quotas often constitute just a fraction of what would be an acceptable minimum with regards to the IPs' nutritional and cultural needs.
- *Inadequate and unrealistic conditions attached to the quota:* Permits may be issued partly or exclusively for species which do not occur at a given place; places may be assigned which are inaccessible; fishing permits may be received only after the season has ended, etc.; failure to comply with the imposed restrictions is sanctioned by fines or confiscation of equipment.
- *Denial of permits:* In some regions, authorities withhold issuance of fishing permits unless a person is able to document her or his indigenous identity; following the removal of the ‘nationality’ entry from Russian passports, there is no standard way of doing so.

E. PHYSICAL RELOCATION OF INDIGENOUS PEOPLES

A) WORLD BANK POLICY

OP 4.10 requires borrowers “to explore alternative project designs to avoid physical relocation of Indigenous Peoples.” This requirement reflects the recognition that “physical relocation of Indigenous Peoples is particularly complex and may have significant adverse impacts on their identity, culture, and customary livelihoods.” In those “exceptional circumstances, when it is not feasible to avoid relocation” borrower relocation must have “broad support” from the affected IPs’ communities as part of the free, prior, and informed consultation process. OP 4.10 further specifies that:

In such cases, the borrower prepares a resettlement plan in accordance with the requirements of OP 4.12 *Involuntary Resettlement* that is compatible with the Indigenous Peoples’ cultural preferences, and includes a land-based resettlement strategy. As part of the resettlement plan, the borrower documents the results of the consultation process. Where possible, the resettlement plan should allow the affected Indigenous Peoples to return to the lands and territories they traditionally owned, or customarily used or occupied, if the reasons for their relocation cease to exist.

OP 4.10 also provides that involuntary restrictions to IPs’ access to lands and territories, and in particular their sacred sites should be avoided. In those “exceptional circumstances, when it is not feasible to avoid restricting access,” borrowers are required to prepare—with the free, prior, and informed consultation of the affected IP communities—a process framework in accordance with the provisions of OP 4.12. Specifically:

The process framework provides guidelines for preparation, during project implementation, of an individual parks and protected areas’ management plan, and ensures that the Indigenous Peoples participate in the design, implementation, monitoring, and evaluation of the management plan, and share equitably in the benefits of the parks and protected areas. The management plan should give priority to collaborative arrangements that enable the Indigenous, as the custodians of the resources, to continue to use them in an ecologically sustainable manner.

B) RUSSIAN FEDERATION LAW

Russian law does not contain provisions that require the support of IPs for involuntary resettlement. Contrary to contemporary international norms,⁶² which require consent or the broad support of indigenous communities prior to the authorization of projects involving their resettlement or relocation, Russian legislation does not require the IPs' free, prior and informed consent. It also does not prescribe to conduct social impact assessments as an element of the project approval procedure.⁶³

However, some protections against involuntary resettlement do exist. The Federal Law *On Territories* provides that “In case of withdrawal of land plots and other isolated natural resources located within the borders of the territories of traditional nature for public use to persons belonging to minority peoples, communities and Indigenous Peoples are to be granted equivalent lands and other natural resources, and compensated the losses caused by such withdrawal” (Article 12). Articles 9, 15, 24 protect the interests of Indigenous Peoples, requiring the selection and identification of special areas to be used for the conduct of traditional economic activities.

Protections in cases of involuntary resettlement are limited. The lack of protections for IPs in the Russian Federation against government or private sector project-related involuntary relocations is a serious issue, as physical displacement can cause irreparable damage to a way of life if access to ancestral territories is severed. Having already been subject to large-scale relocations during the Soviet period that severely undermined their cultural integrity, indigenous ways of life are extremely vulnerable to any further disruption. Experience in Russia and globally has shown that special measures need to be enacted when IPs are threatened with involuntary physical displacement.

Physical displacement of indigenous communities in Russia is more likely to occur due to project-induced changes in land use rather than by official government fiat. This is what happened in the case of the Evenk when a local coal mining company built a railroad across the land where the community grazed their reindeer and the community was forced to relocate with their herds to avoid the railroad and associated project activities. Although this was not due to direct project impacts, this situation still had serious impacts on the local population.

The program for the construction of the Evenkiiskaia hydroelectric dam is another example of such a problem. The lack of consultation with or consent from IPs raised serious issues in terms of physical displacement in the construction of the dam on the Lower Tunguska river in Krasnoyarsk province (implemented by RusHydro). This dam would have created the world's largest artificial lake, submerging a number of Evenki settlements as well as Tura, the regional center, and potentially destroying much of the fish resources, forested area, and reindeer pasture which constituted the main sources of subsistence and livelihood for the Evenki population. The project was also widely criticized for the substantial environmental risks involved and for the involuntary dislocation of the indigenous population. An overwhelming majority of the impacted population strongly opposed the project. After years of contention, with different organisations supporting opponents of the dam because of its negative effects on the customary lifestyle of the local Indigenous Peoples, the dam project was canceled—or at least frozen for the next decade and more.⁶⁴ Similar situations may arise for ongoing projects in Altay, Kamchatka, Khabarovsk, and Yakutia.

There are some key issues that may arise when a project (either government or Bank-sponsored) includes physical displacement:

- The need for pursuing a project planning strategy that avoids or minimizes the scope of displacement.
- Engagement of the indigenous project-affected communities in planning and decision-making regarding the entire displacement process, including determining the degree of local community support for the project to be carried forward.
- Determination of the full roster of project-induced social and ecological effects.
- Planning for adequate livelihood restoration and/or employment.
- Determination of adequate compensation and methods.
- Monitoring and enforcement of resettlement agreements.
- Possibility to return to original settlements once the need for relocation has passed.

F. DEVELOPMENTAL ASSISTANCE

A) WORLD BANK POLICY

OP 4.10 provides that the Bank may offer financial assistance to support initiatives that protect IPs. At a member country's request, the Bank may support the country in its development planning and poverty reduction strategies by providing financial assistance for a variety of initiatives designed to:

- (a) strengthen local legislation, as needed, to establish legal recognition of the customary or traditional land tenure systems of IPs;
- (b) improve the inclusion of IPs in the development process by incorporating their perspectives in the design of development programs and poverty reduction strategies, and providing them with opportunities to benefit more fully from development programs through policy and legal reforms, capacity-building, and free, prior, and informed consultation and participation;
- (c) support the development priorities of IPs through programs (such as community-driven development programs and locally managed social funds) developed by governments in cooperation with IPs;
- (d) address the gender and intergenerational issues that exist among many IPs, including the special needs of indigenous women, youth, and children;
- (e) prepare participatory profiles of IPs to document their culture, demographic structure, gender and intergenerational relations and social organization, institutions, production systems, religious beliefs, and resource use patterns;
- (f) strengthen the capacity of IPs' communities and IPOs to prepare, implement, monitor, and evaluate development programs;
- (g) strengthen the capacity of government agencies responsible for providing development services to IPs;
- (h) protect indigenous knowledge, including by strengthening intellectual property rights;

- (i) facilitate partnerships among the government, IPOs, CSOs, and the private sector to promote IPs' development programs.

B) RUSSIAN FEDERATION LAW

The main objectives of the Russian national policy toward IPs are to strengthen their social and economic potential and protect their environment, traditional lifestyle and cultural values. The key document establishing the Russian national policy toward IPs is the 2009 Federal Decree on the *Concept of the Sustainable Development of the Small Indigenous Peoples of the North, Siberia and the Far East of the Russian Federation*.⁶⁵ The Concept Paper was formulated by the Ministry of Regional Development, with the participation of federal executive authorities and RAIPON.⁶⁶ The Concept Paper principles in pursuit of sustainable development are described in Section 3⁵⁷ as follows:

- guaranteeing the small-numbered Indigenous Peoples of the North, in conformity with the Constitution of the Russian Federation, the universally-recognized principles and norms of the international law and the international treaties to which the Russian Federation is a party;
- providing an integrated approach to resolving complex problems of social and economic and ethno-cultural development of the small-numbered Indigenous Peoples of the North;
- coordinating actions of the public and local government authorities toward resolving the problems of socio-economic and ethno-cultural development of small-numbered Indigenous Peoples of the North;
- 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 resources) and environmental well-being as the basis of the traditional lifestyles and traditional economic activities of the small-numbered Indigenous Peoples of the North; residence and traditional economic activities;
- participation of the representatives and the associations of the small-numbered 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-numbered Indigenous Peoples of the North;
- compensation for damages to the traditional environment, traditional lifestyle and the health of the small-numbered Indigenous Peoples of the North.

Some observers believe the Government of the Russian Federation's approval of the Concept Paper is a significant and positive development. They note that for the first time the Government of the Russian Federation clearly established its own standard for implementation of its public policies to protect the rights of IPs. The Concept Paper also promises direct government support for IPs, and aims to facilitate the mobilization of domestic resources to protect IPs.

Russian national policy aims for development assistance to IPs, as defined in the Concept Paper, largely correlate with OP 4.10. Yet, in spite of the legislative improvements envisioned in the Concept Paper—and especially the 2009-2011 *Action Plan for the Implementation of the Concept of the Sustainable Development of Small-numbered Indigenous Peoples of the North, Siberia and the Far East of the Russian Federation*⁶⁸— little has been accomplished so far in realizing these objectives. Among the specific legislative improvements expected in the 2009-2011 period were the following:⁶⁹

1. development of the required regulatory documents to establish territories for traditional use of natural resources by IPs, according to the Federal Law on TTNU;
2. establishment of model territories for TTNU;
3. development of a Relationship Strategy between representatives of IPs and industrial companies operating in their territories and regulations governing compensation for losses sustained by IPs through damage to their traditional living environment and thereby their traditional way of life;
4. preparation of proposals to amend the Forest Code, Land Code and Water Code in relation to IPs' access to

the territories necessary for their traditional economic activities and livelihood at no cost to them;

5. development of a draft federal law to ensure priority access for IPs, their communities and other indigenous associations to hunting grounds, game, fishing areas and water resources on their traditional land;
6. development of regulations related to documents confirming IPs' nationalities;
7. development of proposals concerning forms of representation for IPs in the legislative (representative) bodies of the public authorities in the Russian Federation's provinces.

In practice, however, the Concept Paper did not lead to considerable legislative changes. Legislative proposals developed by the Ministry of Regional Development (MINREG) over the period 2009-2011 relating to the first five items on the above list were inconsistent with existing laws and consequently rejected by the government. MINREG proposed draft laws that further derogated the rights granted by current legislation. For example, according to a new draft law on territories of traditional nature use, which would replace the law of 2001, the TTNUs would lose their status as specially protected territories, which would mean depriving them of their environmental protection. This contradicts the Russian federal government instruction dated April 14, 2009, No.ДК-П-16-2033, which implied that there would be a special focus on retaining the status of specially protected territories in the course of developing the new version of the law.⁷⁰ Furthermore, the proposed draft law on TTNUs prevents IPs from implementing their initiative to establish TTNUs and the possibility of TTNU joint management. The provincial and municipal authorities will lose their power to establish TTNUs at the regional and local levels. Consequently, the legitimacy of already established TTNUs, in some regions, is jeopardized. MINREG has been elaborating this draft law for three years, but it has never been presented to the State Duma. In practice, these delays prevent implementation of the 2001 law on traditional territories and thus the establishment of TTNUs. As noted above, as of 2011, only a few such territories had been established.⁷¹

Legislative initiatives concerning items 6 and 7 have also not been carried forward. RAIPON's legislative proposals for these items have been rejected. As for the draft laws on fishing and hunting, these only allow IPs to fish

and hunt for food, without the right to sell the surplus, as has been the practice for the past 300 years. Consequently, in 2011, the government's plans for Russia's IPs were not fulfilled and the expected legislative reform regulating indigenous peoples' rights never materialised.⁷²

G. WORLD BANK PROJECTS APPLYING THE INDIGENOUS PEOPLES POLICY (OD 4.20 AND OP 4.10) IN RUSSIA

Russia was the site of three public consultations in 2001 to review the first main draft of OP/BP 4.10. The Russian Association of Indigenous Peoples of the North, Siberia, and the Far East (RAIPON) organized public consultations in Khabarovsk and in Naryan Mar, which coincided with RAIPON's national gathering of leaders of local indigenous organizations. This collaboration established an ongoing dialogue between Indigenous Peoples leaders and the Bank's Europe and Central Asia (ECA) Regional Department and its Safeguards Unit. Since the consultations in 2001, RAIPON has sponsored a number of workshops and roundtables on Indigenous Peoples issues, especially related to extractive industries, at which Bank and IFC representatives have been invited to participate. Both RAIPON and regional IPs organizations have disseminated OP 4.10 and used the policy as a framework in discussions with regional governments and developers in their attempts to gain recognition of their traditional use rights and protect their traditional habitats from incursion and exploitation by others.

In 2002, the ECA Regional Department commissioned a preliminary review of the ethnic composition of each country. The review aimed to assess the constitutions and major legislation to determine whether or not IPs are recognized in any of the countries. This preliminary review demonstrated the difficulty of applying the policy (OD 4.20 at that time) in the region and found virtually no legal basis to trigger the policy in any country except the Russian Federation.

Since the Bank started working in Russia, only a few projects have touched areas inhabited by IPs. This was largely because the Bank's portfolio has been focused almost exclusively in the more European west-of-the-Urals section of the country. Two oil pipeline rehabilitation projects, though, repaired pipelines in Western Siberia that travel through traditional territories of IPs. An indigenous emergency response team was trained under the second pipeline rehabilitation project, but the interests of IPs were not otherwise distinguished from those of the rest of the population. Two subsequent projects (one in oil development and another in highway improvement) triggered OD 4.20 in the preparatory assessment process, but one project was dropped before appraisal and the other project never became effective.

The application of the Bank's Operational Policy 4.10 on IPs increased significantly in Fiscal Year 2011/2012 as World Bank activities expanded to the eastern and northern parts of Russia. During the past year, both the Forest Fire Response Project in Khabarovsk and the Project on Education in Yakutia have triggered the policy. Brief summaries of these OP 4.10 applications are provided in the boxes below.

BOX 2. FOREST FIRE RESPONSE PROJECT

The first project, the Forest Fire Response Project (Forest Project-2),⁷³ is a GEF forest fire management project in the Far East. It covers some areas classified as ‘Traditional Use’ areas and for which an Indigenous Peoples Planning Framework (IPPF) was prepared. Project implementation has been slow, however. The project is located in 15 regions but screening for IPs’ presence in the areas of project implementation revealed IPs are found only in the Khabarovsk Krai. In other regions IPs are either absent or localized in forest-poor areas, beyond the project areas, or do not rely on forests and forest resources for their livelihood due to assimilation.

Seven “small peoples of the north” were found to be project-affected: Nanai, Negidals, Nivkh, Oroch, Udege, Ulch, and Evenks. For Khabarovsk Krai, these seven peoples comprise 1.5 percent of the population (22,000 individuals).⁷⁴ The Bank prepared an IPPF in December 2011 to provide the framework through which negative impacts on the IPs will be mitigated and positive impacts enhanced based on free, prior, and informed consultations with the affected IPs. As part of project preparation, a social assessment was performed, which included assessments of the overall impact of project ac-

tivities on the communities living in project areas, and preliminary consultations with IPs.⁷⁵

The social assessment revealed no significant negative effects of project activities on IPs, while the overall impact was considered positive. For IPs relying significantly on hunting, fishing and other forest-related activities, a reduction in forest fires is seen as a highly valuable positive effect, which outweighs any temporary negative effects. However, the IPPF was still seen as necessary to ensure the full participation of IPs in the benefits and mitigate any potential occurrence of negative impacts (for example, during implementation of “construction and clearing of fire breaks” or forest use restrictions following from “fire management plans” developed during the project). The IPPF will guide the future development of specific Indigenous Peoples Plans as the Project specifies the precise areas to be involved and in what ways they will participate. The purpose of the IPPF is to ensure that the development process fully respects the dignity, rights, economies, and cultures of IPs, and that the project is able to gain the broad community support of affected IPs.⁷⁶

BOX 3. PRESCHOOL EDUCATION PROJECT

The second project, the Preschool Education Project for Yakutia⁷⁷, aims to improve the accessibility and quality of the preschool education services in the Republic of Sakha (Yakutia). According to the Russian 2002 Census, Yakutia was inhabited by 127 ethnicities with Yakuts (45.6 percent) and Russians (41.1 percent), the major populations, and IPs (primarily Evens, Evenks, and Yukagir) comprising the bulk of the remaining population. The majority portion of the project will build kindergarten capacity in urban and rural areas. Constructing new kindergartens in urban areas and municipal centers, building new kindergartens in rural areas with community participation, and rebuilding other buildings to accommodate kindergartens will cost around USD 226 million. Other project

components will support innovations for preschool education with a budget of nearly USD 7 million.⁷⁸

The IP policy was triggered since out of 93 potential locations for kindergartens 17 have either majority or a significant portion of indigenous population. As not all specific locations were determined at the time of Project Preparation, an IPPF was prepared for this project.⁷⁹ The project will emphasize educational innovation approaches that will be in conformity with the cultural preferences of the area’s local cultural groups, in accordance with Yakutia regional law. The project hopes to bring in models of pre-school and kindergarten education for nomadic and scattered groups, based on the Bank’s extensive international knowledge

H. AN INDIGENOUS VIEW

As shown in the legal overview above, there is a gap between formal IP rights under the Russian legislation and their practical implementation. Formally, IPs in the Russian Federation have a wide range of special benefits and rights guaranteed to them, broadly paralleling the special considerations and requirements for participation and consultation called for in OP 4.10. However, they are not always attainable. Contradictory laws and regulations as well as a lack of enforcement can result in the de facto denial of many of the rights accorded to IPs. This gap between the formal legal framework and its implementation is illustrated in a 2007 interview given by Pavel Sulyandziga, First Vice-President of RAIPON and member of the Public Chamber.⁸⁰ Mr. Sulyandziga's response to the question "What has been the effect on the life of the Small Peoples of the Forest, Land and Water Codes?" is as follows.

The Land Code has done us the greatest harm. The term "permanent free use" has been eliminated from Russian vocabulary, with only "lease" and "property" remaining. Recently an amendment was made declaring that permanent ownership of land is possible, but it refers to the Russian Orthodox Church alone. The small indigenous peoples have been brushed aside, so to say. Nobody is going to give reindeer-breeders their millions of hectares of pasture, with huge mineral resources on them. The only alternative left is lease, which is very expensive. Thank God, the regional officials have not charged the indigenous peoples anything as yet – probably due to inertia: they have never done so before. But as things stand, it turns out that the indigenous peoples are using the land illegally. So we are trespassers on our own lands. Incidentally, there have already been two instances—in the Primorsky Territory and in the Magadan Region—of the Federal Forest Service attempting to extract rent for the use of hunting grounds.

Today there is a huge problem that regional authorities would prefer to keep silent on and the Federal Government would rather ignore—it is the buying up of lands in the North, Siberia and the Russian Far East. This process became noticeable four years ago, when the situation in Russia became completely stabilized and business people must have realized that there still were tidbits not seized by anybody. Whereas big property (petroleum, natural gas and gold) had been divided long before, smaller industries (forest, fishing, hunting and tourism) were farmed out to the local authorities. As a result, there followed an ousting of indigenous peoples from their areas of habitation, which

still continues. At the same time, new proprietors understand that driving away the aborigines is impossible because a row may ensue. The land grab is going on quietly.

The pattern is about the same almost everywhere. The administration of the region invites applications for the lease of hunting or fishing grounds. As the small indigenous community lives in the taiga forest in remote villages, its people know nothing about the contest. But even if they chance to find out and do try to apply, the tender committee will brush them off under any pretext—in most cases by finding errors in the drawing up of the document. Although legally it is the indigenous population that has priority rights to apply for the lease of fishing or hunting grounds, this is only what the law proclaims. In reality, for example in the Amur Region none of the indigenous communities managed to win any of the hunting ground leases on the Evenk-populated territory last year; all the leases were won by a company whose owner is said to be close to the regional administration.

Well, what happened next was that the company came to see the indigenous people and said to them, "Comrade aborigines! The land is mine; go on hunting, but do it for me now. Bring the fur and other things to my office and submit them at a fixed rate. If you refuse to do so, I'll evict you." What could they do? Nothing. Those that disagree, if any, are quickly branded as poachers—in full conformity with the law now, for they have hunted without permission on grounds that do not belong to them.

The saddest thing is that the business-persons act under the umbrella of the regional authorities and hence totally unabashedly. If the situation is not reversed, this will undermine the foundations of the indigenous peoples' life and will destroy them.

NOTES:

- 1 Russian Federation, 1993. *Constitution of the Russian Federation*. [25 December 1993]. Available at: <http://government.ru/eng/gov/base/54.html> [accessed June 1, 2012]
- 2 This segment of Article 72 refers specifically to ‘Indigenous Peoples’ and ‘Indigenous Peoples of the North, Siberia and the Far East’ and this formula is referred to in the Federal Law, ‘On Guarantees of the Rights of Indigenous Peoples of the Russian Federation,’ Preamble, Art. 5, 6, 8; in the Federal Law, ‘On General Principles of Organization of Communities of Indigenous Peoples of the North, Siberia and the Far East,’ Preamble; and in the Federal Law, ‘On Territories of Traditional Nature Use of Indigenous Peoples of the North, Siberia and the Far East,’ p. 95.
- 3 Other international legal instruments are also frequently cited by Indigenous Peoples Organizations of the Russian Federation (and others with a particular focus on Russia), including the 1992 *Convention on Biological Diversity* (ratified by Russia in 1995). The three treaties discussed here count among the nine core international human rights treaties of the United Nations. For more information, please refer to the website of the Office of the United Nations High Commissioner for Human rights: <http://www2.ohchr.org/english/law/>
- 4 United Nations, 1966. *International Convention on the Elimination of All Forms of Racial Discrimination*. New York: United Nations Treaty Collection [web page]. Available online at: http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtsg_no=IV-2&chapter=4&lang=en
- 5 Racial discrimination is defined as “any distinction, exclusion, restriction or preference based on race, color, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life” (Article 1).
- 6 United Nations, 1966. [*Convention on the Elimination of Racial Discrimination*]
- 7 “In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practice their own religion, or to use their own language” (Article 27). “In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practice their own religion, or to use their own language” (Article 27).
- 8 United Nations, 1976. *International Covenant on Economic, Social and Cultural Rights*. New York: United Nations Treaty Collection [web page]. Available online at: http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtsg_no=IV-3&chapter=4&lang=en [accessed 01 June 2012]
- 9 Minority Rights Group International, 2011.
- 10 United Nations Human Rights Council, 2010. ‘Report of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, James Anaya. Addendum - Situation of Indigenous Peoples in the Russian Federation’ [A/HRC/15/37/Add.5] New York: Office of the High Commissioner on Human Rights. Available online at: <http://www.ohchr.org/EN/Issues/IPeoples/SRIndigenousPeoples/Pages/CountryReports.aspx> [accessed June 1, 2012]
- 11 Федеральный закон от 30.04.1999 N 82-ФЗ ‘О гарантиях прав коренных малочисленных народов Российской Федерации.’ Available online at: <http://base.garant.ru/180406/>
- 12 Adopted July 20, 2000 [№ 104-ФЗ] Available at: <http://base.garant.ru/182356/>
- 13 Adopted May 07, 2001 [№ 49-ФЗ] Available at: <http://base.garant.ru/12122856/>
- 14 Government of the Russian Federation, 2009. *On the Concept of Sustainable Development of the Small-numbered Indigenous Peoples of the North, Siberia and the Far East of the Russian Federation* [04 February 2009 № 132-p]. Available at: <http://stavkan.ru/materials/laws/show.php?adres=148039>
- 15 United Nations Human Rights Council, 2010. [A/HRC/15/37/Add.5]
- 16 These seven objectives are: protecting the natural environment and traditional use of land and natural resources; developing and modernizing traditional commercial activities; increasing the standard of living; improving the demographic situation to bring it into line with the national average; improving access to educational services taking into account specific ethno-cultural needs; supporting the development of clan communities and other forms of self-governance; and protecting cultural heritage.
- 17 OP 4.10 paragraph 11
- 18 OP 4.10 footnote 11: ‘Such consultation methods (including using indigenous languages, allowing time for consensus building, and selecting appropriate venues) facilitate the articulation by Indigenous Peoples of their views and preferences. The *Indigenous Peoples Guidebook* (forthcoming) will provide good practice guidance on this and other matters.’
- 19 OP 4.10 paragraphs 6-7; 10-11
- 20 OP 4.10 paragraph 15
- 21 OP 4.10 paragraphs 10-11
- 22 <http://go.worldbank.org/HKL3IU1T21>
- 23 Федеральный закон от 30 апреля 1999 г. N 82-ФЗ «О гарантиях прав коренных малочисленных народов Российской Федерации» (с изменениями и дополнениями). Available online at: <http://base.garant.ru/180406/>
- 24 «Положение об оценке воздействия намечаемой хозяйственной и иной деятельности на окружающую среду в Российской Федерации» May 16, 2000, N 372. Available online at: <http://base.garant.ru/12120191/>
- 25 For example, federal policy and social programs are developed by the Ministry of Regional Development, fishing policies and regulations are developed by the Ministry of Agriculture, while hunting is within the jurisdiction of the Ministry of Natural Resources
- 26 United Nations Human Rights Council, 2010. [A/HRC/15/37/Add.5]
- 27 Khanti-Mansiysky Autonomous Region is also the only federal subject in the Russian Federation to have legislated a quota of indigenous representation at the regional Duma (3 out of 21 seats there are reserved for representatives of Indigenous Peoples, although the representatives themselves are not required to be indigenous. Elections on the basis of nationality is prohibited in Russia by electoral law.
- 28 United Nations Human Rights Council, 2010. [A/HRC/15/37/Add.5]
- 29 United Nations Human Rights Council, 2010. [A/HRC/15/37/Add.5]

- 30 Федеральный закон от 30 апреля 1999 г. N 82-ФЗ «О гарантиях прав коренных малочисленных народов Российской Федерации» (с изменениями и дополнениями). Available online at: <http://base.garant.ru/180406/>
- 31 Federal Law 136-FZ of October 25, 2001
- 32 Federal Law of July 7, 2001 N 49-FZ
- 33 United Nations Human Rights Council, 2010. [A/HRC/15/37/Add.5]
- 34 In particular, the International Covenant on Civil and Political Rights; the International Covenant on Economic, Social and Cultural Rights; and the International Convention on the Elimination of All Forms of Racial Discrimination, as made clear by the treaty-monitoring bodies that oversee compliance with these instruments.
- 35 RAIPON & IWGIA, 2011. ['Parallel Information']
- 36 United Nations Human Rights Council, 2010. [A/HRC/15/37/Add.5]
- 37 АКМНСС & IWGIA, 2011. ['Параллельная информация']
- 38 Федеральный закон «О гарантиях прав коренных малочисленных народов Российской Федерации» (On guarantees of the rights of small-numbered Indigenous Peoples of the Russian Federation) от 30 апреля 1999 года, № 82-FZ
- 39 Federal law 49-FZ of May 7, 2001
- 40 RAIPON & IWGIA, 2011. ['Parallel Information']
- 41 For example, along the Amur River surrounding Sikachi-Alian village in Khabarovky Krai, indigenous residents currently enjoy de facto free-of-charge use of land resources and receive preferential access to fishing areas. Yet federal land reforms could have the effect of undermining these currently existing regional entitlements, and in this regard the rights of Indigenous Peoples within the area are feared to be at risk and not legally defensible.
- 42 There are multiple reports of indigenous communities that have applied for fishing grounds with no success, especially in Buryatia and Kamchatka.
- 43 United Nations Human Rights Council, 2010. [A/HRC/15/37/Add.5]
- 44 Russian Federal Law «О территориях традиционного природопользования коренных малочисленных народов Севера, Сибири и Дальнего Востока Российской Федерации» от 7 мая 2001 г. (в ред. от 26.06.2007г. №118-ФЗ)
- 45 RAIPON, IWGIA. 2011. 'Parallel Information Concerning the Situation of Economic, Social and Cultural Rights of Indigenous and Small-Numbered Peoples of the North, Siberia and the Far East of the Russian Federation,' *Paper submitted at the occasion of the 46th Session of the Committee on Economic, Social and Cultural Rights, 2-20 May 2011*. Copenhagen & Moscow: IWGIA and RAIPON. Available online at: http://www2.ohchr.org/english/bodies/cescr/docs/ngos/IWGIA_RAIPON_RussianFederation_CE-SCR46.pdf
- 46 Федеральный закон от 24 июля 2009 г. № 209-ФЗ «Об охоте и о сохранении охотничьих ресурсов и о внесении изменений в отдельные законодательные акты Российской Федерации.»
- 47 Лесной кодекс Российской Федерации от 4 декабря 2006 г. № 200-ФЗ
- 48 Федеральный закон от 20 декабря 2004 г. № 166-ФЗ «О рыболовстве и сохранении водных биологических ресурсов.»
- 49 The licenses allowed under these codes may also be awarded for long-term periods (up to 49 years), meaning that even if measures to implement the *Law on Territories of Traditional Nature Use* begin to come into effect, many territories of traditional use by Indigenous Peoples will already be under the control of private businesses, whose rights are protected by legally binding long-term agreements (RAIPON & IWGA, 2011).
- 50 United Nations Human Rights Council, 2010. [A/HRC/15/37/Add.5]
- 51 RAIPON & IWGIA, 2011. ['Parallel Information']
- 52 Anongos, Abigail et al., 2012. "Pitfalls and Pipelines: Indigenous Peoples and Extractive Industries," IWGIA, available at http://www.iwgia.org/iwgia_files_publications_files/0596_Pitfalls_and_Pipelines_-_Indigenous_Peoples_and_Extractive_Industries.pdf
- 53 IWGIA, 2011. ['Update 2011 – Russia']
- 54 *Obshchina* literally means 'community.' Indigenous *obshchinas* were introduced in the early 1990s and were originally intended to assume both economic functions and functions of self-administration of Indigenous Peoples. In practice, however, their economic function has been much more significant. Their status is governed by a special federal law 'Ob obshchikh printsipakh organizatsii obshchin korennykh malochislennykh narodov Severa, Sibiri i Dal'nego Vostoka Rossiiskoi Federatsii' ('On General principles of the organisation of obshchinas of small-numbered Indigenous Peoples of the North, Siberia and the Far East of the Russian Federation')
- 55 IWGIA, 2011. ['Update 2011 – Russia']
- 56 Лесной кодекс Российской Федерации от 4 декабря 2006 г. N 200-ФЗ
- 57 Федеральный закон от 20 декабря 2004 г. N 166-ФЗ "О рыболовстве и сохранении водных биологических ресурсов"
- 58 Adopted July 24, 2009 [N 209-ФЗ]
- 59 Federal Law On Fishing and on the Protection of Aquatic Biological Resources stipulates in §2: *Consideration (Russian: uchët) of the interests of the population, for whom fishing constitutes the basic livelihood, in particular small-numbered Indigenous Peoples of the North, Siberia and the Far East...according to which they have to be provided access to aquatic biological resources, belonging to fishery objects, allowing the population to carry out their subsistence activities.* Section §25 further specifies that individuals belonging to KMNS-SDV have the right to fish for purposes of pursuing their traditional way of life with or without having a license or title over a dedicated fishing site and that no permission is required for them to fish without such a title. (RAIPON & IWGIA 2011)
- 60 RAIPON & IWGIA, 2011. ['Parallel Information']
- 61 RAIPON & IWGIA, 2011. ['Parallel Information']
- 62 This norm is reflected in the ILO Convention 169, the UN Declaration of the Rights of Indigenous Peoples and the jurisprudence of the UN Treaty Bodies, wherein consent is required where there are significant physical or cultural impacts on Indigenous Peoples of development projects in their lands. Relocation of Indigenous Peoples is widely recognized as having both profound physical and cultural impacts on them.
- 63 RAIPON & IWGIA, 2010. 'Proposed Questions to the Government of the Russian Federation regarding Economic, Social and Cultural Rights of Indigenous Small-numbered Peoples of the Russian North, Siberia and the Far East.' Copenhagen: Intentional Working Group for Indigenous Affairs. Available online at: http://www2.ohchr.org/english/bodies/cescr/docs/ngos/IWGIA_RAIPON_RussianFederation_CE-SCR46.pdf

ohchr.org/english/bodies/cescr/docs/ngos/RAIPON-IWGIA_RussianFederationWG44.pdf

- 64 CERD/C/RUS/CO/19, Para 24; RAIPON & IWGIA. 2010. ['Proposed Questions'].
- 65 'Concept Paper'; approved February 4 2009 [№ 132-p]. Available online at: <http://stavkan.ru/materials/laws/show.php?adres=148039>
- 66 Международная Выставка-Ярмарка "Сокровища Севера, 2009. ("Developed by the State: 'The Concept of Sustainable Development of the KMNSRF.'") Available online at: http://www.aborigen-expo.ru/news/news_1.html; RAIPON. No date. 'RAIPON Presidium Confirmed.' Website article. Available online at: <http://www.raipon.info/en/component/content/article/8-news/34-raipon-presidium-confirmed.html>
- 67 'Concept Paper'; A version of this decree can be found at: <http://stavkan.ru/materials/laws/show.php?adres=148039>
- 68 RF Government Resolution dated August 28, 2009, No. 1245-p.p; also refer to RF Government Resolution dated June 23, 2008, No. 895-p.p. Available online at: <http://poisk-zakona.ru/56170.html>
- 69 IWGIA, 2011. ['Update 2011 – Russia']
- 70 IWGIA, 2011. ['Update 2011 – Russia']
- 71 IWGIA, 2011. ['Update 2011 – Russia']
- 72 IWGIA, 2011. ['Update 2011 – Russia']
- 73 Refer to: World Bank, 2011. *Russian Federation - Forest Fire Response Project: Indigenous Peoples Planning Framework*. Russia. Available online at: <http://documents.worldbank.org/curated/en/2011/12/15568546/russian-federation-forest-fire-response-project-indigenous-peoples-planning-framework>
- 74 World Bank, 2011. [*Forest Fire Response Project*]
- 75 World Bank, 2011. [*Forest Fire Response Project*]
- 76 World Bank, 2011. [*Forest Fire Response Project*]
- 77 Refer to: Nellemann, Soren, 2012. *Integrated Safeguards Data Sheet (Concept Stage) - Development of preschool education system of Sakha (Yakutia) - P127405*. Washington, DC: World Bank. Available online at: <http://documents.worldbank.org/curated/en/2012/02/15878936/integrated-safeguards-data-sheet-concept-stage-development-preschool-education-system-sakha-yakutia-p127405>
- 78 Project Appraisal Document, *Preschool education system of Sakha (Yakutia)*.
- 79 Nellemann, Soren, 2012. [*Preschool education system of Sakha (Yakutia)*]
- 80 'The Last of the Udege People,' <http://raipon.info/en/library.html>



PART IV.

KEY ISSUES AND OPPORTUNITIES

A. DEVELOPMENT PREFERENCES AND CHALLENGES OF RUSSIA'S INDIGENOUS PEOPLES

This section outlines the development priorities and challenges of small-numbered IPs in Russia. While small-numbered IPs share many common characteristics and problems, they also differ significantly from each other. It is therefore difficult (if not impossible) to frame a single concept of sustainable development for all IPs in the Russian Federation. This section focuses on five areas of relevance at the federal level.

A) PROTECTION OF RIGHTS TO LAND AND RESOURCES

IPs would benefit from coherence, consistency and certainty in regard to state legislation concerning their access to land and resources. While the Russian Federation has formal legal commitments for safeguarding the rights and fundamental freedoms of IPs to their customary lands and resources, the lack of coherence, consistency and certainty—including the lack of clear and fair implementing mechanisms—hinders the ability of IPs to enjoy these rights. In accordance with international standards, guarantees for indigenous land and resource rights should be (i) legally certain; (ii) implemented fully and fairly for all indigenous communities; (iii) coherent in their formulations of property rights, land leases and auctions among fisheries and forestry administrations, national parks and environmental conservation efforts as well as inclusive of regulation of extractive industries and other commercial enterprises; and (iv) consistent between federal and regional frameworks.¹

The absence of fair and equitable compensation for damages and impacts of project-related activities presents a challenge for IP communities. While this development priority resonates with others already discussed, it extends beyond the notion of effective safeguards to more

fundamental issues of entitlements in cases of economic development of natural resources found in areas customarily utilized by IPs.

IPs' organizations (IPOs) note that the way to safeguard access to customary lands and resources is to harmonize the existing legislation along the following lines:²

- Amend land laws to allow forms of land tenure adequate to IPs' needs, traditions and customary law—that is, IPs' land tenure and land use should not be subject to any rent or license fees.
- Implement the federal law *On Territories* to grant IPs permanent legal titles over the land which they traditionally use and inhabit.
- Amend the legislation regarding subsoil rights in areas of traditional residence and traditional economic activities of IPs, so as to i) require the free, prior, and informed consent of IPs in decision-making regarding the development of mineral resources in those territories, as well as ii) provide compensation for damages caused to the native habitat of IPs.
- Work with regional governments to develop regulatory frameworks that will help ensure IPs are guaranteed full and sustainable access to their traditional sources of food.
 - o Include a special focus on ensuring indigenous *obshchinas* access to fishing grounds and other resources needed to maintain their livelihoods and business.
 - o Help to re-structure regulatory environments to eliminate any requirements for IPs to file individual applications to obtain fishing permits for their personal consumption. If for reasons of biodiversity conservation, limits on personal consumption are established, the process should be fully transparent and participatory.

IPs representatives emphasize that aside from the need for the above legal reforms, indigenous communities also experience great difficulty in properly executing the required paperwork and related activities (for example, preparation of maps, land surveys, environmental, technical, and other studies) to act on their potential rights.

B) PARTICIPATION AND CO-GOVERNANCE

IPs would benefit from the right to participate fully and effectively in decisions that affect their lives and livelihoods. This includes their direct involvement in the process of law and decision-making at both the federal and regional levels. Another core indigenous development priority is to achieve widespread acceptance of this right, to realize support for communities wishing to exercise this right, and to witness the creation of mechanisms guaranteeing this right.³

Mandatory quotas could help achieve this objective. The UN Committee on the Elimination of Racial Discrimination recommends that the Russian Federation considers the introduction of guaranteed seats or mandatory quotas for the representation of indigenous minorities of the North, Siberia and the Far East of Russia in the legislative and in executive branches of government as well as in state agencies on the regional and federal levels, to ensure IPs' effective participation in all decision-making processes affecting their rights and legitimate interests.⁴

IPOs would be interested in the recognition of the principle of co-governance for all matters affecting their lands and natural resources. The preference of IPOs would be for the Government of the Russian Federation to recognize the principle of free, prior, and informed consent as described in the UNDRIP as the accepted principle for indigenous co-governance of all projects affecting their lands and the natural resources on which they depend.⁵ IPOs would also be interested in obtaining governmental assistance in ensuring that industrial companies do not infringe their rights. This would include an enforceable requirement that industrial companies operating on IPs' lands undertake sociocultural impact assessments, share the outcomes of these assessments to help ensure local territories' sustainable long-term usefulness, and provide adequate compensation for project-induced negative impacts for any developmental initiative to occur in their territories of traditional use.

Lastly, IPOs are also interested in preserving their freedom to deviate from traditional lifestyle and occupation. That is, IPs should not be narrowly restricted to "traditional" subsistence-based strategies but instead should be free to choose non-traditional economic activities such as ethno-tourism, industrial fish processing, industrial reindeer herding, and establish community-based micro-credit programmes, or even to provide services to energy development projects. IPs do not want their cultures to be embalmed and placed in museums; they desire to actively direct their engagement with the contemporary world and to forge 21st century versions of their indigenous ways of life. Yet due to current legal understandings of indigeneity, IPs are concerned that if they do carry out non-traditional, mainstream economic activities their special status as small-numbered IPs would be threatened.⁶

C) RIGHTS AWARENESS AND ACCESS TO JUSTICE

IPOs report that IPs often do not comprehend what rights they have, nor do they realize that they can protect these rights. Many indigenous communities do not have the financial and technical resources to access legal reference materials, to follow changes in the laws, nor to utilize modern communication technologies to receive information about development initiatives that may affect them. In other words, many IPs lack the very tools used by government officials and corporate representatives to communicate effectively and to promote their self-interests. Moreover, many IPs lack the training needed to parse for relevant information within the often voluminous documents that are distributed to them. In cases where IPs rights to participate in development processes, are not respected, they are often unaware (and lack access to) effective forms of recourse. These deficiencies need to be addressed.

D) BENEFITS-SHARING AND DEVELOPMENTAL ASSISTANCE

Initiatives in support of education and access to health services are the most frequently cited community social needs. Some context and recommendations in these areas are as follows:

1) Education

IPs' advocates have called for strengthening educational opportunities for IPs. IPs as a whole have more challenges in

succeeding at school than other members of the population in Russia. Support from federal and regional governments could be important to establish educational institutions that best suit IPs' communities, including by experimenting with new models of education more suited to IPs' lifestyles, customs and circumstances (for example, schools for nomads, in the taiga, and other remote 'education points'). The integrity of indigenous families also needs to be protected by preventing indigenous children from being separated from their parents at an early age, such as occurs under the boarding school (*интернат; internat*) model. Federal and regional governments can support this by helping small and remote settlements maintain at least primary ungraded schools (*малоконтактные школы; malokontaknye shkoly*), especially by exempting them from requirements for a minimum necessary number of students as established by the Federal Law 'On Education.'⁷

IPs also recommend to develop mechanisms that would engage indigenous communities—and especially parents—into education-related decisions. It may be helpful to provide parents with opportunities for greater and more regular input in curriculum decisions for schools, and allow sufficient flexibility for parental participation in decisions regarding subjects that are taught, the language in which these subjects are taught, and other matters.⁸

Enhancing opportunities for indigenous youth to receive higher education is also a key educational priority.⁹ Living in areas far from major educational institutions, and suffering from low quality and low budget local schools—which often lack qualified teachers and basic textbooks—the educational opportunities of IPs are often severely undermined. Even assuming these difficulties are overcome, indigenous youth is frequently challenged by a lack of funding for tuition and school subsistence funding. Many are forced to leave universities as a result of this financial pressure. However, some positive examples should also be noted. In the Republic of Sakha (Yakutia), for instance, all textbooks are provided in local languages, and members of indigenous communities offer classes in local indigenous languages in primary schools.

2) Health

The accessibility of health services presents a major challenge. Indigenous representatives have indicated that federal and regional health-care programs should ensure more regular visits of medical brigades to remote areas to provide health checks and have also expressed a desire for initiatives that would allow for easier access to medical

services when such are needed, including annual medical checkups; measures to support small and remote settlements in regions such as the Nenets Autonomous Okrug, the Evenkia and Taimyr municipal districts of Krasnoyarsk territory, and the Koryak district within Kamchatka territory have been explicitly requested.¹⁰

Other health concerns are related to alcoholism and the health consequences of environmental contamination.

In addition, the revival of traditional medicine, provision of first aid training, and the training of more indigenous doctors in mainstream medicine also need to be encouraged.

3) Gender

The increasing loss of access to customary subsistence strategies such as hunting, herding, and fishing has affected indigenous men and women differently. The increased use of tenders to parcel out natural resources deprives more and more communities of these economic resources. This greatly impacts men in the community, who are becoming marginalized economically in their own communities while women have experienced an easier time getting public service jobs in education, health or administrative facilities and can thus often contribute a larger share to family budgets. Combined with the decline in the social prestige of subsistence activities, men face greater risks for alcoholism and suicide.

Indigenous women also face special challenges. As health clinics are increasingly closed down in smaller and more remote districts, women in indigenous communities are disproportionately affected. Limited access to health care services like prenatal care and childbirth support contributes to higher infant mortality rates amongst indigenous populations. For some communities domestic violence against women is also an important issue.

E) CULTURAL SURVIVAL

Declining population and increased acculturation have brought some IPs' future into question. Some groups are on the point of extinction, with less than a dozen members surviving. Out of the 40 IPs of the North, Siberia and the Far East, seven peoples number less than 1,000, and twelve peoples number less than 2,000 each.¹¹ Even for those peoples whose populations are increasing—the Nenets, Oroks, Selkups, Khanty, Yukaghirs, Negidals, Tofalars, Itelmen, and Kets—cultural survival remains a concern.

IP representatives are concerned about their ability to carry their culture to the next generations and hope to advance that goal. Furthermore, they would like to work closely with federal authorities to promote the inclusion of cultural heritage preservation measures in federal legislation.¹² While some significant efforts have already been made to preserve and promote indigenous languages, further initiatives may be needed to address endangered or dying languages.

B. POSSIBLE DIRECTIONS FOR FURTHER ACTION

Based on the above review and analysis, the following directions for further actions could be considered.

A) SUPPORT FOR INDIGENOUS PRIORITIES

- (a) **Protection of Rights to Land and Resources:** At the local level, it can be useful to work with regional governments and indigenous organizations to develop programs that provide support to indigenous communities to prepare their land claims. This can be accompanied by the development of regulatory frameworks that would guarantee IPs full and sustainable access to their traditional sources of food. At the federal level, the government could be encouraged to engage in discussions with indigenous communities and their representatives regarding modifications to the land code, forest code, laws on mineral resources, hunting and fishing, and other legal provisions that currently contradict or hinder indigenous land and resource rights.¹³ Technical assistance could be provided to the federal government regarding international experience with similar situations, wherein both indigenous access to subsistence resources and appropriate government oversight (for example, of benefits sharing and tax payments) were enhanced. Such technical assistance could also focus on elaborating a process which avoids encouraging intra-indigenous factionalism (competition over land and access to resources) and which enhance legitimacy in the eyes of the wider society.
- (b) **Participation and co-governance:** It could be useful to support the design of laws and regulations that would oblige third parties operating in IPs' territories to share information on the potential physical and social consequences of their projects and obtain community support (and perhaps FPIC). Such measures would reflect the norms of international human rights as they pertain to IPs,¹⁴ but more importantly, they would assist development projects. Relying on community support, investments would proceed more smoothly and thus more efficiently and effectively for all stakeholders, including regional governments and indigenous communities. Traditional leadership structures and customary law, to the extent that they are experiencing a revival and limited growth, could also be effectively recognized in developing mechanisms to ensure indigenous participation and local self-governance. In the same spirit, some IPOs also urge federal and regional governments to consider establishing indigenous parliamentary councils or assemblies to represent IPs so that they could participate in ongoing legal and policy developments (as has already been done at least to some extent in a few regions). Some IPOs also advocate for the establishment of additional guarantees to protect the electoral rights of IPs. They also suggest restoring the Federal Law *On guarantees of the Rights of Indigenous peoples of the Russian Federation* that contained rules on quotas and representation of IPs in the legislative bodies of the Russian Federation.
- (c) **Rights Awareness and Access to Justice:** An important development priority for IPs in Russia is to improve access to justice and defend their rights to use natural resources and maintain their cultures. Cooperation among federal and regional governments and indigenous communities to mitigate factors that hinder access to justice would be valuable in this respect. As part of this, it could be particularly useful to expand the use of the institution of human rights ombudsman, already widely extant in the country, to matters of concern to indigenous communities. International experience with similar arrangements could form the basis of technical assistance at the regional level. It could also be useful to support the development of programs that promote legal awareness, such as special courses on ethnography/ethnology and legal regulations both for local communities and officials, as well as guidebooks with recommendations for people and companies coming to work in places inhabited by IPs.
- (d) **Benefits-sharing:** Innovative approaches could be supported in the delivery of educational, health, and financial services to indigenous communities. Such approaches could take into account IPs' cultural and social needs and opportunities as indicated above.

(e) **Cultural Survival:** It could be helpful to collaborate with government authorities and local communities to enhance: (i) language and cultural preservation programmes; (ii) protection of IPs' sacred sites from violations by third parties (such as extractive industries operating in IPs' territories) by developing a comprehensive protection regime for IPs' cultural heritage sites with the full participation of IPs.

To assist in IPs' cultural heritage preservation efforts, federal and/or regional implementation guidelines could be developed pursuant to the 2002 law on the protection of cultural properties and cultural heritage databases (including of indigenous knowledge) could be established. In addition, technical assistance could be offered to extend cultural heritage protection to more fully encompass non-material heritage, such as cultural landscapes (including places of spiritual value), and ensure that areas of cultural heritage value are protected. At the federal level, the Government of Russia could consider engaging in a dialogue with IPOs and representatives of the Secretariat of the *Convention on Biological Diversity*, the United Nations World Intellectual Property Organization (WIPO) and the United Nations Educational, Scientific and Cultural Organization (UNESCO). In particular, it would be useful to consider an amendment of the *Federal Law On guarantees of the rights of the Indigenous Peoples of the Russian Federation* to reflect international law and international treaties signed by the Russian Federation in the sphere of protection of cultural heritage and traditional knowledge of IPs.

B) SUPPORT OF CONCRETE INITIATIVES

Based on discussions with federal and regional government agencies, the following initiatives could be supported:

- (a) **Support the inclusion of IPs in the development process.** A systematic approach could be developed to incorporate IPs' perspectives in the design of development programs and poverty reduction strategies. As part of this, it would be needed to ensure IPs' free, prior, and informed consultation in such processes, and promote the effective exercise of indigenous self-governance. Two avenues specifically noted by indigenous advocates include supporting efforts to:
 - improve IPs' participation in policy and legal reforms by designing clear definitions and processes of how to select "authorized representatives of IPs" (as titled in federal legislation); and
 - assist local government agencies in drafting guidance notes for policy makers that describe how the process of policy making can work hand-in-hand with customary law and decision-making institutions of IPs, such as when adjudicating disputes where IPs or issues are involved.
- (b) **Strengthen local legislation and its implementation to establish legal recognition of the customary or traditional land tenure systems of IPs.** This would include the securement of IPs' long-term renewable rights to possession and use of renewable natural resources. Further, as existing legislation is often not fully applied to protect IP rights, it could be important to undertake efforts to strengthen the practical implementation of such legislation.
- (c) **Work with the public and private sectors on pilot initiatives.** A pilot could be developed to test in the Russian context the implementation of enhanced standards for social impact assessment (including special attention to indigenous needs and vulnerabilities), grievance procedures, transparent Code of Conduct, awareness training about indigenous cultures for project staff, etc.
- (d) **Support the development priorities of IPs through programmatic activities.** Such activities may include locally managed social development funds, programs to support the traditional economic activities of indigenous communities (including through the incorporation of these communities in the list of subjects of small and medium-sized businesses), and governmental encouragement to purchase of the traditional economic production of IPs. Cooperation between government and IPs in the design and implementation of such programs could also be bolstered.
- (e) **Engage IPOs, CSOs, and/or others to prepare participatory profiles of IPs.** Such profiles would reflect their culture, demographic structure, gender and inter-generational relations and social organization, institutions, production systems, religious beliefs, resource use patterns, and other aspects of Indigenous Knowledge.¹⁵ Such studies would continue a process that

started in the 1990s, and help establish a baseline for evaluating trends in economic and social development.

- (f) **Address gender and intergenerational issues that exist among many IPs** (including the special needs of indigenous women, men, youth, and children).
- (g) **Strengthen the capacity of IPs' communities and IPOs to prepare, implement, monitor, and evaluate development programs.**
- (h) **Strengthen the capacity of government agencies responsible for providing development services to IPs.** This could include evaluations of current and existing barriers to effective implementation of existing development services.

Annex C includes several case studies drawn from Russian good practices in the area of IP protection, which can serve as examples of the types of projects that could be implemented.

C) ENSURING THE ENGAGEMENT OF IPOs

To ensure that developmental initiatives are devised with IPs' active participation, representative IPOs could be engaged as intermediaries on projects affecting IPs. Given its position as an umbrella organization for the majority of IPs groups in the Russian Federation, RAIPON could act as one such advisor on IP issues in Russia. Other organizations could also take an active part in such endeavor, especially if they are not part of the RAIPON network but deal with matters that affect IPs.

D) ENGAGEMENT WITH THE PRIVATE SECTOR

The impact of the private sector on the development of IPs and its potential to contribute to their wellbeing are both significant. A unified approach could be devised to support corporate engagement with indigenous communities regarding projects that affect those communities. In many instances, private sector projects in remote locations of the Russian North, Siberia and the Far East provide the only available development opportunities for local communities of IPs. In this context, a key concern is how local Indigenous communities can benefit in a sustainable way from activities that take place on or near their traditional lands and territories.

This could include encouraging private sector relationships with project-affected IPs through voluntary compliance with the provisions of IFC Performance Standard 7. Recent experience in the application of Performance Standards by IFC partners in Russia has already resulted in a range of good practices, including effective stakeholder engagement with project-affected indigenous communities, mitigation of negative impacts on fisheries and hunting grounds, and the provision of social development opportunities. Examples include IFC client Novatek developing a comprehensive Indigenous Peoples Development Plan for its operations in Yamalo-Nenetsy AO. As part of this initiative, IFC clients Kinross Gold and Petropavlovsk have established corporate social development foundations as instruments for sustainable development of the affected communities. Information on these and similar efforts should be analyzed and shared among private sector firms to encourage more strategic engagement with IPs within the framework of PS 7.

A new paradigm of community engagement with the private sector could be explored. Such a new approach could call for a dynamic three-way partnership between indigenous communities, local governments, and companies. Innovations such as the development foundations described above could also lead to collaborative co-ownership and profit-sharing possibilities, particularly in the extractive industries.

NOTES:

- 1 United Nations Human Rights Council, 2010. [A/HRC/15/37/Add.5]
- 2 RAIPON & IWGIA, 2011. ['Parallel Information']
- 3 In support of this right, the UN's Special Rapporteur has recommended that Russia consider the introduction of guaranteed seats or mandatory quotas for the representation of Indigenous Peoples of the North, Siberia and the Far East. of Russia in the legislature, as well as executive agencies and public institutions at regional and federal levels and to ensure their effective participation in all decision-making processes affecting their rights and legitimate interests.
- 4 Final recommendations of the Committee on the Elimination of Racial Discrimination/[CERD/C/RUS/CO/19].
- 5 United Nations Human Rights Council, 2010. [A/HRC/15/37/Add.5]
- 6 United Nations Human Rights Council, 2010. 'Report of the Special Rapporteur on the Situation of Human Rights and Fundamental Freedoms of Indigenous People, James Anaya. Addendum—Situation of Indigenous Peoples in the Russian Federation' [A/HRC/15/37/Add.5] New York: Office of the High Commissioner on Human Rights. Available online at: <http://www.ohchr.org/EN/Issues/IPeoples/SRIndigenousPeoples/Pages/CountryReports.aspx>
- 7 RAIPON & IWGIA, 2011. ['Parallel Information']
- 8 United Nations Human Rights Council, 2010. [A/HRC/15/37/Add.5]
- 9 Yet this desire for a quality university-level education relies on superior mastery of the Russian language, acquisition of which might be undermined by the previous paragraph's call for increased use of ethnic languages. The goal would be parallel development in the acquisition of both languages.
- 10 RAIPON & IWGIA, 2011. ['Parallel Information']
- 11 'Concept Paper;' approved February 4, 2009 [№ 132-p] Available online at: <http://stavkan.ru/materials/laws/show.php?adres=148039>
- 12 United Nations Human Rights Council, 2010. [A/HRC/15/37/Add.5]
- 13 Such legal and regulatory adjustments could also be of crucial support in environmentally critical zones such as the Arctic inasmuch as it would tend to support ecologically positive approaches to economic development.
- 14 Several articles of the UNDRIP highlight the importance of Indigenous Peoples' traditions and customs. Articles 26 and 27 are especially relevant as they define the rights of indigenous peoples to the lands they have traditionally been occupying and using.
- 15 Cf. 'The value of traditional knowledge for sustainable development of indigenous peoples.' Available online at: <http://www.raipon.info/biblioteka.html>.



ANNEX A.

POPULATION PROFILE OF INDIGENOUS PEOPLES IN THE RUSSIAN FEDERATION

THE POPULATION DISTRIBUTION OF MAJOR IP GROUPS IN THE RUSSIAN FEDERATION IS PRESENTED IN THE FOLLOWING TABLE.¹

INDIGENOUS MINORITY PEOPLES OF THE NORTH, SIBERIA, AND THE FAR EAST, RUSSIAN FEDERATION		TOTAL
ALEUT		540
<i>In:</i>	Kamchatka Oblast	446
	Koryak Autonomous Okrug	6
CHELKAN		7,261
<i>In:</i>	Republic of Altay	830
CHUVAN		1,087
<i>In:</i>	Chukotka Autonomous Okrug	951
	Magadan Oblast	39
CHUKCHI		15,767
<i>In:</i>	Chukotka Autonomous Okrug	12,622
	Kamchatka Oblast	1,487
	Koryak Autonomous Okrug	1,412
CHULYM		656
<i>In:</i>	Tomsk Oblast	484
	Krasnoyarsk Kray	159
DOLGAN		7,261
<i>In:</i>	Krasnoyarsk Kray	5,805
	Taymyr (Dolgan-Nenets) Autonomous Okrug	5,517
EVENK		35,527
<i>In:</i>	Republic of Sakha (Yakutiya)	18,232
	Krasnoyarsk Kray	4,632
	Evenk Autonomous Okrug	3,802
	Khabarovsk Kray	4,533

¹ Source: Encyclopedia of indigenous peoples of the North, Siberia and the Far East of the Russian Federation (2011). Centre for Support of Indigenous Peoples of the North (CSIPN). Moscow.

	Amur Oblast	1,501
	Sakhalin Oblast	243
	Republic of Buryatiya	2,334
	Irkutsk Oblast	1,431
	Chita Oblast	1,492
	Tomsk Oblast	103
	Tyumen Oblast	109
EVEN		19,071
<i>In:</i>	Republic of Sakha (Yakutiya)	11,657
	Khabarovski Krai	1,272
	Magadan Oblast	2,527
	Chukotka Autonomous Okrug	1,407
	Kamchatka Oblast	1,779
	Koryak Autonomous Okrug	751
ENETS		237
<i>In:</i>	Krasnoyarsk Krai	213
	Taymyr (Dolgan-Nenets) Autonomous Okrug	197
ITEL'MEN		3,180
<i>In:</i>	Kamchatka Oblast	2,296
	Koryak Autonomous Okrug	1,181
	Magadan Oblast	643
KAMCHADAL		2,293
<i>In:</i>	Kamchatka Oblast	1,881
	Koryak Autonomous Okrug	132
KEREK		8
<i>In:</i>	Chukotka Autonomous Okrug	3
KET		1,494
<i>In:</i>	Krasnoyarsk Krai	1,189
KHANTY		28,678
<i>In:</i>	Tyumen' Oblast	26,694
	Khanty-Mansi Autonomous Okrug	17,128
	Yamal-Nenets Autonomous Okrug	8,760
	Tomsk Oblast	873
	Republic of Komi	88
KORYAK		8,743
<i>In:</i>	Kamchatka Oblast	7,328
	Koryak Autonomous Okrug	6,710

	Chukotka Autonomous Okrug	55
	Magadan Oblast	888
KUMANDIN		3,114
<i>In:</i>	Altay Krai	1,663
	Republic of Altay	931
	Kemerovo Oblast	294
MANSI		11,432
<i>In:</i>	Tyumen' Oblast	10,561
	Khanty-Mansi Autonomous Okrug	9,894
	Sverdlovsk Oblast	259
	Republic of Komi	11
NANAI		12,160
<i>In:</i>	Khabarovsk Krai	10,993
	Primorye Krai	417
	Sakhalin Oblast	159
NGANASAN		834
<i>In:</i>	Krasnoyarsk Krai	811
	Taymyr (Dolgan-Nenets) Autonomous Okrug	766
NEGIDAL		567
<i>In:</i>	Khabarovsk Krai	505
NENETS		41,302
<i>In:</i>	Tyumen' Oblast	27,965
	Khanty-Mansi Autonomous Okrug	1,290
	Yamal-Nenets Autonomous Okrug	26,435
	Arkhangelsk Oblast	8,326
	Nenets Autonomous Okrug	7,754
	Krasnoyarsk Krai	3,188
	Taymyr (Dolgan-Nenets) Autonomous Okrug	3,054
	Republic of Komi	708
NIVKH		5,162
<i>In:</i>	Khabarovsk Krai	2,452
	Sakhalin Oblast	2,450
OROCH		686
<i>In:</i>	Khabarovsk Krai	426
SAMI		1,991
<i>In:</i>	Murmansk Oblast	1,769

SEL'KUP		4,249
<i>In:</i>	Tyumen' Oblast	1,857
	Yamal-Nenets Autonomous Okrug	1,797
	Tomsk Oblast	1,787
	Krasnoyarsk Kray	412
SHOR		13,975
<i>In:</i>	Kemerovo Oblast	11,554
	Republic of Khakassiya	1,078
	Republic of Altay	141
SIBERIAN YUPIK		1,750
<i>In:</i>	Chukotka Autonomous Okrug	1,534
	Kamchatka Oblast	19
	Koryak Autonomous Okrug	3
SOYOT		2,769
<i>In:</i>	Republic of Buryatiya	2,739
TAZY		276
<i>In:</i>	Primoriye Kray	256
TELENGIT		2,399
<i>In:</i>	Republic of Altay	2,368
TELEUT		2,650
<i>In:</i>	Kemerovo Oblast	2,534
TOFALAR		837
<i>In:</i>	Irkutsk Oblast	723
TUBALAR		1,565
<i>In:</i>	Republic of Altay	1,533
TUVAN-TODZHIN		4,442
<i>In:</i>	Republic of Tyva (Tuva)	4,435
UDEGHE		1,657
<i>In:</i>	Primorye Kray	918
	Khabarovsk Kray	613
UL'CHI		2,913
<i>In:</i>	Khabarovsk Kray	2,718
YUKAGHIR		1,509
<i>In:</i>	Republic of Sakha (Yakutiya)	1,097
	Magadan Oblast	79

According to the 2010 census, the population of IPs in Russia has been modestly growing. The IP population was measured as part of censuses conducted in the Russian Federation. A comparison between the results of censuses held in 2002 and 2010 reveals that the IP population increased during the period by 9,567 (representing a population growth in 16 out of 47 recognized IP communities). The census also revealed that the number of women in most IP communities outweighs the number of men. The IP population is currently concentrated in original territories designated for IP communities, and only 4.3% of IPs reside outside of these territories. Nearly 65% of the recognized IP population resides in rural areas, often constituting the majority of farmers in mixed communities.

The median age of the IP population is relatively young, ranging between 21 and 29 for most IP groups. Compared to averages in the Russian Federation, IP communities have more population below working age, and less population above working age. This statistics also reflects the fact that IP groups have higher birth rates and higher mortality rates compared to the average in the Russian Federation. Infant mortality is 1.8 times higher among IPs compared to the Russian Federation average.

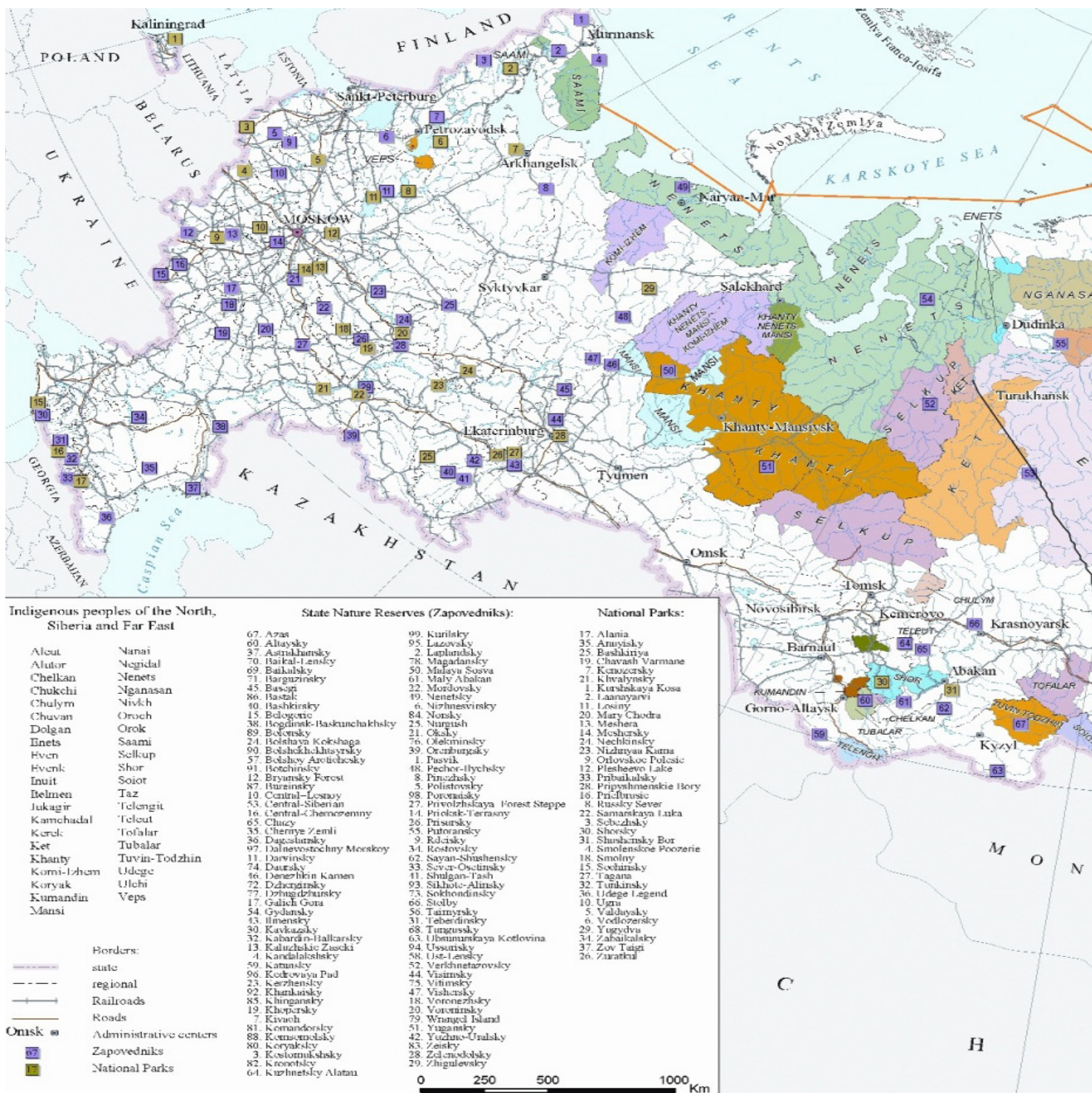
The percentage of married men among the IP population is lower than the average in the Russian Federation. It ranges from 33% among the Kety (Кеты) and 60% among the Abaziny (Абазины). Some IP groups also differ from the general population having relatively high percents of women who have never married (more than 30% of women among IP groups such as dolgans, nentsy, tuvintsy, ulchi, chukchi, evenki, etc.).

Education levels of IP communities are relatively low, but vary from one group to another. Among Nentsy, for example, more than 25% of the population lacks preliminary education. In other groups (such as besermyany, vepsy, kety, nagaybaki, and khanty), more than of the population 10% lacks preliminary education. Russian is the first and main language for more than 90% of IP communities.

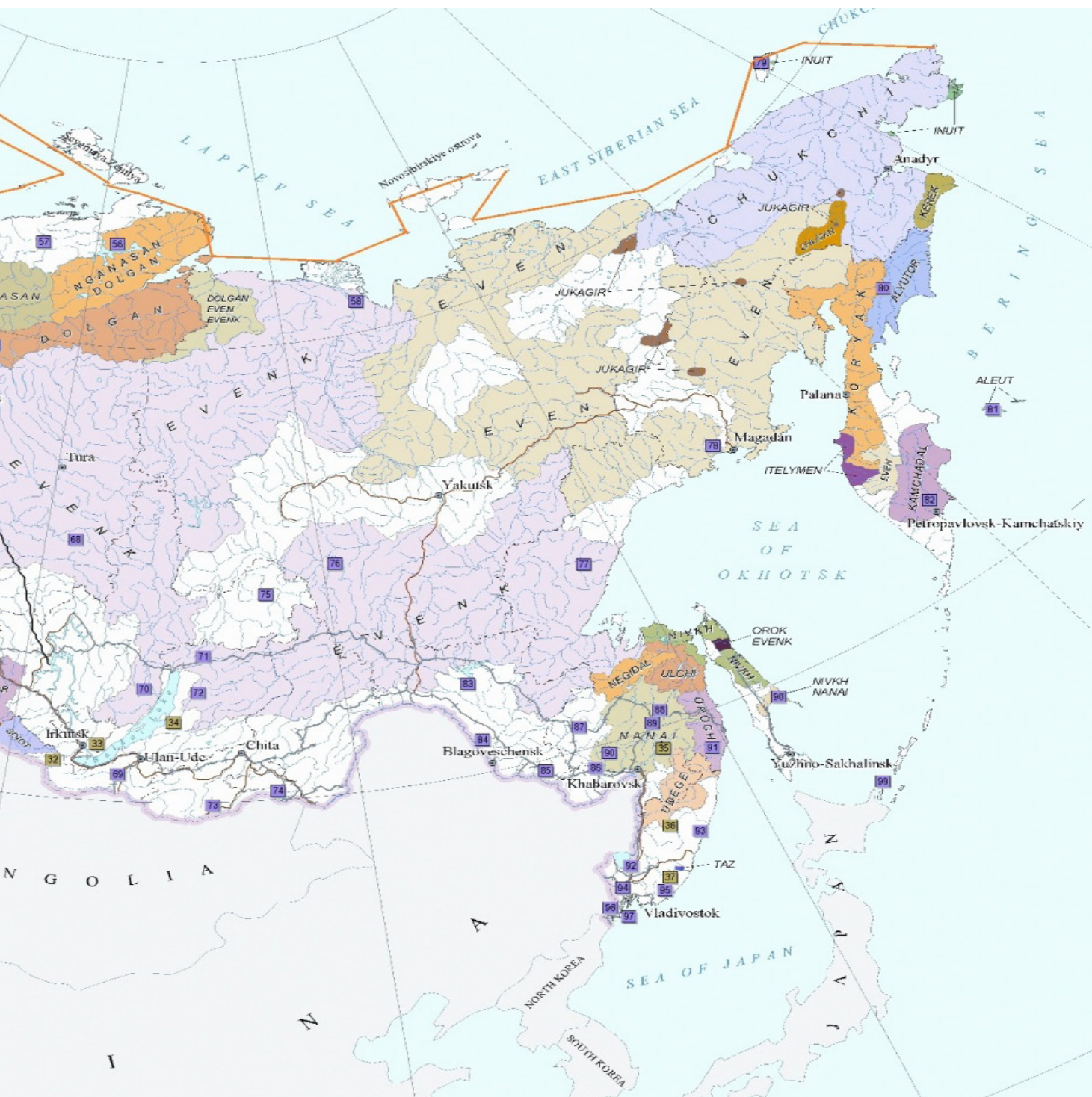
Governmental subsidies are the main source of income for a considerable percentage of the IP population. The Vepsy peoples noted that pensions constitute their main source of income. Other types of governmental subsidies represent the primary sources of income for IP groups such as Dolgany, Kety, Mansy, Nanaytsy, Nentsy, Tuvintsy, Khanty, and others. Accordingly, levels of unemployment among the IP population are 1.5-2 times higher than average in the Russian Federation. A considerable part of the working IP population indicates that its primary income derives from private farming.

ANNEX B.

MAP OF GEOGRAPHIC DISTRIBUTIONS OF INDIGENOUS PEOPLES POPULATIONS



INDIGENOUS PEOPLES OF THE NORTH, SIBERIA AND FAR EAST OF THE RUSSIAN FEDERATION



Source: Encyclopedia of indigenous peoples of the North, Siberia and the Far East of the Russian Federation (2011).
Centre for Support of Indigenous Peoples of the North (CSIPN). Moscow.

ANNEX C.

CASE STUDIES

Four case studies are included in this annex. All case studies examine government, civil society, and private sector partnerships to improve IPs' lives and help safeguard their cultures and identities in the Russian Federation. The case studies highlight lessons-learned and then present more in-depth discussions on topical issues.

Lessons learned:

- Projects that aim at capacity-building of IP communities have a greater likelihood of sustainable success than those that do not specifically target capacity building. This is also true for those projects where building capacity of government partners is also encouraged.
- True partnership between governments, companies and indigenous communities relies on shared decision-making, transparency, and mutual respect.
- Including 'local knowledge' into the project's design and locating project activities within indigenous communities will help obtain community 'buy-in' and ownership of a project.
- Extractive industries (mining, oil and gas) projects that help indigenous communities to demarcate the lands and natural resources that they use may experience fewer conflicts with their host communities, as the demarcation process clarifies community claims and helps stakeholders to identify a way forward to mutually beneficial outcomes.
- Security of land tenure is a necessary precondition if IPs are to make their own decisions about their lifestyles and possible future changes based on their ability to maintain their traditional livelihoods and cultures.
- Local governments can successfully facilitate indigenous economic development through carefully designed support of traditional economic activities. This opportunity may only be available to regions already economically well-off and those that can afford to maintain ongoing subsidies.
- While in theory carbon trading offsets could be utilized to protect indigenous forested lands, projects implementing such programmes in the past have encountered many practical obstacles.

CASE STUDY 1. BUILDING INDIGENOUS CAPACITY: THE SAKHALIN INDIGENOUS MINORITIES DEVELOPMENT PLAN [RUSSIAN FEDERATION]

The Sakhalin Indigenous Minorities Development Plan (SIMDP)—now in its second five-year iteration—has been hailed as a model for both the Russian Federation and for the world due to its successful implementation of:

- meaningful engagement;
- a plan for governance and decision-making that is jointly shared among indigenous groups, the regional government, and the project proponent—a true partnership;
- an emphasis on enhancing IPs’ capacity for self-governance.¹

THE SAKHALIN-2 PROJECT

Sakhalin-2 is a ‘project of many firsts’: the first Russian offshore oil and gas production, the first liquified natural gas (LNG) plant in Russia, the first Russian gas intended for export to customers in the Asia Pacific region, and the first project in Russia to be financed by international lenders. Sakhalin-2 was for some years the largest foreign investment in Russia (until the end of 2006 when Gazprom acquired a majority share). In the years since, Sakhalin Energy Investment Company (SEIC) has continued to receive acclaim from industry peers as well as from the Government of Russia. Areas praised include environmental performance, social and safety management and engineering excellence. In 2007, the International Finance Corporation (IFC) selected Sakhalin Energy’s approach to project-level engagement with IPs as a ‘good practice case study’ for its stakeholder engagement handbook.²

The Sakhalin 2 project’s approach to social and environmental management, however, was not always so well regarded. Indigenous community members were worried that project operations would irreparably alter the lands and livelihoods of the inhabitants of the Sakhalin Island,³ but did not feel that they had any ‘say’ in this process. Tensions culminated in the winter of 2005, when the Sakhalin Indigenous Minorities staged a protest against the project—spurring increased scrutiny of the project from potential

international lenders. SEIC responded favorably: re-considering the project’s approach to community engagement and hiring an external consultant to advise the company on how to achieve true partnership with the local indigenous community. At this turn, cooperation with IPs’ became one of the Sakhalin 2 project’s key priorities.

Between 2006 and 2010, SEIC, working with the Indigenous Minorities of Sakhalin Island, the Regional Council of Authorized Indigenous People’s Representatives⁴ and the Indigenous Peoples Department of the Sakhalin Oblast Government co-implemented the first Sakhalin Indigenous Minorities Development Plan (SIMDP) [constituting a tripartite Indigenous–Corporate–Government governance program]. The second SIMDP (SIMDP 2) was launched in 2011 following a process of widespread consultation and participatory planning, and after representatives of the Indigenous Peoples of Sakhalin gave their formal consent to its format and governance structure. This was the first corporate-sector project globally to be offered a ‘consent’ award by IPs affected by a development project. The choice to offer this award was a voluntary gesture from the Minority Indigenous Peoples of the Sakhalin Island.⁵

MEANINGFUL ENGAGEMENT: CREATING A LIVING PARTNERSHIP

Key to this organizational structure was a conscious effort not to impose a company-dominated decision-making mechanism. Rather, the project allowed for the content and structure of the Indigenous Peoples Development Plan to be developed by the IPs of the island themselves—as the SIMDP addressed their respective future and present needs. The central mechanism whereby this commitment was realized was via a project ‘Working Group’ tasked with designing the emerging social development plan. Composed of four company representatives and four indigenous representatives, the Working Group met openly and repeatedly over a year to work out the details of the Sakhalin 2 Project’s plan for indigenous development. Importantly, SEIC was vigilant to enable the Working Group to operate as a legitimate decision-making body and refrained from ‘pre-deciding’ the results of the meetings of the Working Group in closed company meetings.

In addition to the Working Group, two specialized committees were set up to assist project planning efforts—one with remit of economic/environmental issues; the other focused on social issues. These committees were also constituted in

the spirit of partnership—with each comprised of approximately equal numbers of company and indigenous representatives along with some government attendees (which included the head of the island’s Indigenous Peoples’ council, the Regional Council of Authorized Representatives (RCAR) as well as the indigenous representative to the regional дума [legislature]).

After nearly a year of intense efforts (2005–2006), the Working Group and the committees developed an outline of a social action plan for indigenous development (dubbed, according to indigenous preference, the Sakhalin Indigenous Minorities Development Plan) that reflected the Indigenous Peoples’ communities’ interests. This first SIMDP was thus formulated out of a positive working relationship between all local stakeholders. It was responsive to the communities’ stated desires, which included not just social benefits like education and health, but that also asked half of the funds⁶ be reserved for the support for traditional economic activities such as fishing, hunting, reindeer herding, and wild plant gathering. The SIMDP also defined priority areas for indigenous development based on authentic stakeholder outreach. This process involved a series of large-scale public consultations that were held in areas densely populated by IPs. Regular meetings were also held with the Regional Council of Authorized Representative, which was asked to comment on the emerging SIMDP and to provide concrete suggestions and support for its development. By engaging with the Council and regularly issuing open reports to the RCAR and to communities, the Sakhalin-2 Project helped to lay the basis for ensuring that broad community support could be achieved and maintained throughout the project life cycle. This measure of transparency helped to ensure that SEIC’s contacts were not restricted to just a handful of people from the indigenous communities.

THE FIRST AND SECOND SIMDP

When the first SIMDP was launched in May of 2006, it was highly praised by the regional government, by IPs on the island and in the national indigenous federation (RAIPON), and by representatives of multilateral banks and members of international civil society. SEIC’s Project Director, the regional Vice-Governor, and the head of Regional Council all stood on the dais and joined hands in celebration of their joint achievement.

This first SIMDP was a five-year, US\$ 1.5 million plan composed of three components:

- 1) The ‘Social Development Program’ (SDP), which was used to finance cultural, educational and healthcare initiatives (45 percent). These ranged from student tuition payments, to merit-based scholarships, to subsidies for eye surgery.
- 2) The ‘Traditional Economic Activities Support Program’ (TEASP), which supported two components: the first provided business plans on a competitive grant basis for projects such as fishing, hunting, reindeer herding, and foraging of wild plants; the second offered self-sufficiency grants to families living ‘traditional’ lifestyles and who needed supplemental support (45 percent). Every aspect of the TEASP sought to improve Indigenous Peoples’ capacity for entrepreneurial activities; support was offered for individuals and groups to write business plans for access to financial capital as well as skills-training workshops to build local capacity for managing programmatic activities.
- 3) The ‘Mini-Grant Fund’ (MGF), which was directly managed by the Indigenous Peoples and each year opened a competitive application process for themed proposals to support indigenous heritage (10 percent).

SIMDP 2 is budgeted at US\$ 1.56 million. This investment will be distributed over five years (2011–2015). On this second iteration, the Mini-Grant Program was eliminated in accordance with community preference and the budget previously allocated to this component was evenly split between TEASP and a Social Development Fund (SDF). The principle of empowering only indigenous representatives to make funding decisions—one of the ‘growth’ objectives of the Mini-Grant Program—was applied for the first time under the TEASP and the SDF. The SIMDP 2 also added an innovative micro-loan program as a pilot sustainable development initiative in collaboration with the Batani Fund (an affiliate of the Russian Federation’s preeminent Indigenous Peoples Organization, RAIPON).⁷

SHARED GOVERNANCE AS THE BASIS FOR PARTNERSHIP

Planning for indigenous development needs to be worked on together with government authorities. The greatest challenge for the preparation of the first SIMDP, however, was engaging the regional government in active participation in the joint effort. Just as with the island’s indigenous communities, SEIC needed to demonstrate to those responsible

in the local government for indigenous affairs the company was serious in committing to more than by provide charity or managing public relations. The intention was to staff the Working Group and its committees by fully participating government representatives as well as corporate and indigenous ones, but this did not happen at first. Regional and local administrations have their own plans and approaches to indigenous or local development. They also face their own set of risks—capture of independent initiatives by the bureaucracy, crowding out of the indigenous voice. Yet once the government realized that the company was indeed serious about funding a major program for the island’s IPs, government representatives were interested engaged fully with the Plan. To avoid problems from occurring, government partners were especially cautious to ensure that power-sharing process among the three sides.

The increased capacity for cooperative forms of governance between the Sakhalin Indigenous Minorities, SEIC, and the regional government engender genuine partnership—an aspect of project governance that was the explicit focus of both iterations of the SIMDP. As noted, the first SIMDP was managed by a Governing Board supported by an Executive Committee and two committees to run the TEASP and SDP—bodies in which all three parties (government, Indigenous Peoples and the company) were represented, with IPs having a representative majority. To clarify its commitment to direct, open, and collaborative engagement with the representatives of the island’s IPs by, SEIC made the following commitments:

- Real decision-making authority must be shared between the IPs and the project.
- Interactions and decisions must be transparent.
- The company must adopt and maintain a stance of neutrality in intra-indigenous community disputes, conflicts, and rivalries.

The second SIMDP advanced indigenous governance of the SIMDP a step further by converting the two committees of TEASP and SDP (now SDF) to all-indigenous bodies with membership composed solely of indigenous representatives selected by the indigenous population of each of the island’s seven districts with concentrations of Indigenous Minorities. This is one of the SIMDP’s most significant innovations and one which indigenous leaders point to as both a substantial and symbolic gain for indigenous capacity for self-management.

ASSESSING SIMDP PERFORMANCE

Evaluations of the SIMDP point to significant increases in the capacity of IP from across the island to take part in decision-making processes, to work with local government and private-sector businesses, to organize their own communities, and to promote positive awareness of indigenous cultures among their own peoples and the larger society.⁸ Indeed, the success of both SIMDP can be measured largely to the extent that IPs, themselves, driving relevant decision-making processes. Recalling the experience of SIMDP preparation and implementation, the head of the Sakhalin Oblast Government’s Indigenous Peoples Department once stated:⁹

“Thanks to the SIMDP, people changed. It helped unite people and give them some direction for the future. The SIMDP also helped improve relations with government agencies at all levels as Sakhalin’s Indigenous Minorities and governments both learned more about each other. Significantly, Sakhalin’s Minorities now have more experience running programs and have greater awareness of their rights and the laws which affect them—all due to participation in the Plan. Now when we attend regional or national conferences with other Indigenous Minorities of the Russian Federation, people comment on how progressive we are!”

At the end of its 5-year iteration, the SIMDP had realized significant success, among the social programs (health, culture, education, and training). These programmes had all had engaged the active support of regional and local government agencies. The benefits of these initiatives spread widely throughout the island. The Mini-Grants Fund Committee—the indigenous self-managed 10 percent of the Sakhalin Indigenous Minorities Development Plan—had learned how to distribute money, devise selection criteria, and to administer a granting facility. Independent monitoring revealed that the overwhelming majority of the Indigenous Peoples on the island thought well of the Plan and credited it with increasing indigenous unity and bolstering indigenous cultural survival.¹⁰

With the SIMDP 2, government, corporate and indigenous worlds continue to have an opportunity to learn from each other. On Sakhalin, an interesting dynamic emerged in the functioning of the SIMDP Supervisory Board (now Governing Board), which was governed in majority by indigenous minorities’ community representatives. Sometimes, when the positions towards a specific issue of the company, government, and the indigenous representatives diverge

but where the indigenous representatives have the majority of votes (should they only choose to cast them), the indigenous members often choose to postpone decisions. They then broker among all three sides to work out mutually-acceptable arrangements. Thus, by placing indigenous minorities as majorities on all governance bodies, the company and government forced themselves to work by consensus—a culturally atypical approach for company stakeholders.

During both the first and second plans, some of the greatest challenges have revolved around the TEASP—the 45 and then 50 percent of project development funds allocated to support of traditional economic activities. The first SIMDP involved a steep learning curve as the company and the community dealt with uncertainty about how to fund commercial and non-commercial business enterprises, whether and how to support non-profit subsistence activities, and how to avoid conflicts of interest and capture of the program by a particular clan or regional group. The Second Plan and the indigenous representatives that increasingly make its funding decisions are more and more focusing their emphases on sustainability and long-term planning for island-wide indigenous development.

SEIC's success can also be appreciated in terms of how the project approached claims of environmental damage or social disruption. Rather than simply and categorically refuting previous indigenous claims of damage, the Project adopted an approach whereby it solicited all grievances that any indigenous group or individual chose to level at the company. Within two months, this produced a comprehensive list of potential and claimed damages and enabled the universe of claims to be delimited and converted into a mitigation matrix. In this way, IPs were able to easily track how their concerns were being systematically addressed, and to see that each issue was being treated seriously. Over the next year, a committee of company and indigenous representatives worked through each claim, dismissing some, accepting responsibility for others, assigning some for further investigation, and agreeing to disagree on a few points.

To respect the differences between different cultures sometimes requires doing business in new ways. The SIMDP demonstrates that it is possible to define arrangements where a private sector project can cooperate with indigenous communities and local governments in the development process. Such processes are also one way to help ensure IPs can exercise their right to free, prior and informed consent. Sakhalin Indigenous Minorities wished to recognize the

Sakhalin 2 Project for attaining this degree of 'good governance'. In November 2010 nearly a hundred representatives of indigenous communities from all communities and ethnicities gathered to discuss and decide on whether or not they would accept the proposed renewal of the SIMDP 2. They voted overwhelmingly to do so, and at the promulgation of the second SIMDP, history was made: along with their decision, the Sakhalin Indigenous Minorities presented the project with an FPIC award. This is the world's first private sector instance of FPIC was granted to an industrial project's development plan. With billions of dollars in corporate and government investment and the lives, livelihoods, and cultures of many IPs. At the time of the award, the indigenous leaders noted that the Sakhalin 2 project deserves recognition for exemplifying the role private-sector projects can play over the next few decades in aiding humanity struggles to find the balance between energy supplies and sustainable lifestyles, this type of intersection between local governments, energy companies and indigenous communities. This is an aspect of the developmental practice that will only increase in strategic importance.

CASE STUDY 2. DEMONSTRATING CUSTOMARY INDIGENOUS LAND USE [NENETS AUTONOMOUS OKRUG, NORTHWESTERN RUSSIA]

The project MODIL—NAO¹¹ (also widely referred to as the 'IPY-Nenets Project'¹²) was implemented in collaboration between the Norwegian Polar Institute and the Association of Nenets People Yasavey in 2007/08. Reindeer husbandry is the most prominent traditional occupation in the Nenets Autonomous Okrug (NAO) and most herders follow their reindeer year-round from winter pasture to summer pasture. However, this nomadic subsistence strategy brings them into conflict with the many oil companies and other entities using the area. Given this mobile lifestyle to pursue herding and fishing, with no fixed residence, it is difficult for Nenets groups to negotiate an equitable sharing of the area with oil companies, as the non-indigenous population does not recognize customary land tenure when the Nenets move from area to area over the course of a year.

The IPY-Nenets project became the first full-scale demonstration in the Russian Federation of Geographic Information Systems (GIS) mapping of indigenous land. Using computer technology and the Internet, the project aimed to give the indigenous population of Nenets Autonomous

Okrug a tool to promote its interests against the pressure of intensive industrial development.

INDIGENOUS PEOPLES AND BIG OIL IN NAO

The Nenets Autonomous Okrug in northwestern Russia is home to approximately 8,000 Nenets and 3,000 Komi-Izhma indigenous people. Many of them depend directly or indirectly on reindeer husbandry, fishing and hunting for their livelihood. Previously, reindeer pastures covered almost all the territory of the region. Now, however, much of the area is occupied by oil prospecting and production or has become difficult to access due to the ubiquitous presence of oil pipelines.

NAO currently is one the largest oil development areas of the Russian North. More than 80 oil and gas fields have been discovered. About 25 different oil companies have licenses to develop the oil resources. A volume of about 18 million tons of crude oil was extracted in 2009 alone. The oil and gas industry accounts for 98.5 percent of incomes (2009), and revenues for the regional budget continue to increase. The activity of the oil companies on the customary lands of Indigenous Peoples leads to seizure of large tracts of land, pollution of the territories and conflicts with the indigenous population.

Although pipelines themselves do not occupy large tracts of land, their effects are significant because they frequently traverse reindeer crossing routes and disrupt those migratory paths. When conflicts with indigenous communities arise, oil companies make the case that the oil extraction or infrastructure itself takes up so little actual territory that they are not really appropriating a large portion of indigenous lands and therefore do not interfere significantly with traditional nature use. The companies also claim not to pollute the area and render the areas unsuitable for herding. Oil companies typically maintain that they are simply using 'unused land' and are thus rarely concerned with the damages they may cause to the land or livelihoods of local Indigenous Peoples. The non-indigenous population rarely recognizes that the nomadic lifestyle of the reindeer herders does not entail a lack of integral and sustained relations to the large tracts of land that both they and the oil companies utilize. The aforementioned method of reindeer herding means that they need occasional rather than continuous access to any particular tract of land. However, in most cases the herders have no legal rights and the requisite documentation to legally possess or use their customary

lands. This was the problem the project attempted to solve: the lack of a mechanism for the investigation of reindeer herders' opinions on land allocation issues and oil companies' operations.

This is, unfortunately, a rather typical situation for the Russian North. Indigenous Peoples as well as extractive companies need a way to coordinate their activities and avoid conflicts. One of these tools could be a GIS-map available via the Internet to identify the territorial interests of both sides. The creation of such a tool became a primary goal for the IPY-Nenets project.

GIS AND ELECTRONIC TOOLS TO DEMARCATÉ INDIGENOUS LAND USE

The IPY-Nenets project was developed in collaboration between the Norwegian Polar Institute (Tromsø) and the Association of Nenets People Yasavey in NAO that began in 2007. Representatives of RAIPON, Russia's preeminent association of Indigenous Peoples,¹³ and the legal center 'Rodnik' served the project as experts. The Research Council of Norway and the Norwegian Polar Institute financed the project in the framework of the International Polar Year (2007/08). The main coordinator, a Norwegian, worked closely with the president of Yasavey, who served as the co-coordinator and carried out all the local work and organization.

Solving the conflict over land use was the key objective of this project. The project devised an electronic tool for the indigenous population of the NAO to demonstrate clearly which territory they used for their traditional livelihoods. GIS database maps were created via a questionnaire survey carried out among traditional land users, primarily reindeer herders. The questionnaire was developed by a group of experts including anthropologists, lawyers, and GIS systems specialists. Topics covered all aspects of their lives, such as occupations, socioeconomic factors, recent changes in traditional modes of livelihood like fishing, land animal hunting, sea mammal hunting, gathering and reindeer herding, supplementary economy, the location of sacred places, the condition of the local natural environment, the source of household incomes, the influence of the oil industry on livelihoods, and general reflections on future development.

Satellite images in Google Earth were also used to monitor visible physical damage of the tundra. The data was

combined with various publicly available data in a GIS database. These maps are now shared transparently as an open resource on the web and used by all sides: Indigenous Peoples, government authorities, and oil companies. The database is now used by Indigenous Peoples to demonstrate to regional authorities and oil companies the territories they use for their livelihood and economic interests and thus allow stakeholders to make informed decisions about the use of the territories, and to resolve questions of appropriate compensations for industry-used lands.

The respondents were mostly interviewed by local administrators from the same villages who were specially trained for this purpose during two seminars in the Okrug capita of Naryan-Mar at the beginning of the project. During the first seminar these administrators were taught basics about customary knowledge and juridical aspects of Indigenous Peoples' issues, and about the project in general. The questionnaires were discussed in detail, with instructions and exercises on how to fill in and draw information on maps. During the second seminar that was arranged a few months later the same executives were gathered with the aim to continue interview training on the basis of their recent experiences.

Interviews were recorded on tape, transcribed by hand (later entered into computers) and then drawn on maps. The map information was transferred subsequently to the Google Earth system by the Yasavey team in Naryan-Mar under the direction of the main GIS expert from the Norwegian Polar Institute. The project team also used satellite images at a high-resolution scale to locate the industrial infrastructure and visually monitor physical damage to the tundra.

During the project a legal analysis was also conducted of federal and regional legislation relevant for Indigenous Peoples, with an emphasis on industrial development in indigenous homelands. The legal experts also evaluated the licenses granted to extractive industry companies to assess how well they guaranteed Indigenous Peoples' rights. During the concluding stage project experts also evaluated the legality of publishing the data in the report and in the GIS database. They determined that some material was confidential and this was withheld from data made public. The data was published on the internet with the legal analysis and recommendations included in the final report.

A TOOL FOR NEGOTIATIONS BETWEEN INDIGENOUS COMMUNITIES AND BUSINESSES

Analysis of the gathered information showed that many respondents are engaged in customary economic activities and continue to rely substantially on traditional subsistence food procurement for their everyday diet. Such a high reliance on customary food indicates a high degree of vulnerability under the pressure of the oil development, and they risk loss of their traditional territories. The satellite images showed clearly the damage already incurred and the level of tundra degradation in the areas given over to oil development. Analysis of the licenses granted to extractive industry companies revealed that the majority of issued licensees do not pay sufficient attention to respecting Indigenous Peoples' rights as guaranteed by legislation. The legal analysis gave Indigenous Peoples a foundation upon which they could raise questions aimed at resolving conflict situations with oil companies.

Oil companies also benefited from the use of the satellite images and GIS tool, which showed them the places where Indigenous Peoples live and engage in their traditional lifestyles. The database is thus used by all parties—Indigenous Peoples, administration, and companies—to provide online geographical information about traditional nature use, reindeer herding routes, fishery camps, industrial development on traditional lands, and to align the interests of different sides.

CHALLENGES, LESSONS AND OPPORTUNITIES

The main challenge during the project was to provide access to the data and data gathering. During the initial stage of the project the Governor of Nenets Okrug supported the project and nominated relevant administrative departments as contact points to assist in acquiring their already extant data and to help gather further information. However, after the Governor was replaced, administrative support fell off substantially and the project team was restricted to the use of open sources of information, in addition to the information that Yasavey already possessed.

Map information in the Russian Federation also continues to be a delicate subject and environmental map data is available to the public only to a very limited extent. Much of the data is off-limits due to military or other special needs. In this situation it was very important to only use open and legal sources of information and then to confirm

the legality of using and publishing collected images and data on the Internet.

Another difficulty arose during the interview portion of the data gathering effort when many of the respondents refused to indicate the exact coordinates of their fishing or hunting lands, fearing that they would become known to the public and could be used by poachers. The project team addressed this reluctance by deciding to publish these references to these areas with only approximate coordinates. This was done in an effort to restrict access to those for whom these are ancestral territories.

Still another significant problem was the difficulty of gathering people from the remote settlements for seminars or to find local administrators willing to carry out the interviews. As a result, the project was chronically behind schedule and it was decided to extend the project for a year to complete the work.

Nevertheless, the project was considered a success. The project trained local Indigenous Peoples to prepare and use the complicated information technology of GIS databases. The project strengthened the local indigenous organization Yasavey in their negotiations with oil companies and gave them the mechanism to support communities in their negotiations with the oil companies who usually got their way regarding all local regulatory decisions. The implementation of the project gave local people the experience of organizing and managing a large international scientific project and developed practical approaches to collaboration between scientific institutions and Indigenous Peoples Organizations. Today, representatives of the Indigenous Peoples in the NAO continue to maintain and update the database to track ongoing developments and to make the data more complete. This project could readily serve as a pilot project for other areas of the Russian North.

CASE STUDY 3. INSTITUTION-BUILDING FOR NORTHERN ABORIGINAL PEOPLES IN RUSSIA (INRIPP-2)

This project focused on ensuring the direct involvement of Indigenous Peoples in economic development and their participation in decision-making processes at the national, regional and local levels. The project constituted the second phase of an institution-building project implemented

by Russia's preeminent Indigenous Peoples Organization (RAIPON)¹⁴ in cooperation with the Inuit Circumpolar Conference (ICC-Canada).

LEARNING FROM CANADIAN INUIT EXPERIENCE

The first phase of 'Institution-Building for Northern Russian Indigenous Peoples' Project' (INRIPP-1) was initiated by ICC-Canada and RAIPON between 1996 and 2000. The Canadian International Development Agency (CIDA) funded the project with support from the Canadian Department of Indian Affairs and Northern Development (DIAND) and the Russian Federal State Committee on Northern Affairs (Goskomsever). The project succeeded in creating an enhanced partnership capacity for RAIPON and Goskomsever at the national and regional levels for tackling jointly the economic challenges facing northern Indigenous Peoples. The project also bolstered RAIPON's ability to represent Indigenous Peoples at the national and international levels, as Russia's Indigenous Peoples had no fully staffed office or non-governmental organization (NGO) structure in place prior to INRIPP-1.

Phase Two of the project (INRIPP-2) was implemented between 2000 and 2005 and sought to apply to Russia the Canadian Inuit experience of creating their own institutions, programs and systems to educate indigenous leaders and experts in ways that meet the concrete needs of indigenous communities. The objective was to support the sustainable political, economic and cultural development of northern Russian Indigenous Peoples by establishing an indigenous-run training and economic development center. Another objective was to assist the Russian Government to implement its new 'Economic and Social Development Program for the Small-Numbered Peoples [Indigenous Peoples] of the North' by strengthening the government's capacity to promote community development and nurture indigenous small businesses and co-management. The project included three components: i) indigenous to indigenous, ii) government to government, and iii) co-management.

CDN\$ 6.5 million were allocated for the INRIPP 2 project, with CIDA providing about 75 percent of the total budget. The in-kind contributions of project partners were of an estimated value in excess of CDN\$ 1 million. ICC-Canada was responsible for the project's governance and worked in cooperation with DIAND, RAIPON and the Russian Government.

INDIGENOUS-TO-INDIGENOUS COMPONENT

Education Center

Within the indigenous-to-indigenous component, the Russian Center for Support of Indigenous Peoples of the North (CSIPN/RITC) was established to provide training and support services for indigenous communities. Since its establishment in 2001, RITC organized dozens of different education programs and workshops for Indigenous Peoples in Moscow as well as in the regions. This result was possibly the most significant outcome of the project. During the more than 10 years of INRIPP's implementation, RITC became a prominent capacity-building body for Russia's Indigenous Peoples. The Center implemented projects promoting capacity-building, sustainable economic development and self-governance of Indigenous Peoples in Russia. The main activities of the Center were organizing trainings for indigenous leaders and preparing publications for education processes and for raising awareness.

Managed and staffed by Indigenous Peoples, special administrative procedures were developed to support its program functions as an educational center. A website was created and an information campaign organized to create awareness of RITC and INRIPP-2 amongst the indigenous populations of Russia's northern regions. Furthermore, the Center created a strong network with regional organizations of Indigenous Peoples to share information, experience and organize the joint projects.

The Center's experts, in cooperation with Canadian advisors, elaborated basic educational programs:

- Training and assistance in organizing businesses based on traditional economic activities.
- Training and assistance in setting up *obshchiny* and other non-commercial organizations of indigenous people.¹⁵
- Training and support for the development of social partnerships and cooperation with public organizations.
- Training and assistance in establishing cooperative links between Indigenous Peoples and large companies.
- Training and assistance with regard to the participation of Indigenous Peoples in environmental protection and the organization and operation of nature preserves.¹⁶

RITC, in cooperation with project partners, elaborated the special criteria to select indigenous leaders and representatives of authorities to participate in education programs. During the five years the project was being implemented, the Center organized five training courses in Moscow with a total of about 75 students. Russian and Canadian experts taught the Center courses, each bringing their different experiences into the educational process. Most of the training graduates became leaders in their own communities and regional Associations of Indigenous Peoples, received jobs in regional and municipal administrations, or set up their own small businesses.

Publishing Activities

Another part of the Center's work was the publishing of new training and analytical materials. During the project, the Center published a series of publications adapted for Indigenous Peoples' needs and understanding which included:

- Economic Development of Indigenous Communities.
- Indigenous Peoples' Right to Land and Natural Resources Co-management.
- Indigenous Peoples: Lessons in Self-Governance and Social Partnership; the Role of Indigenous Peoples in the Development of Civil Society¹⁷ Taxation and Accounting: A Manual for Indigenous Peoples Organizations.

Arguably, the most important publications were the *Donor Manual for Indigenous Peoples Organizations* and the *Catalogue of Indigenous Goods and Services*.¹⁸ In addition to these publications being used as training materials for the RITC courses, they were also distributed widely among indigenous communities as well as Russian authorities on the federal, regional and municipal levels.

STUDY OF THE CANADIAN EXPERIENCE

RITC also arranged internships and guest visits to Canada to better understand the Canadian experience of sustainable economic development of Indigenous Peoples, the system of cooperation between indigenous communities and government, as well as their self-governance and self-determination processes. The visitors were the indigenous leaders as well as representatives of administrations. An

important part of this component was the short-term student internships in Canadian indigenous, governmental and business organizations. One important feature of both the internships as well as the training courses was their focus on achieving gender balance—including special support for women’s project proposals.

The System of Remote Support

A ‘system of remote support’ provided some financial scholarships for some student interns.¹⁹ Over the course of a 24-month program, students worked in their home communities while taking part in a regional-level remote support programme coordinated by the Moscow office. The main task for students was to develop their own revenue generation projects. Assessments of their communities’ potential goods and services fed into the *Catalogue of Indigenous Goods and Services* for wide distribution among interested potential partners (including national and international buyers). Trained interns prepared individual suggestions for further development, which were submitted to the INRIPP-2 governance committee. A project committee selected three pilot regional Indigenous Peoples’ economic development proposals to receive financial support.

Revenue Generation Activity

RITC prepared the publication *Donor Manual for IPOs*—practical recommendations for communities to apply for donor funds and to undertake fundraising. The aim was to assist RITC to become financially self-sustaining prior to the completion of INRIPP-2. RITC also sought to cooperate with communities in the sale [monetization] of local goods and services. By supporting indigenous communities and enterprises in the promotion and sale of their goods, RITC could receive some financial resources from that activity as their agent..

Government-to-Government Component

This component included several activities and among them was an effort to transfer the experience of the Canadian north with community economic development corporations to Russia and to help Russian authorities and indigenous communities to pilot similar corporations in northern Russia. Two Canadian experts spent extended periods of time in Yamalo-Nenets and Khanty-Mansiysk okrugs, investigating local resources and facilities of local governments and indigenous enterprises. These experts were tasked with developing recommendations for how

local indigenous corporations could be organized on the Canadian model. After a long consultation process, two regional corporations, using different models, were organized in Yamal-Nenets and Khanty-Mansiysk autonomous okrugs.

In Yamal, the corporation was organized as a state institution with an annual budget from the regional government. The main activity of this ‘Economic Development Association of Indigenous Peoples of the North’ was the provision of educational consulting and other services that the organization provided for indigenous communities and enterprises. The ‘corporation’ became an official subordinate structure of the regional government’s ‘Department of Indigenous Peoples’ (Отдел по делам коренных малочисленных народов Севера; *Otdel po delam korenykh malochislennykh narodov Severa*). This organization successfully made the post-program transition and continues to provide services and training at the regional level.

In Khanty-Mansiysk, the corporation was organized as a state enterprise with a charter capital of RUR 20 million.²⁰ The main activity of ‘the incorporated *obshchin*’ in Khanty-Mansiysk became the harvesting, purchasing, processing and selling of traditional products of Indigenous Peoples.

ADAPTING CANADIAN NORTHER TECHNICAL EXPERTISE FOR THE RUSSIAN NORTH

Within the third co-management component, special training courses based on the Canadian experience of co-management were developed and a group of indigenous and governmental interns visited Canada to receive information on how to implement the co-management approach. The final aim of this component was to organize the pilot project of co-management in one of the Russian regions. Technical experts visited Khanty-Mansiysk and Yamal regions to pilot this approach. They made an assessment of facilities harvesting and processing wildlife meat and other products in order to help Russian partners to design systems based on the Canadian experience at existing facilities. On-site seminars to teach local specialists how to use the Canadian technologies were organized. During the seminars, the trainers shared their knowledge of quality butchery of northern animals, the use of special recipes for dishes, product marketing, etc. At the end of the project, the Canadian experts prepared practical recommendations on how existing Russian technologies might be better em-

ployed, how to organize high-quality processing, and how to package wild meat under Russian conditions, etc. Later, local entrepreneurs made use of these recommendations for market development.

INDIGENOUS CAPACITY BUILDING: CHALLENGES AND LESSONS LEARNED

The project faced some challenges during its implementation. The project team felt that the weakest point in project implementation was the frequent changes among the federal government agencies that were responsible for collaboration on implementation. At the local level, many students noted that although the Canadian experts provided valuable knowledge, it was often difficult or impossible to implement them within the context of Russian realities and legal restrictions.

Revenue generation also failed to live up to expectations and RITC was thus not able to generate the revenue it had hoped to derive from becoming a trade partner for the regional communities. The uncertainty of community goods supply, the instability of suppliers, the high prices for traditional goods, and the long transportation distances involved all hindered the development of a stable network of suppliers. After a while, the Center refocused its efforts on the training activity and fundraising as an NGO. At the regional level, although many local partners did not become sustainable organizations, many others did, continuing to benefit years later from their project experience.

The main outcome of INRIPP-2 was the creation of an indigenous-run institution that continues to provide professional trainings for Indigenous Peoples and utilize a classroom equipped with all the necessary educational technologies. A pool of professional Russian and foreign experts/trainers came together to work on RITC projects and educational courses, and helped promote sustainable indigenous economic development and small business enterprises on the regional, national and international levels. Overall, the project could be considered as a model of using foreign expertise in the Russian Federation to assist in providing new models for Indigenous Peoples' capacity-building and education of indigenous leaders.

CASE STUDY 4. REGIONAL SUPPORT FOR THE TRADITIONAL ECONOMY

In recent years, the Yamal-Nenets Autonomous Okrug (YANAO) has made significant progress in reindeer herding due to significant financial investments from the regional budget, together with the development of a coherent policy towards reindeer herding at the regional level. The okrug regional plan entitled 'The Development of the Agro-industrial Complex of YANAO for 2006-2010' became the main driver of reindeer herding development in the region.

INDIGENOUS PEOPLES, REINDEER HERDING AND THE AGRO-INDUSTRIAL COMPLEX OF YAMAL

The Yamal-Nenets Autonomous Okrug is situated in the arctic and subarctic zone north of the West Siberian Plain. This is the key region for the development of Gazprom and the Russian natural gas industry in general, and oil and gas dominates the local economy. The Nenets are the majority indigenous population of Yamal. They are also the largest indigenous group among the small-numbered Indigenous Peoples of the Russian North, Siberia and the Far East. It is estimated that there are over 44,000 Nenets in Russia, of which 30,000 live in Yamal.²¹ Historically, the Nenets people have based their economy on the herding of large numbers of reindeer on the tundra and the majority of them continues to lead a nomadic life style.²² The census of 2011 indicates that about 53 percent of the total number of Northern reindeer in the Russian Federation is located in Yamal. Reindeer herding in Yamal thus constitutes a key feature of the agricultural sector.²³ Reindeer herding is also a key sector of Indigenous Peoples' economy in other Russian regions, such as Nenets, Chukotka, Krasnoyarsk, Kamchatka, Khabarovsk, Yakutia, Magadan and the Amur, but the Yamal region predominates in the development of reindeer herding in post-Soviet Russia.

THE YANAO DEVELOPMENT PROGRAM

The main objective of the YANAO program was to create new and improved agro-businesses as well as to increase the efficiency of operation of the agro-industrial enterprises in a sustainable manner through improvement in the use of the existing resource base. The program included the im-

provement in operation of the traditional Nenets economy of reindeer herding.

The activities to achieve this objective included the strengthening of the material and technical base of agribusiness in YANAO; the implementation of advanced technologies; reconstruction and building of facilities for processing of reindeer products (processed meat and blood); increase in the production and quality of reindeer products; and the provision of employment to the indigenous population.

Another objective of the program was to develop factories and other special facilities to improve the livelihood and conditions of the indigenous population. These included the establishment of factories for improved processing of reindeer meat, fish, and other goods with which to feed the indigenous population, as well as to provide medical and veterinary services for the local people.²⁴

The program was controlled and executed by the YANAO Agriculture Department. Initially, RUR 1,663.2 million²⁵ were allocated for the program.²⁶

The program developed a varied collection of activities and services, including:

- the purchase of deer;
- purchase of medicine and vaccines;
- purchase of fertilizer and equipment;
- transportation services;
- protection from wolves;
- development of production facilities; and
- training and training brochures, including scientific support of Yamal reindeer herding.

Marketing Reindeer

Meat processing facilities in Se-Yaha village (Yamal district) were completed in 2009 and in Anipayuta (Tasovskiy district) in 2010.²⁷ These facilities greatly increased the local capacity for meat processing in Yamal, providing local herders a market for the product. Fourteen specialists that were educated in the Sami Education Center in Inary (Finland) helped raised the level of expertise; five of them rounded out their training by completing a course of study at Yamal Polar Agro-economic College.²⁸

Households and people who continue to carry out traditional economic activities such as reindeer herding re-

ceive special subsidies from the regional budget (in 2009, they received RUR 600 per month, and nomads received RUR 2000). These payments were made to each member of a household, unlike other regions where only heads of households received payments. In 2009, all social payments from the regional budget for the indigenous people who were involved in the traditional economy were about RUR 61,000 per year. All the financial assistance from the regional budget was channeled into buying reindeer whose numbers and quantity of meat increased dramatically. When the program started in 2006 there was about 4,500–5500 tons of reindeer meat produced annually in the region, with 548,000 (202,000 in state farms and 346,000 in private herds).²⁹ The average salary in the reindeer municipalities in 2006 was about RUR 20,400 monthly, including RUR 10,695 for those in reindeer herding.³⁰

By 2010, with the okrug program in operation, reindeer meat production had soared to 7,000 tons and the number of reindeer shot up to 658,000 (289,000 in state farms and 369,000 in private herds). Twenty-six factories had grown to over 40. Reindeer herders organizations had increased, along with a 20 percent in the number of herding families.³¹ Average salary rates in 2009 increased to RUR 32,739, while for those in reindeer herding the figures had climbed to RUR 16,429.³²

Challenges and Opportunities

Modern technologies like contemporary meat facilities, along with certification of these facilities according to European Union rules, training of workers to expose them to Scandinavian experience, and significant regional government support all made for a successful development program. These factors enabled the reindeer-herding sector of YANAO to become the reindeer leader in the Russian Federation, while also helping Yamal's indigenous communities to not only preserve but also develop the customary lifestyle and economy of Indigenous Peoples.

YANAO provides a model for other regions as to how to create a vibrant market for a traditional product. The program has taken on directly the key barrier to maintaining customary lifestyles—making them economically viable. If indigenous products are not competitive in the marketplace, for example due to the logistical difficulties presented by the vast distances the products must be transported, their economic underpinning is kicked out from under them and a key portion of the culture begins to wither.

Yamal has tackled this question in two ways: i) by granting subsidies which lower production costs, and ii) through support for the creation of processing facilities and transportation supports which bring the market closer to the reindeer herders. The question that arises from this experience is whether other regions with less funds available can reproduce this Yamal success. And if they can find the financial support, can the environment keep pace with the increase in the demand on natural resources? In Yamal, limited pastures now compete with the development of oil and gas. A long-term solution may lie in the reduction in the size of herds to maintain the pastures' long-term ecological viability. However, this solution runs counter to the high value indigenous cultures place on increasing the size of herds. In addition, there has been a gradual exodus from the agricultural sector to other better-paid and more competitive sectors.

Nevertheless, there is much we can learn from the regional government in the Russian North which, working closely with local Indigenous Peoples and benefitting from extractive industries' development, could provide a model of cultural preservation in a 21st century Russian Federation.

CASE STUDY 5. CARBON TRADING TO PRESERVE INDIGENOUS HUNTING AREAS OF THE UDEGE COMMUNITY 'TIGER' (PRIMORSKII KRAI, RUSSIAN FEDERATION)

CONSERVATION OF THE BIKIN RIVER FORESTS AND THE TRADITIONAL LIFESTYLE OF UDEGE PEOPLE IN PRIMORSKY KRAI

To avert a perceived threat to the way of life of the local Udege communities, a project was initiated by the World Wildlife Foundation Amur branch in the Russian Far East in cooperation with World Wildlife Fund (WWF) Germany and with support of the Russian Ministry of Economic Development, the office of the President of Russia, and the German Federal Ministry for Environment, Nature Conservation, and Nuclear Safety (BMU).³³ In 2009, pending tenders by timber companies to acquire the major part of the local forests alarmed local people since hunting in the forests of the Bikin River basin is the main traditional economic activity for the Udege people and the Bikin River basin is home to the last extensive pristine forest area in the territory of Primorsky Krai. For the community it was very important to preserve the forest as the main source of live-

lihood for the local people. Following a period of support for the training of young hunters, development of a cultural center and creating jobs for local women, the WWF assisted the local indigenous communities to respond to the threat posed to their way of life.

German government support was secured under its program to fight global climate change when the case was made that Bikin forests play a significant role in the process of reducing atmospheric carbon and could help the Russian Federation preserve forest areas. Accordingly, in 2011 and 2012, the Russian and German governments approved the project with funding from the German Government. The Bikin project is the only CO₂ quota trading in Russia with Indigenous Peoples' participation. It is a good example of where preservation of virgin forests complements protection of indigenous ways of life.

THE BIKIN BASIN AND THE UDEGE COMMUNITY OF KRASNY YAR

This project was realized in the Krasny Yar Udege community in Primorsky Krai. Primorsky Krai, situated in the south of the Russian Far East is ecologically noteworthy for many reasons, including being the major area for nutting in the Russian Far East, while local fauna is also unique with the area being home to the world's largest population of Amur tigers. The Krai's Bikin River basin also contains the last extensive array of cedar-broadleaf forest in the region.

The Udege people have deep historical ties to the Bikin River basin. Their lifestyle and economy customarily was based on forest hunting, fishing and gathering, while Udege cultural and spiritual beliefs are also integrally bound with hunting. Considered a sacred animal, the tiger was not hunted by the Udege.

Threatening the sustainability of the forests, however, has been the emergence in recent decades of logging as a major line of trade in Primorsky Krai. With the gradual reduction in the area of forest cover, the basin's 1.4 million hectares has grown increasingly attractive for the logging industry. Since the early 1990s a struggle emerged between commercial companies seeking logging licenses for the Bikin basin and the Udege community, in partnership with environmental organizations, sought to protect its traditional hunting areas via protest actions and court challenges.

USING THE 'TERRITORIES OF TRADITIONAL NATURE USE' CONCEPT OF FEDERAL LAW: A SOLUTION?

Since the beginning of the 1990s, environmental organizations, in cooperation with the Udege community, the regional Association of Indigenous Peoples, and RAIPON (Russia's preeminent federation of IPOs), had been working to protect the Bikin forest from over-logging because of its special value for nature conservation and indigenous lifestyle preservation. The community wanted to organize a Territory of Traditional Nature Use (TTNU) according to the Federal law passed in 2000, 'On territories of traditional nature use of the small numbered Indigenous Peoples of the North, Siberia and the Far East of the Russian Federation' which allows Indigenous Peoples to continue to pursue their traditional economy while at the same time granting an area the status of a specially protected natural area. Although local communities prepared the appropriate documentation, implementing regulations for the law have not yet been formulated and the application for TTNU status remains in limbo.

In the interim, a compromise solution was attempted at the regional level. After long negotiations a regional nature landscape reservation called "Verkhnebikinsky" was established to protect Bikin's natural areas from business activity. The total area of the reservation was 746,482 hectares. Reservation regulations allowed for the indigenous population to continue their traditional hunting lifestyle on the reservation, but after few years the regional administration changed the rules and prohibited traditional hunting and fishing in the area.

Faced with these circumstances, the Udege community changed their strategy and in cooperation with WWF prepared other plans to protect the forests of the Bikin basin. The community applied to the court to cancel the new rules for the reservation and at the same time participated in the open regional commercial competition (tender) to receive territory in Bikin basin as a special hunting area according to the federal law, "On Hunting and Preservation of Hunting Resources." In 2009, the Udege community of Krasny Yar received 461,154 hectares to rent for 49 years of commercial hunting and nutting. Additionally they also applied to the German federal government to receive funds for sustainable development of the community under the international initiative of the German Government to reduce the global climate change.³⁴

CLIMATE CHANGE INITIATIVE

The project was realized between 2008 and 2012. The total sum of the project was RUR 63 million and it was from this sum that three years of payments to rent the hunting area from the state was provided. This limit of support was predicated on the supposition that after three years the community would be able to pay the rent itself by selling CO₂ quota through the Kyoto mechanism. Special teams of inspectors were organized as well as aerial monitoring to protect the area from forest fires according to the requirements of Russian legislation. The inventory and mapping of lands were organized and business plans of sustainable economic activity were prepared. Special equipment and transport were purchased to organize monitoring of territorial land usage, hunting, nutting and processing.

At the same time the project team, in cooperation with WWF Germany, and with the support of Russian and German officials prepared the application for the Kyoto protocol mechanism to sell the Russian Federation CO₂ quota to Germany to preserve the carbon units in Bikin's basin forests. In July 2011, during a meeting of Russia's President Dmitry Medvedev and Germany's Chancellor Angela Merkel, a Memorandum of Understanding was signed to support the project, "The Protection of Virgin Forests of the Bikin River Basin to Reduce Climate Change." In May of 2012, the Ministry of Economic Development of the Russian Federation approved the application covering 560,569 tons of CO₂. In January 2013, the documents were approved by both governments and an agreement between the Udege community, Sberbank and the buyer was signed.

CHALLENGES, LESSONS AND OPPORTUNITIES

The experience of the Udege Community in Bikin basin is a uniquely positive experience of preservation of the natural resources and traditional lifestyle of an indigenous community in the Russian Federation, and could be considered as a model of an indigenous community's sustainable development. However, the experience of the Udege cannot be promoted as an unmitigated success story. It took about 20 years of very difficult negotiations and conflicts with and among the timber industry, the regional administration and the indigenous population, and after a twelve year period the Community failed to organize a TTNU and was forced to maintain access to some of their territory only through the commercial tender route. It needs to be noted, for instance, that the Udege Community received less than

half of the whole territory of Bikin basin, leaving much of their historical hunting area and a substantial part of the rest of the territory at risk.

Another factor limiting the Bikin Case Study's use as a model is the reliance on access to land and resources being tied to participation in a commercial tender with its accompanying annual rental payments; such a pathway would be difficult for other communities to follow.

Nevertheless, the Bikin case shows the way to raise funds through the Kyoto protocol for 'forest projects' with Indigenous Peoples' participation to protect the forest environment, reduce climate change, and to preserve the customary style of life and for sustainable economic development of the community.

NOTES:

- 1 “Indigenous peoples have the right to determine and develop priorities and strategies for exercising their right to development. In particular, indigenous peoples have the right to be actively involved in developing and determining health, housing and other economic and social programmes affecting them and, as far as possible, to administer such programmes through their own institutions” (UN-DRIP, Article 23).
- 2 IFC, 2007. Stakeholder Engagement: A Good Practice Handbook for Companies Doing Business in Emerging Markets. Washington D.C.: IFC; and <http://www.sakhalinenergy.ru/en/>.
- 3 On this island in the Far East of Russia (north of Japan), four groups of Indigenous Peoples (Nivkh, Uilta, Evenki, and Nanai) live nearly 4000 strong among a population of nearly one-half million.
- 4 The Regional Council of Authorized Representatives (RCAR) is the official body representing Sakhalin Indigenous Peoples; elected quadrennially on an ethnic basis at a regional Indigenous Peoples’ Congress.
- 5 ‘Sakhalin Indigenous Minorities’ is the preferred English-language term of self-reference for the Minority Indigenous Peoples of Sakhalin Island.
- 6 The first SIMDP reserved 45 percent of development funds for the TEASP; this was increased to 50 percent under SIMDP 2.
- 7 Russian Association of Indigenous Peoples of the North, Siberia, and the Far East.
- 8 ‘SIMDP Plan Completion Report,’ Sakhalin Energy Investment Company, Yuzhno-Sakhalinsk, 2011.
- 9 ‘SIMDP Plan Completion Report,’ Sakhalin Energy Investment Company, Yuzhno-Sakhalinsk, 2011: p.30.
- 10 ‘Fourth SIMDP 2 External Monitor Report (September 2012),’ Sakhalin Energy Investment Company, Yuzhno-Sakhalinsk, 2012; ‘SIMDP Plan Completion Report,’ Sakhalin Energy Investment Company, Yuzhno-Sakhalinsk, 2011.
- 11 Monitoring of Development on Indigenous lands in Nenets Autonomous Okrug. The official title is ‘Monitoring of Development of Traditional Indigenous Land Use Areas in the Nenets Autonomous Okrug, Northwest Russia.’
- 12 International Polar Year-Nenets.
- 13 Russian Association of Indigenous Peoples of the North.
- 14 Russian Association of Indigenous Peoples of the North
- 15 Under the Russian law “On Basic Principles of Organizing Communities of Indigenous Peoples of the North, Siberia and the Far East of the Russian Federation,” Indigenous Peoples are permitted to establish non-commercial organizations to organize their self-government and traditional economic activities. Usually these ‘communities’ (*obshchinas*; Общины) are organized by a group of relatives and act as small enterprises.
- 16 The total list of the courses can be found at <http://www.csipn.ru/training/schedule>
- 17 Коренные малочисленные народы Севера: Уроки самоорганизации и социального партнерства. Роль КМНС в формировании гражданского.
- 18 A listing of RITC publications can be found at <http://www.csipn.ru/publications>
- 19 The system of remote support was organized for about 25 students. After they finished the courses they received some support for phone, Internet and some office expenses to continue connections with the main office in Moscow and to prepare projects in their own communities.
- 20 About CDN\$ 650,000 in 2003 prices.
- 21 Results of the all-Russian census 2010, <http://www.gks.ru>
- 22 These include people herding reindeer, considered to be an agricultural sector in Russian legislation.
- 23 It is important to note that over 63 percent of reindeer are privately owned and only 36 percent belong to agro-business (*sovkhazes*; collective farms).
- 24 The regional law of YANAO ‘About the regional purpose-oriented program “Development of Agro-Industrial Complex of Yamal-Nenets Autonomous Okrug in 2006-2010 years.’
- 25 US\$ 50 million (2006 prices).
- 26 The regional law of YANAO ‘About the regional purpose-oriented program “Development of Agro-Industrial Complex of Yamal-Nenets Autonomous Okrug in 2006-2010’ .’
- 27 Before that there was only one such facility in Yamal, which was built in Yar-Sale in 2002.
- 28 Status and perspectives of agribusiness complex of Russian Arctic territories (on example of Yamal-Nenets autonomous okrug) http://knowledge.allbest.ru/economy/3c0a65635a3bd68a-5c43a89421306d36_0.html
- 29 The regional law of YANAO ‘About the regional purpose-oriented program “Development of Agro-Industrial Complex of Yamal-Nenets Autonomous Okrug in 2006-2010 years.’
- 30 Status and perspectives of agribusiness complex of Russian Arctic territories (on example of Yamal-Nenets autonomous okrug) http://knowledge.allbest.ru/economy/3c0a65635a3bd68a-5c43a89421306d36_0.html
- 31 The resolution of Administration of YANAO Administration ‘About the regional purpose-oriented program “The Development of Agro-Industrial Complex of Yamal-Nenets Autonomous Okrug for 2006-2010 years’ (in reduction from 04.02.2010 г. №55-A)
- 32 Status and perspectives of agribusiness complex of Russian Arctic territories (on example of Yamal-Nenets autonomous okrug) http://knowledge.allbest.ru/economy/3c0a65635a3bd68a-5c43a89421306d36_0.html
- 33 Federal Ministry for Environment, Nature Conservation and Nuclear Safety (BMU) - <http://www.bmu.de/uebrige-seiten/die-globale-lifeweb-initiative-zu-schutzgebieten-und-der-beitrag-aus-der-internationalen-klimaschutzinitiative-des-bmu-projekte-europa/>; Germany bank of development (KfW Bankengruppe) https://www.kfw.de/KfW-Konzern/Newsroom/Aktuelles/News/News-Details_12862.html; WWF Germany - <http://www.wwf.de/themen-projekte/projektregionen/amur-region/massnahmen-und-erfolge/>
- 34 This was under a contract between Sberbank and the German Development Bank (KfW Bankengruppe) as part of a general agreement between BMU and the Russian Ministry of Natural Resources.

ANNEX D.

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