

Parallel Information:  
Discrimination against indigenous small-numbered  
peoples of the Russian North, Siberia and the  
Russian Far East

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## Executive summary

1. The indigenous small-numbered people of the North, Siberia and the Russian Far East comprise of 40 ethnic groups inhabiting large territories in the Northern and Asian parts of the Russian Federation. Their traditional ways of live are based on subsistence activities such as fishing, reindeer husbandry, gathering and fur-hunting. Among the many ethnic groups of the Russian Federation, they are among the most vulnerable to discrimination, due to their low economic status, the extreme remoteness of their territories and their limited political influence.
2. The breakdown of the Soviet Union has led to an overall collapse of public infrastructure in territories inhabited by the indigenous small-numbered peoples. Consequently, many indigenous communities were left to their own devices, with subsistence activities constituting the sole source of food and cash incomes.
3. Therefore, for the indigenous peoples of the North, the realisation of the right to adequate food depends on sustainable access to land and other productive resources, more so since many of them live in virtually non-cash environments and are extremely vulnerable to the effect of soaring prices of food commodities. The denial of the right to practice traditional livelihoods leaves these communities particularly vulnerable to fluctuations in global food prices. The prevalence of extractive industries is having a severe impact on their capacity to continue such live styles and therefore their guaranteed long term food security.
4. Since the 1960s, extraction of subsoil resources has turned many territories inhabited by indigenous peoples into ecological disaster zones. In recent years, skyrocketing oil prices have further increased the pressure on indigenous territories. Reports indicate that authorities and private corporations still fail to seek the indigenous peoples' informed consent prior to extractive activities.
5. The construction of large hydroelectric dams constitutes another major threat to the collective survival of indigenous peoples. The proposed Evenkiiskaya hydroelectric dam in Krasnoyarsk province, supported by the Russian government, threatens to spell the end to the Evenks of Central Siberia as a distinct ethnic group.
6. Since the turn of the new millennium, the creation of the legal preconditions for privatisation of land, forests and waters has developed into a major threat to land-based indigenous communities. In many regions, indigenous communities see themselves excluded from legal access to fish, hunting rights and other biological resources vital for their collective survival. The effect of increased privatisation and its enabling legislation is the extinguishment of indigenous communities' land rights which they have enjoyed since time immemorial.
7. Despite the existence of various declarative framework laws, indigenous peoples of the Russian Federation are denied guaranteed land rights. While three autonomous regions have developed their own protection regimes, the vast majority of indigenous peoples is left without any legal title to the land and natural resources with they have traditionally depended on.
8. The combination of a weak and dysfunctional protection regime with the drive towards full privatisation of the country's natural wealth have a discriminatory effect on indigenous communities by perpetuating their disadvantaged and

disempowered status. Without adequate protection, indigenous communities are unable to compete with private business entities seeking access to the natural resources of their territories.

## Recommendations

We believe, that the following actions would help address some of the immediate and long-term concerns of indigenous peoples of the Russian Federation and prevent continued serious violations of the Convention.

1. Urge the Government of the Russian Federation to put into effect the 2001 Law on territories of traditional nature use, providing essential land rights to indigenous peoples of the Russian North and to end its opposition to the draft law 'On the protection of the original habitat, the traditional ways of life and traditional nature use of indigenous small-numbered peoples of the Russian Federation'<sup>1</sup>, which provides the necessary legal regulations to turn these rights into a reality;
2. Call on the Russian Government to review existing legislation on natural resources (Land codex, forest codex, water codex) with regard to discrimination against indigenous peoples, amending or revising any provisions therein that are not compatible with the realization of indigenous peoples rights;
3. Urge the State party to adopt a legislative framework for socio-anthropological impact assessments (etnologicheskaya ekspertiza) of industrial projects affecting indigenous peoples which is premised on the principle of free, prior, informed, consent and consistent with the inherent rights of indigenous peoples;
4. Urge the Russian Government to withdraw any support for the proposed Evenkiiskaya hydroelectric dam, which threatens to displace and destroy the livelihoods of many of the indigenous Evenks living in the former Evenki autonomous okrug and to comply with the recommendations of the World Commission on Dams in relation to Indigenous Peoples participation in decision making in Dam projects.
5. Call on the Government of the Russian Federation to ensure that its agencies and bodies function in accordance with their mandate, and are held accountable for breaches thereof.
6. Call on the State party to ensure, that the legislative principle of preferential access of indigenous peoples to biological resources as enshrined in the law 'On the fauna' ('O zhivotnom mire') is respected by regional and local administrative bodies and that indigenous nutritional needs and their right to food and food security take precedence over commercial interests;
7. Ask the State-party to provide information on measures taken to assess and mitigate the impact of global warming on the indigenous peoples of the north, including the provision of legal guarantees such as land rights, enabling indigenous communities to react adequately to changes in their natural environment.

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<sup>1</sup>Russian Title: «O zashchite iskonnoi sredy obinatya, traditsionnogo obraza zhizni i traditsionnogo prirodopolzovaniya korennykh, malochislennykh narodov Rossiiskoi Federatsii»

## 1 Introduction

This document is based on the 19th periodic report submitted by the Russian Federation to the Committee for the Elimination of Racial Discrimination.<sup>2</sup> It has been prepared by INFOE, the Institute for Ecology and Action Anthropology, Germany, in cooperation with RAIPON, the Russian Association of Indigenous Peoples of the North. RAIPON is the umbrella organisation representing the 40 indigenous small-numbered peoples of the Russian North and enjoys consultative status with ECOSOC.

In this paper, we focus on the situation of the indigenous small-numbered peoples of the North, a group of 40 peoples inhabiting large parts of Northern Russia, Siberia and the Far East of the country. Numbering little more than 250,000, scattered over most of Northern Eurasia and living under some of the roughest climate conditions of the planet, in places which are the source of most of Russia's wealth in natural resources, these peoples are among the groups within the Russian Federation most vulnerable to discrimination and marginalization.

While it has been noted positively, that the 19th periodic report covers issues pertaining to the indigenous peoples of the North at some length, it must be conceded, that it largely ignores the concrete realities and living conditions that the peoples of the North find themselves in. The adequacy and effectiveness of the many legal initiatives enumerated in the State party's report cannot be reasonably assessed without a close look at the situation on the ground. Furthermore many if not most of these initiatives have never been completed, never entered into force or have been subsequently revoked. (For details see chapter A on page 17)

First and foremost this holds true for the question of indigenous land rights, which are widely regarded as the indispensable precondition for a viable future of indigenous peoples in the Russian Federation. In its concluding observations of 20 May 1997<sup>3</sup>, CESCR recommended "that action be taken to ensure [indigenous peoples'] access to traditional and other sources of food" and on 12 December 2003, CESCR urged the Russian Government "to ensure that [indigenous peoples] are not deprived of their means of subsistence".<sup>4</sup> As the findings in this document suggest, both recommendations are yet to be implemented.

## 2 Vulnerability of indigenous peoples

In the report on his mission to the Russian Federation, former United Nations Special Rapporteur on Racism Doudou Diène identified as one of the most striking manifestations of racism in the Russian Federation "the virtual correspondence of the social, economic and political marginalization with the mapping of ethnic minorities and other discriminated groups"<sup>5</sup> His conclusion is exemplified by the social, economic and political status of the small-numbered indigenous peoples of the North, since membership of one of the small indigenous peoples dramatically increases the risk of extreme poverty, low life expectancy, unnatural death and other unfavourable conditions.

In this section, we would like to provide essential information on who the indigenous peoples of the north are and shed some light on the roots of their extreme vulnerability.

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<sup>2</sup>This report is based on the unedited advance version in Russian, available at the CERD web site. <http://www.ohchr.org/english/bodies/cerd/cerds72.htm>, last verified 2007/05/10

<sup>3</sup>UN document E/C.12/1/Add.13

<sup>4</sup>E/C.12/1/Add.94

<sup>5</sup>UN document A/HRC/4/19/Add.3, 30 May 2007

## 2.1 Matters of definition – the concept of ‘indigenous small-numbered peoples’

The term ‘indigenous small-numbered peoples of the North’ is a concept defined by Russian legislation. By contrast to the working definition of ‘indigenous peoples’ used within UN bodies like the Permanent Forum on Indigenous Issues, this concept is highly prescriptive, as it limits ‘indigenouness’ to ethnic groups of less than 50,000 members, maintaining a ‘traditional’ way of life and inhabiting certain remote Northern or Asian regions of the country. Thus, peoples of Russia are not free to identify themselves as ‘indigenous peoples’, but have to seek the inclusion into the so-called ‘Unified register of indigenous small-numbered peoples of the Russian Federation’ (*Yedinyi perechen korennykh, malochislennykh narodov Rossiiskoi Federatsii*). The inclusion has to be proposed by the federal subject (region/republic/province) in which the respective ethnic group lives. We have identified several cases in which regional authorities refused to make such a proposal, thus effectively withholding essential human rights from indigenous peoples.

This register currently includes 45 indigenous peoples of which 40 inhabit territories belonging to Siberia, the Russian North or the Russian Far East. While they are highly diverse in terms of history, language and culture, some common traits include:

- Historic prevalence of subsistence economies, based on hunting, gathering, fishing, reindeer husbandry and similar activities, which have, due to the breakdown of much of the Soviet infrastructure, increased in importance and often comprise the sole source of food and income;
- small population sizes, ranging from 40,000 to less than 200, coupled with demographic marginalization in most regions inhabited by them;
- strong cultural and spiritual relationships with their particular natural environment;
- cultural distinctiveness in areas such as language, customary law, social institutions and religion;
- priority in time with regard to inhabitation of their individual territories;
- a historical experience of marginalization, exclusion, dispossession and state paternalism.

## 2.2 A legacy of paternalism

While in post-Soviet Russia, there is no explicit policy aimed at deliberately discriminating against the indigenous peoples of the North, factual discrimination is, according to our findings, rife. In his report, Doudou Diène has concluded that xenophobia and racism against people of Caucasian and African origin are not simply crisis phenomena; instead, they are rooted in the histories of Russian and Soviet societies. Similarly, prejudice and paternalism towards the indigenous peoples of the North have been shaping the relationship between the Russian state in its various incarnations and its indigenous subjects for centuries, not just in times of crisis. Consequently, in modern Russia, prejudice against indigenous peoples, low esteem of their cultures and most crucially, the idea, that they are incapable of determining their own goals and priorities, are yet to be fully overcome.<sup>6</sup> These ideas are rooted

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<sup>6</sup>One of the best-known expressions of popular prejudice are the so-called Chukchi anecdotes which depict the inhabitants of Russia’s far North-East as uncivilised, child-like and inferior to civilised Russians.

in a past, marked by centuries of state paternalism, which peaked during the Stalin era in the uprooting of indigenous cultures, elements of which were

- collective deprivation of indigenous peoples of child custody, forcible admission of children into boarding schools, which disrupted intergenerational transmission of knowledge, culture and language;
- forced sedentarisation of nomads,
- forced resettlement,
- persecution of Shamans and wealthy reindeer herders, which stripped indigenous communities of their leaders and caused unrecoverable damage to their spiritual and cultural integrity

These and other policies have severely undermined the traditional self-reliance of indigenous communities and transformed them into societies which strongly depend on continued state support and public services. While this dependency persists until the present, its origins have been mostly forgotten. Today it is usually attributed to inherited deficiencies of indigenous peoples rather than to the systematic disruption of their cultural, economic and social integrity by Stalin and his successors.

### **2.3 Indigenous peoples and the State: an unequal relationship**

By historic accident, the peoples of the North, just as indigenous peoples in many other parts of the world, happen to inhabit those territories of the Russian Federation, from which most of the country's wealth in natural resources is extracted. These regions exemplify what is known as the 'Dutch disease' or 'resource curse': the extreme dominance of a single sector of economy, which concentrates in itself all economic and political power. The relationship between the indigenous peoples and the extractive industries is one of utmost imbalance. The peoples of the North are poorly equipped to face the mounting pressures that they are confronted with, when both the state at all its levels and the private sector have a vested interest in maximizing access to fossil fuels and other resources located in territories traditionally used and inhabited by the indigenous Northerners.

## **3 Indicative of structural discrimination: Basic socio-economic indicators**

The *General guidelines regarding the form and contents of reports to be submitted by States parties under article 9* (CERD/C/70/Rev.5) put special emphasis on the necessity of providing essential quantitative data regarding the ethnic composition of the State party's population and potential victim groups. With regard to the indigenous small-numbered peoples of the Russian North, the State party has failed to provide such data in the 19th periodic report, despite the fact, that the demographic structure of the Russian Federation and of indigenous peoples in particular has been extremely volatile.

### **3.1 Poor availability of essential demographic data**

Before presenting essential socio-economic data, it must be warned that the accuracy of estimates given in the below paragraphs cannot be fully guaranteed. Specific figures on the development of life expectancy of Northern indigenous peoples are,

according to Russian demographer D. Bogoiavlenskii, unavailable.<sup>7</sup> Bogoiavlenskii identified a great deal of inconsistency between the last Soviet and the first Russian national census.<sup>8</sup> Therefore this data does not permit firm conclusions regarding the socio-economic development. **The State party should be asked under its obligations with the Convention, to provide specific data regarding the socio-economic development of the indigenous small-numbered peoples of the North.**

### 3.2 Population growth and average life expectancy

At the first glance, measured against the backdrop of the overall demographic crisis in the Russian Federation after the breakdown of the Soviet Union, the demographic development of the indigenous peoples appears to be relatively stable. While the largest ethnic group, the Russians, have entered a phase of negative population growth, most of the 40 indigenous peoples of the North still see a net positive growth. However, the natural growth rate, as calculated by Bogoiavlenskii has sharply declined since the end of the Soviet Union. While in 1984-1988 it constituted 19.7 per 1000, the latest data of the 2002 national census indicates a decline to only 5.9 per thousand inhabitants. Even when considering the presumed inaccuracy of the data, this is alarming<sup>9</sup>, particularly so, when taking into account that the figures for individual peoples often sharply deviate from the statistical average. While during the reporting period, some ethnic groups may have developed relatively stable, others may have come one step closer to extinction.

The two main factors involved are the birth rate, which has dropped by approximately 50% during this period, and the decrease of the average life expectancy. Official data from the late Soviet era have determined the average life expectancy of indigenous Northerners to be 10-15 years below the national average. In 1988-89, which were statistically the best years, it comprised 59.4 years compared to a national average of 69.7 years. While the Russian average life span has since the end of the Soviet Union fallen to only 65.4 years (2000), the life expectancy of the 26 indigenous peoples, which had already been recognised in Soviet times fell to 54,8 (1998-2002). The real figure is probably even lower, given that death certificates often fail to indicate the nationality.<sup>10</sup> The reality on the ground is often far grimmer than the national statistics indicate. For instance, in the village of Bomnak in the Zeyski rayon of Amur region, the average life expectancy of male inhabitants is reported to be no more than 27 years.

### 3.3 Alarming rate of unnatural causes of death

Available data suggest that the low life expectancy is to a large part caused by an alarmingly high rate of unnatural deaths. In Tyumen oblast, between 1998 and

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<sup>7</sup>Since 1997, ethnic affiliation (*'natsional'nost'*) is no longer recorded in passports and its recording in birth certificates is voluntary. While this may protect members of vulnerable groups from being subjected to discrimination, it has also made it much harder if not impossible to calculate basic socio-economic indicators for individual ethnic groups. E-mail communication with Dmitrii Bogoiavlenskii, 2007/05/08

<sup>8</sup>The last Soviet census listed only 26 'small peoples of the North', while the current register (*yedinyi perechen' korennykh, malochislennykh narodov Rossiiskoi Federatsii*) lists 44 indigenous small-numbered peoples. (Others are still pending official recognition).

<sup>9</sup>As mentioned, the accuracy of the figures provided by the latest census data is questionable, given shifts in individual ethnic affiliation, changes in the official list of indigenous small-numbered peoples and other factors, including inaccuracies on the side of state authorities which carried out the census.

<sup>10</sup> Bogoiavlenskii, Dmitri: *Vymirayut li narody Severa?*, In: *COTsIS: Sotsiologicheskie issledovaniya*, 2005, N. 8, pp. 55-61, Presentation by D. Bogoyavlenskii at a session of the Public Chamber of the Russian Federation, October 2007

2001, almost 37% of indigenous fatalities had unnatural causes, such as suicide, traffic accidents and murder, compared to 14% on the national average.<sup>11</sup> **We recommend putting the question to the State party, whether it is aware of this alarming rate and whether it intends to take special measures to remedy this situation.**

### 3.4 Poor health conditions

At 27.6 deaths per 1000 life births, child mortality among the indigenous peoples of the North is, according to the available figures more than two times above the national average (11 deaths per 1000) and almost four times higher than that of native Alaskans, who live under similar environmental conditions. Other factors contributing to the high number of premature death include diseases which are typically rife in poverty-stricken parts of society, such as tuberculosis and alcohol-related diseases. At the same time, the circumpolar North is one of the places with the highest concentration of persistent organic pollutants (POPs) on the planet, which accumulate in the food chain of indigenous peoples.<sup>12</sup>

## 4 Discrimination regarding the legal status of indigenous peoples of the North

The legal status of Russia's indigenous peoples is one of the big unresolved questions, which pose obstacles to the eradication of discrimination. While existing laws have some progressive elements, the legal framework in its entirety is still dysfunctional and most indigenous communities are still denied legal titles to the land and natural resources which they depend on for their physical survival.

### 4.1 Legislative framework

Around the turn of the century, after many years of lobbying efforts by Russian indigenous organisations, Russia finally put in place a framework for safeguarding the fundamental rights of the small-numbered indigenous peoples of the Russian North. This framework consists of three federal laws:

1. 'On Guarantees of the Rights of the Indigenous Small-Numbered Peoples of the Russian Federation' (30 April 1999, revised August 2004)
2. 'On the General Principles of Organisation of Communal Enterprises (obshchiny) of the indigenous small-numbered peoples of the North, Siberia and the Far East of the Russian Federation' (20 June 2000, revised 22 August 2004)
3. 'On Territories of Traditional Nature Use [hereafter: TTP] of the Indigenous Small-Numbered Peoples of the North, Siberia and the Far East of the Russian Federation' (7 May 2001)

### 4.2 General concerns

While the adoption of these laws a such has been broadly welcomed by Russia's indigenous community, their design has been criticized as fundamentally flawed.

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<sup>11</sup>Bogoiavlenskii, see footnote 1

<sup>12</sup>For an in-depths investigation see the report *Persistent Toxic Substances, Food Security and Indigenous Peoples of the Russian North* by the Arctic Monitoring and Assessment Programme (AMAP) of 2004, available at [http://www.amap.no/Resources/PTS\\_project.htm](http://www.amap.no/Resources/PTS_project.htm)

Concerning the law on TTPs, experts have noted that “the law governing the creation of these Territories is general and declarative in nature, depending, it appears, on regional laws and by-laws to spell out the specific rules for these territories’ formation and governance”.<sup>13</sup> Similar notions have been made about the other two framework laws, while at the same time laws on land, forests and waters, which govern commercial exploitation of natural resources are highly elaborate and specific in content.

The main concerns with regards to the legal process are

1. Large portions of the legal framework have never been put into effect. The overwhelming majority of Russia’s indigenous peoples continues to be denied legal titles to the land and resources which they depend on.
2. Since they were adopted, the framework laws have been subjected to a serious of modifications which undermined their spirit and annulled several core provisions, most crucially regarding the right of indigenous peoples to use land free of charge for their traditional activities,
3. Other federal laws, related to ownership and management of land, forests, waters and other resources effectively invalidate fundamental rights enshrined in the three aforementioned laws, again in the first place the right to land and resources. Calls to the Russian government to resolve these legal issues have not been heeded.

### **4.3 A highly volatile legal environment**

Over the reporting period, the effectiveness of the legal guarantees of indigenous rights has been negatively affected by a high degree of instability within Russian legislation. Experts have noted that at the point when information about a new legal act reaches the local or regional levels, a given legal provision will often have been declared null and void at the federal level. Many legal acts get invalidated, revoked or substantially altered even before being implemented. The three laws mentioned above have been no exceptions from this rule. A first major blow to the three framework laws was the revised Land Codex, signed October 25, 2001, which, according to RAIPON expert Olga Murashko, effectively denies the possibility of free-of-charge use of land by individuals, thus undermining the very fundamentals of the law ‘On TTP’ (see below). Another step in the eventual deconstruction of indigenous rights was Federal Law 122 of 22 August 2004, which introduced a broad set of changes to the laws ‘On Guarantees ...’ and ‘On TTP ...’, diminishing political rights of indigenous communities and organisations, removing subsidies from residents of the Far North and tax exemptions from indigenous communal enterprises (obshchiny), while at the same time weakening the obligations of state bodies towards protecting indigenous peoples rights. (for details, please see section B on page 19)

### **4.4 The Law on Territories of Traditional Nature Use: Endless delay tactics**

The largely unresolved land rights remain the key question for the indigenous communities of the Russian North and Siberia. While the State party has recognised the importance attached to this issue, the expression of intent to put them into practice in §§ 51-52 of the 19th periodic report contrast starkly with the State-party’s continued inaction.

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<sup>13</sup> Gail Fondahl/Anna Sirina: *Oil Pipeline Development and Indigenous Rights in Eastern Siberia*, in: *Indigenous Affairs*, 2-3/06, pp 58-67

Since 2001, many indigenous communities filed applications for land titles known as Territories of Traditional Nature Use or TTPs. To date, all requests have been turned down on the grounds that the by-laws for the implementation of the law on TTPs are not yet in place. Furthermore, an immediate effect of the adoption in 2001 of the Law on Territories of Traditional Nature Use has been, that all prior existing TTPs which had been established at regional level, were, without exception, abolished. Of these TTPs, none has been recreated under the new regime. Consequently, at the time of writing, no single TTP, recognised by the Federal authorities exists in the Russian Federation.<sup>14</sup>

This matter is a grave concern to the indigenous peoples of the North, given that at the same time the expansion of extractive industries, such as the oil gas and timber industries, into their territories continues at full speed, in the absence of adequate mechanisms for assessing the potential impacts on indigenous peoples and without the requirement to obtain their free prior informed consent. Furthermore, while indigenous community or clan-based enterprises (obshchiny) are financially incapable of renting the territories required for economic activities such as hunting or reindeer herding, their territories are being alienated and transferred to private businesses. (see case description in chapter 1.13 on page 13)

In its concluding observations of 2003, CERD/C/62/CO/2, March 21, 2003, the Committee requested the State party to provide ‘information on the results obtained through the implementation of laws and federal programmes to protect the rights of indigenous peoples’. In response, the nineteenth periodic report (CERD/C/RUS/19) explains in par. 51-52 that at present, ‘Efforts are currently being made to ensure that this Act is properly implemented.’, referring to the law on TTPs.

For the Law on TTPs to function, it will have to be reconciled with other legislative acts, especially the Land Codex, which must be amended to allow for the special case of free-of-charge land use by indigenous communities. Since 2001, numerous attempts to amend the law have been made. On March 13, 2007, the Russian government rejected the latest legal initiative to remove the legal obstacles by member of parliament M.T. Gajieva, vice chair of the committee on nationalities. With the latest rejection, it seems that indigenous peoples will remain barred indefinitely from receiving guaranteed land rights.

**Taking into account the long time which has passed since the adoption of the Law on TTP, the State party should be requested to provide a clear plan and time-line for removing the legal obstacles which still prevent the implementation of the Law on TTPs.**

Further, the 19th periodic report states: ‘52. In partnership with the Association of Small Indigenous Peoples of the North, Siberia and the Russian Far East, the Russian Academy of Natural Sciences has prepared draft regulations on the ‘Bikin’ model federal area of traditional resource use for small indigenous peoples in Primorsky Territory, which will be submitted to the Government for approval.’. According to our information, these efforts were undertaken and funded by RAIPON, the Academy of Natural Sciences and the local obshchina “Tigr”, without any support by state authorities. In 2005 a draft was submitted to the ministry of regional development. At the time of writing, the submitted project draft has been under consideration by the Ministry of regional development for almost three years, and no approval has been granted.<sup>15</sup> The ministry’s repeated response to enquiries by RAIPON was that a raw version of the legal document exists and that it is under-going review. In late 2007, the local administration was considering to allow for so-called sanitary logging in the prospective TTP zone. In the past, such logging

<sup>14</sup>Oral communication with Brian Donahoe, Siberian Studies Centre, Halle/Germany

<sup>15</sup>Information received from RAIPON expert Olga Murashko, May 2, 2007

activities have often amounted to full-scale forest harvesting. Therefore, the future TTP is in serious danger even before it has been officially established.

**We recommend to put the question to the State party, what the state of affairs is regarding the implementation of the model Territory of Traditional Nature Use ‘Bikin’ and at which point in time its approval by the government is envisaged.**

#### **4.5 The Land, Forest and Water codices: Undermining fundamental rights and privatising indigenous livelihoods**

In its concluding observations of 2003, CERD has asked the Russian Government for further information regarding the impact of the 2001 revision of the Russian Land Codex (*zemel’nyi kodeks*). In its 19th periodic report, the State party has failed to comply with this request by the Committee. At the same time, subsequent revisions of the Forest and Water codices have added momentum to the drive for privatisation and commodification of natural resources in the Russian Federation. As noted above, the Land Codex remains a major concern for Russia’s indigenous Northerners, as it contradicts and effectively invalidates the basic framework laws on indigenous communities and on Territories of Traditional Nature Use. The Land Codex makes no reference to indigenous peoples’ special land rights and does not provide for free-of-charge land use by indigenous communities. Indigenous representatives have often expressed their concern, that the Land Codex will force indigenous community-based enterprises (*obshchiny*) to close down their businesses. Since they often operate in a virtually non-cash environment, renting the vast territories required for activities such as reindeer husbandry is typically not an available option. Ever since the adoption of the revised Land Codex, indigenous representatives and members of the Duma have undertaken multiple efforts to amend the Land code with basic provisions for free land use for indigenous communities. At the time of writing, all attempts have failed, the latest in spring of 2007 (cf. section 4.4). **The State party should be requested to provide specific information on whether it intends to harmonize the provisions of the Land Codex with the existing laws on indigenous peoples’ rights.**

Approximately 70 percent of all land throughout the Russian Federation is classified as *lesnoi fond* or ‘forest fund’ and has, until recently, been ineligible for sale. This included much of the territories inhabited by the small-numbered indigenous peoples. These territories are regulated by the ‘Forest codex’ (*lesnoi kodeks*). Unlike previous versions of this law, the revised Forest codex of 2006 is perceived by Russian indigenous peoples as a major threat to their livelihoods. For the first time, this law allows for *de-facto* privatisation of large forest territories by way of long-term leases in up to two subsequent fifty-year terms to domestic or foreign investors. In doing so, the forest code does not protect indigenous peoples rights, for whom the forest does not constitute a commodity but the very basis of their existence. While the previous edition of the forest code still granted indigenous peoples the right to use plots of forest land free of charge for their traditional purposes, the revision merely contains a reference to the law ‘On Guarantees ...’. However, the latter does not provide for the necessary rights, as the right to free-of-charge land use has been stripped from it in a recent revision (cf section 4.4 on page 10).

The revised Forest codex is effectively extinguishing indigenous peoples’ land rights which were hitherto protected to a certain degree under the previous edition. While the state has never recognised the inherent rights of these communities to their lands and territories, in effect the prior legal frameworks and practices which not did facilitate the privatisation of the lands they owned, occupied or used granted some form of *de-facto* protection and recognition of their land rights. The effect of increased privatisation and its enabling legislation (Land and Forest codeces) is

the de-facto extinguishment of these land rights enjoyed by indigenous communities since time immemorial.

**The State party should be asked to explain how it plans to protect indigenous peoples' access to forest lands under the revised forest code.**

## 5 Other issues not addressed by the 19th periodic report

### 5.1 Climate change

In 2004, the *Arctic Climate Impact Assessment*, a comprehensive study under the auspices of the Arctic Council into the impact of global warming on the Arctic rim has, *inter alia*, assessed current and anticipated risks to indigenous communities of the circumpolar North.<sup>16</sup> While this assessment does not yet incorporate alarming findings which have emerged since its publication, the 2004 study already makes it unequivocally clear that the Arctic is affected by global warming more than any other region of the planet, and that CO<sup>2</sup> induced changes of the Arctic environment are likely to disrupt traditional economic patterns of activities such as nomadic reindeer husbandry or sea ice based hunting. Climate change also leads to increasing unpredictability of weather conditions coupled with an increase in weather extremes, thus rendering inapplicable traditional knowledge of indigenous hunters, gatherers, fishermen and reindeer herders about their natural environment. At the same time, it is anticipated to open up vast reserves of fossil fuels in the Arctic Sea for exploitation.

However, climate change constitutes but one of many factors putting additional stress on indigenous communities, whose ability to cope with complex pressures is already severely tested by the environmental, social and economic changes which they were subjected to during the Soviet and post-Soviet periods.

While indigenous peoples have in the past successfully adapted to changes in their natural environments, a basic prerequisite is the provision of the necessary rights over the land and territory which they traditionally use, enabling them to freely determine which strategies are best to adapt to the upcoming changes. In other words, the long stalemate regarding the implementation of essential legal guarantees also impedes indigenous peoples' ability to tackle the challenges of climate change.

*The 19th periodic report by the State party does not mention the issue of climate change in any way, even though, as a member of the Arctic Council, the Government of the Russian Federation should be well aware of the upcoming risks to indigenous livelihoods.*

**We suggest to ask the State party which special measures are taken to mitigate the anticipated impact of a climate change on the small-numbered indigenous peoples of the Russian North. Wherever possible, preference should be given to a rights-based approach.**

## 6 Case examples

### 6.1 Right to food of Evenki communities in Amur Oblast

The Evenks are an indigenous people of approximately 65,000, with roughly half of the population living in the Russian Federation, the other half in neighbouring China. They are highly dispersed among many regions, from Krasnoyarsk province

<sup>16</sup>*Arctic Climate Impact Assessment*, Full text available at <http://www.amap.no/acia/>

in the West to the island of Sakhalin in the South-East. In Amur Oblast, a sparsely populated Far-Eastern province located between Yakutia and the Chinese border, approximately 1,250 Evenks live in five settlements of two rayons.<sup>17</sup> Thus they comprise no more than 0.3 percent of the population of Amur oblast.

In the settlements, the level of medical services is far below Russian standards. Poverty-related diseases such as tuberculosis are rife. According to local sources, children are affected disproportionately. In the village of Bomnak it was reported that the average life expectancy of local indigenous males is 27 years. At the same time, there is no affordable public transport to the next hospital, which is located in the administrative centre. Another group affected by the lack of transport are the unemployed, who are reportedly required to visit the administrative centre twice a month to receive unemployment benefits. However, in the absence of public transport, travel expenses exceed the benefits which they are eligible for.

Salaries are far below the regional average. Salaries in the agricultural sector, including reindeer breeding, hunting and fishery, where most Evenk job-holders are employed, are reportedly less than one fifth of the regional average.<sup>18</sup> Indigenous reindeer herders do not receive any compensation for the damage to their pastures and hunting grounds inflicted by gold mining, logging, railway construction as well as the construction of a 6000 km oil pipeline leading from Eastern Siberia to the Pacific coast. Even if compensation is paid to state bodies, it is absorbed within the administration and fails to reach those affected.

As early as 2002, indigenous peoples tried to obtain land titles for their hunting grounds and reindeer pastures. However, their proposal for a 'Territory of Traditional Nature Use' (TTP) was rejected by the authorities. In 2006, the regional authorities opened a call for bids for hunting licenses in the entire territories used by the Evenks. According to various informants, both from the regional capital Blagoveshchensk and from the indigenous settlements, the authorities undertook everything to prevent indigenous people from successfully participating in the tender, even though Russian national law, the non-indigenous commercial business entities should not have been allowed to participate in the tender.<sup>19</sup> The authorities set up requirements which they knew the indigenous communities would be unable to fulfil, such as to hire a hunting expert with a university degree who would have to be a resident of the indigenous settlement. Only after the tender had been closed the authorities notified the indigenous applicants that their proposals had been deemed incomplete and been excluded from the race. When the result was announced, almost the entire Evenki hunting grounds were licensed to two closely linked private entrepreneurs, one of which had formerly been head of the then state fur monopoly. This meant that Evenki hunters and reindeer herders would become fully dependent on the goodwill of a private monopoly, which would be able to set the conditions and dictate the prices. Hunters unwilling to cooperate would be forced to abandon their traditional territories.

At this point, the authors of this report embarked on a site visit, during which they became subjects to attempts of intimidation.<sup>20</sup> In November 2007, a court in Blagoveshchensk annulled the licenses. While this development came as a tempo-

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<sup>17</sup>The settlements are Ust-Urkima, Pervomaiskoye and Ust-Nukzha in Tyndinskii rayon (administrative centre: Tynda) and Bomnak and in Zeyskii rayon (administrative centre: Zeya)

<sup>18</sup>Pensioners reported that they received 1,5000 Roubles monthly, approximately 60 US Dollars, reindeer herders reported of salaries between 2,000 and 3,000 Roubles. (

<sup>19</sup>Federal law "O zhivotnom mire" ("On the fauna"), § 49, federal law "O garantiyakh prav korennykh, malochislennykh narodov RF" "On guarantees of the rights of indigenous small-numbered peoples of the Russian Federation"), Full legal analysis in: Olga Muraskho/Yulia Yakel: *Vosstanovite spravedlivost' i zakonnost' v otnoshenii evenkov amurskoi oblasti*, in: *Zhivaya arktika* 20, pp. 79-82

<sup>20</sup>The authors were temporarily taken into police custody on forged accusations of drug trafficking.

rary relief, the court's verdict has not admonished the actual violation of legal rights of indigenous peoples, as its decision was taken on formal grounds only. Therefore, indigenous representatives remain worried that a new tender will show similar disregard for essential rights of indigenous peoples.

**The Amur experience demonstrates that regional and local administrations tend to ignore legal guarantees enshrined in federal legislation. The state-party should take steps that regional and local administrations are fully aware of the constitutional rights of indigenous peoples and act in accordance with them.**

## 6.2 Fishing rights and quotas on Kamchatka peninsula

Fish is the main staple food for many indigenous communities in the Russian Federation. On Kamchatka peninsula, which holds some of Russia's most productive fish resources, indigenous communities compete with commercial enterprises, which are often given preference by the administration due to their higher profitability, in obvious violation of Russian national legislation, which stipulates that indigenous peoples have preferential access to biological resources.<sup>21</sup> This leads to situations, where indigenous communities are denied access to adequate food, threatening malnutrition. In 1997 and 2003, parallel reports by INFOE, FIAN and RAIPON already brought the denial of adequate fishing quotas in various regions to the attention of the Committee on Economic, Social and Cultural Rights (CESCR).<sup>22</sup>

A decade later, according to reports from local organisations, indigenous peoples are still denied secure access to adequate food, this time aggravated by the drive in federal legislation towards privatisation of water resources, as stipulated by the recently adopted Water Kodex (*Vodnyi kodeks*). The administration of former governor Mikhail Mashkovtsev is reported to apply various tactics to keep the share of fish resources reserved for indigenous communities of Kamchatka oblast as low as possible:

- Fishing quotas are determined by the administration unilaterally, without any transparent criteria. There are sharp and unpredictable fluctuations in the annual permits issued. In 2006, the total amount granted (for personal consumption) was 3000 metric tons, in 2007, the same communities will have to survive on one third less, as the limit was arbitrarily fixed at 2000 tons.
- Fishing quotas have been reduced from over 150 kilogrammes annually per capita in the early 1990s to presently less than 30 for indigenous city and village dwellers of some regions;
- The administration tries to keep the number of indigenous people, eligible for fishing quotas as low as possible. While according to the Association of Indigenous Peoples, there are 13,000 indigenous people living in Kamchatka oblast, the administration speaks of only 5,000;
- Fishing permits are issued approximately two months after the beginning of the traditional fishing season, which starts in May and extends into November. At present, permits are usually received only in the mid of July, and terminate in late August.

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<sup>21</sup>Federal law 'on the fauna' ('o zhivotnom mire')

<sup>22</sup>Reports available at <http://www.infoe.de/report.html> and <http://www.infoe.de/report-2003.pdf>. *Inter alia* the regions of Kamchatka, Sakhalin and the Commander Islands were mentioned, where the fishing quotas granted were clearly insufficient to satisfy the minimum nutritional needs of the indigenous communities concerned.

- Permits are highly restrictive. They prescribe exactly, how much of each salmon species each individual may catch at which place. Often permits are issued for species, whose migration period at the assigned place has already passed. When such a quota cannot be exploited, the authorities refuse to provide alternative permits for other species or places. Informants say that in the past, reduction in annual quotas has often been justified by the fact that communities were unable to exploit them, even though they had not been exploited only because it had been technically impossible.
- Many informants reported that commercial fishing enterprises receive their permits two or three months earlier than the indigenous communities. Officials have not declined these reports.
- Communities are often assigned parcels for their fishing activities, which are inaccessible and sometimes located hundreds of kilometres away from their settlements. Additionally, fishing grounds are reassigned each year. Traditional fishing methods would require the permanent assignment of fishing grounds, on which the holders could build their facilities.
- The practice of assigning fishing grounds which are either inaccessible or located hundreds of kilometres away from the receiving community has forced many indigenous communities to enter into agreements with commercial fishing enterprises which in return for realising the assigned quota on behalf of the community, retain a substantial share of the yield for their own commercial ends. Consequently, the real amount of fish available to cover the nutritional needs of indigenous communities reduced dramatically.
- Despite the constitutional norm, according to which each citizen of Russia “shall have the right to determine and indicate his nationality.” and “no one may be forced to determine and indicate his or her nationality.” (Constitution of the Russian Federation, Art. 26, § 1), the administration requires the indigenous population of Milkovski and Yelizovski rayons and of Petropavlovsk-Kamchatski (Kamchatka peninsula) to provide documentation of their indigenous descent as a prerequisite for fishing permits. Providing such documentation is in many cases impossible. A former vice governor even suggested that indigenous people be required to pass DNA tests. According to representatives of local indigenous organisations, some 90% of the indigenous population of Milkovski rayon are currently without recognition and do not receive fishing quotas for personal consumption.
- The proposed long-term licensing and eventual privatisation of fishing grounds is likely to freeze the status quo of insufficient access to fish for indigenous communities.

**The State party should be urged to give preference to the needs of communities, which depend on fish for their livelihood, over corporate interests. In particular, the new Water Codex (*Vodnyi kodeks*) should be, in accordance with the State party’s obligations under the Convention, reviewed for provisions that discriminate against subsistence-based indigenous communities.**

### **6.3 Putting the survival of the Evenki people at risk: The Evenkiiskaia hydroelectric dam**

The Evenkiiskaia hydroelectric dam is a project initially developed in the Soviet Union during the 1970s, when it was known as the Turukhanskaia dam. Its goal

is to create one the world's mightiest hydroelectric power stations on the Lower Tunguska river in Krasnoyarsk province, generating power from the world's largest artificial lake. The reservoir is projected to submerge more than 9000 km<sup>2</sup> and have a length of 1200 km, while calculations of the dam's capacity range from 12,000 to 20,000 megawatt.

Five Evenki settlements as well as the regional administrative centre Tura are nominated to be submerged by the reservoir. Altogether, approximately 8,000 people will have to be resettled - almost half of the 17,000 inhabitants of the formerly autonomous Evenki region. While most non-indigenous inhabitants are expected to leave the region and resettle to the south of Krasnoyarsk province, the 3,800 indigenous Evenks of Evenkia whose ways of life are closely adapted to the environmental conditions along the Lower Tunguska are at risk of disappearance as a distinct group in a region which they have inhabited approximately since the 11th century.

One of the gravest anticipated impacts is the likely annihilation of the fish resources of the Lower Tunguska river, as the reservoir is expected to flood underground salt deposits which will lead to its salination.

In September 2007, local residents and the regional association of indigenous peoples appealed to Vladimir Putin to stop the project. However, according to media reports, the Russian president has endorsed the plans of the state-owned corporation Unified Energy Systems in August 2007.<sup>23</sup> According to Evenki representatives, the administration of Krasnoyarsk has played a strong role in the formation of a new provincial association of indigenous peoples, following the incorporation of Taimyr and Evenkia into the province and it is feared that the administration is asserting its influence in order to ensure that it will rubber-stamp the construction plans.

## Appendices

### A Comments on individual paragraphs

Experts at RAIPON have scrutinized the 19th periodic report and have identified a number of misrepresentations and inaccuracies which we would like to enlist:<sup>24</sup>

**Par. 27: Role of the Ministry of Regional Development** Responding to par. 27 of the 19th periodic report, RAIPON experts have commented, that the Ministry of Regional Development, founded in 2004, has up to the present failed to fulfil its mandate regarding the peoples of the North: 'Since the foundation of the Ministry of Regional Development, not a single draft law aimed at protecting the rights of indigenous peoples has been drafted by it. Further, the structure of the ministry makes it impossible to determine, who is actually working on indigenous issues (...). Furthermore the ministry has failed to set up regional branches. In the regions, indigenous affairs are instead taken care of by departments in charge of social security or even by the agricultural and veterinary departments. This means that petitions and complaints by indigenous people usually do not receive any substantial response.

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<sup>23</sup>Novaja Gazeta, 2007/08/30

<sup>24</sup>The following paragraphs are based on comments received from RAIPON experts Olga Murashko and Pavel Sulyandziga, who is also a member of the UN Permanent Forum on Indigenous Issues.

**Par. 31: Implementation of cultural projects** Par. 31 of the periodic report states, that the Ministry of Regional Development is currently preparing an agreement with the Russian Association of Indigenous Peoples of the North (RAIPON), aimed at improving cooperation regarding the implementation of cultural projects. According to RAIPON, the agreement has been under preparation for more than two years, with no result.

**Par 34: Representative of indigenous peoples** Par. 34 says that Russia is currently preparing a draft law “on a plenipotentiary (representative) of the indigenous small-numbered peoples of the North”. Experts at RAIPON say, that while this law is officially under preparation for two years, not even a draft has been presented to RAIPON.

**Par 48 (and 55): Federal Programme ‘Economic and Social Development of the Indigenous, Small Peoples until 2011’** Paragraph 48 mentions that the Ministry of Regional Development has been put in charge of the federal programme ‘Economic and Social Development of the Indigenous, Small Peoples until 2011’. Due to the ministry’s failure to submit a funding proposal for the federal three-year budget (2009-2011), the funding of this very important programme over the coming three years is currently not secured.

**Par. 49: Draft law ‘On the protection of the endemic environment of inhabitation, traditional ways of life and traditional nature use of indigenous, small-numbered peoples of the Russian Federation’** The legal initiative mentioned in this paragraph has been brought forward by the Nationalities Committee of the State Duma and RAIPON. This law is designed to regulate vital issues which are still widely unregulated such as:

- the division of powers between federal, regional and local authorities with regards to the protection of indigenous peoples’ land rights;
- the procedures for determining the borders of indigenous peoples’ traditional territories and the establishment of Territories of Traditional Nature Use (TTP) and
- third-party activities, such resource extraction, rules for social impact assessments and compensation for affected communities.

Despite the mentioning in the State-party’s report, the representative of the Ministry of Regional Development rarely attended the sessions of the working group and did not participate in the drafting process. In late 2007, the Russian government gave a negative appraisal, declaring that no additional regulation was required and that all questions addressed in the draft law had already been sufficiently dealt with in other legislative acts. Unless endorsed by government, the law is not going to be adopted by parliament.<sup>25</sup>

**Par.54: “The Government is working with all mechanisms and structures in the United Nations system to protect the rights of indigenous peoples, including the Permanent Forum on Indigenous Issues, the Working**

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<sup>25</sup>In the advance, unedited version of the report, available at the CERD web site, the name of the draft law is misrepresented.. The full name is: ‘On the protection of the endemic environment of inhabitation, traditional ways of life and traditional nature use of indigenous, small-numbered peoples of the Russian Federation’In the State party’s report, both the traditional ways of life and traditional nature use are missing.

**Group on Indigenous Populations of the Sub-Commission on the Promotion and Protection of Human Rights, and the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people.”** In 2008, the Russian government has not funded the participation of indigenous peoples in any of the aforementioned UN fora and instruments.

**Par. 56 – Voters’ rights** Par. 56. states: ‘Federal Act No. 102-FZ of 4 July 2003 amending and supplementing article 18 of the Federal Act on basic safeguards of Russian citizens’ electoral rights and right to take part in referendums provides that, when forming electoral districts, the degree of deviation from the average norm of voter representation in areas with large indigenous populations may be increased.’

At the same time, indigenous reindeer herding and hunting communities from Irkutsk oblast and the Nenets autonomous okrug have reported that they were de-facto disenfranchised in the 2007 elections to the state Duma, since no attempts had been made to visit their camps and let them cast their ballots.

**Par. 57: Legal Initiatives by Duma Committee on Nationalities** This paragraph lists a number of legal initiatives taken by the Duma Committee on Nationalities. Unfortunately, many of the proposals mentioned in this paragraph have been rejected by the government. This includes:

- the proposed amendments to the law ‘On Education’ regarding ethno-cultural education;
- the proposed modifications to several laws regarding the status of administrative territorial units

With the exception of the act classifying indigenous communal enterprises (*obshchiny*) as non-profit organisations, none of the legal acts mentioned have been considered during the period.

**Par. 80: Measures to improve the normative legal basis regarding indigenous small-numbered peoples** Paragraph 80 states that in accordance with decree 185-r of February 21, 2005 of the Russian Government during the year 2006 ‘measures are being implemented to improve the normative legal basis regarding indigenous small-numbered peoples, development of infrastructure in districts inhabited by them and fostering international cooperation concerning the preservation of their cultures.’

However, RAIPON has no information about any particular measures taken to improve the legal basis with regard to the named topics. Members of RAIPON have not been involved in any such measures.

## **B On Federal Law 122 of 2004**

This law is a vocal example of the legal instability of the legal environment that Russia’s indigenous peoples find themselves in, as it substantially diminished the integrity of the formerly free-standing legal framework described in section 1.7 on page 9.<sup>26</sup>

Further weakening the effectiveness of the laws protecting the rights of indigenous peoples in Russia is Federal Law No. 122 of August 22, 2004, with the ominous

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<sup>26</sup>The following remarks are based on communication with Anthropologist Brian Donahoe of the Max Planck Institute for Social Anthropology in Halle, Germany

and unwieldy title, ‘On the insertion of changes in legislative acts of the Russian Federation and the declaration of the nullification of some legislative acts of the Russian Federation in connection with the passing of the federal laws “On the insertion of changes and addenda in federal law”, “On general principles of the organization of legislative (representative) and executive organs of state power of the subjects of the Russian Federation”; and “On general principles of the organization of local self-administration in the Russian Federation.”<sup>27</sup> In addition to completely abolishing the law “On the Fundamentals of State Regulation of Socioeconomic Development of the North of the Russian Federation,” which established the rights of all peoples, indigenous and non-indigenous, living in regions of the ‘Far North or regions equivalent to the Far North’ to many of the subsidies and privileges to which they have become accustomed (see note 5 above), this law also eviscerated the law ‘On Guarantees...’ and the law ‘On Territories...’ For example, Law 122

- nullifies Article 4 of the law ‘On Guarantees. . .,’ which states that the federal, regional, and local organs of state power bear responsibility for the socio-economic development of the indigenous small-numbered peoples, including the ‘protection of their endemic environment of inhabitation’ (FL 122, article 119, paragraph 1);
- removes the authority to take effective action for the protection of the rights of indigenous peoples from local- and regional-level organs, and concentrates them in the hands of federal organs of power (FL 122, article 119, paragraph 2);
- removes the right of organs of power to regulate the legal regime for possession, use, and disposal of lands of traditional nature use with the goal of protecting the lands of indigenous peoples (FL 122, article 119, paragraph 2);
- removes the right of regional organs of power to pass laws with the intention of protecting the rights of indigenous peoples (FL 122, article 119, paragraph 3);
- removes the rights of local organs of power to earmark funds from the budget to support the socio-economic and cultural development of the indigenous peoples (FL 122, article 119, paragraph 4);
- removes the right to create a council of representatives of indigenous peoples at the local level (FL 122, article 119, paragraph 4);
- removes the right of local organs of self-administration to pass legal acts related to the socio-economic and cultural development of the indigenous peoples, and to the protection of endemic habitat and ways of life (FL 122, article 119, paragraph 4);
- removes rights of members of indigenous groups to free social services (FL 122, article 119, paragraph 5);
- circumscribes the scope of indigenous peoples’ potential political activity to their own affairs, and doesn’t allow for their broader involvement in local or regional affairs (FL 122, article 119, paragraph 6);
- takes away local and regional organs’ powers to guarantee political representation of indigenous peoples in local and regional legislative and representative bodies (FL 122, article 119, paragraph 7), thereby violating several obligations of the Russian Federation under international law:

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<sup>27</sup> Federal Law No. 122 of August 22, 2004.

- the document of the Copenhagen meeting of the Conference on the Human Dimension of the CSCE, which stipulates in paragraph 35 that: „The participating States will respect the right of persons belonging to national minorities to effective participation in public affairs, including participation in the affairs relating to the protection and promotion of the identity of such minorities.‘
  - The United Nations Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities of 18 December 1992, according to Art. 2, § 2-3 of which persons belonging to minorities have ‘the right to participate effectively in cultural, religious, social, economic and public life’ and ‘to participate effectively in decisions on the national and, where appropriate, regional level concerning the minority to which they belong or the regions in which they live’
  - The European Framework Convention on the Protection of National Minorities, ratified by the Russian Federation in 1995, § 15 of which lays out the States-parties’ obligation to ‘create the conditions necessary for the effective participation of persons belonging to national minorities in cultural, social and economic life and in public affairs, in particular those affecting them’.
- removes tax exemptions for communal enterprises (obshchiny), and targeted funding for regional- and local-level programs for the protection and development of indigenous lifeways, and many other privileges earmarked for indigenous peoples as laid out in a variety of other legal acts (FL 122, article 130, paragraphs 1 and 2);
  - removes the possibility for organs of local self-administration to share their powers with obshchina administrations (FL 122, article 130, paragraph 1).