

ANSIPRA BULLETIN

Arctic Network for the Support of the Indigenous Peoples of the Russian Arctic
Сеть Арктических Организаций в Поддержку Коренных Народов Российского Севера

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ANSIPRA is a communication network linking Russian Indigenous Peoples' Organisations with international institutions and organisations alarmed about the future of the indigenous peoples of the Russian North.
ANSIPRA's main goal is to spread information, to mediate contacts, and to assist in project coordination.

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ANSIPRA Bulletin is politically independent. A special part of the English language edition, however, presents translations of articles from the newsletter "Мир коренных народов – живая арктика" (Indigenous Peoples' World – Living Arctic), the official periodical of RAIPON (Russian Association of Indigenous Peoples of the North, Siberia and the Far East of the Russian Federation), selected in cooperation with RAIPON.



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Dear readers!

About this issue

The main topic of this issue – like other issues before – is the misappropriation of indigenous lands for economic reasons. Please note especially the article about the Evenks of the Amur region, which clearly shows that there are lawless conditions – comparable to the American Wild West of the 1800s – in parts of todays' Russia, where some people do not have a minimum of human rights, although these are "guaranteed" by the constitution. Lack of editing capacity is to be blamed for the fact that we only have translated three articles from RAIPON's journal, Mir korennykh narodov – zhivaya Arktika, No. 18.

About the next issue

The main topic of our next issue (planned issued December 2006) will be the Ainu people of Japan and the Russian Far East. A young Ainu from Hokkaido, Japan – Kanako Uzawa – has kindly agreed to write an introductory article about her people. We want to encourage all of you who have knowledge about Ainu descendants in the Russian Federation and their situation, to write contributions!

Photos accepted

From this issue onward, we have decided to accept photographs to illustrate our articles. This is due to the purchase of a better multifunction copy machine at our institute. To keep costs low photos will normally be printed in black and white. The Internet version of the bulletin will contain illustrations in colour. Exceptionally we will print one coloured page in an issue.

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Conference announcements

On several occasions we have been told that conference announcements are often distributed very late by our bulletin, and deadlines for registration may have passed. We are aware of this problem, but cannot improve it with the low frequency of bulletin issues (twice a year). Please let us know as early as possible about upcoming meetings so we can print notices at the earliest opportunity. Our readers are referred to our Internet website, where conferences are announced immediately after we have received the information.

Don't forget our website!

All of you who have access to the Internet, please be aware of our website <http://npolar.no/ansipra/>. You can download our bulletins, and you can find all material ever presented – and more – in a systematical form. Early this year we added a regional index, where you can find material sorted according to regions.

Thanks to everybody!

The continual efforts of many of our colleagues and friends who have spent lots of hours of voluntary work have made it possible to issue ANSIPRA bulletin continuously since 1998. Also the fact that we produce our bulletin at a very low cost has been critical. Nevertheless, there are many services we need to pay for. The Norwegian Polar Institute has supported this work financially during all of these years. Thanks to everybody! And remember that your continuous help will be needed to make this bulletin appear also in the future.

**IF YOU WANT TO RECEIVE THIS BULLETIN IN THE FUTURE
YOU MUST INFORM US ABOUT ADDRESS CHANGES !**

Indigenous information centres in Russia and the use of modern information technologies

Galina Diachkova, ANSIPRA Secretariat

Increasing cooperation between national and international indigenous peoples' organisations, sharing experiences, and the necessity to participate in the political scene of the country have made it necessary to use modern information and communication technologies. The first years of this millennium saw the formation of an informational arena for the indigenous movement on the Internet.

The RAIPON¹ Information Centre promoted the creation of a network of regional information centres (ICs) located with regional indigenous peoples' associations. These information centres are connected through partnership and cooperation agreements:

- RAIPON Information Centre;

¹ Russian Association of Indigenous Peoples of the North.

- Ethno-ecological Information Centre “Lach” (lach@mail.kamchatka.ru; Petropavlovsk-Kamchatskiy, Kamchatka);
- Youth Information Centre “Northern Center” (www.raipon.net/piter, mic-spb@mail.ru; St.-Petersb.);
- Youth Center “Phoenix of the Amur”;
- Juridical Information Centre at the RAIPON branch of the Khabarovsk territory (ulchi@mail.kht.ru; Khabarovsk);
- Information Centre at the RAIPON branch of the Magadan area (Magadan);
- Information Centre “Yasavey Manzara” (www.raipon.net/yasavey, yasavey@atnet.ru, Naryan-Mar, Nenets joint-stock company);
- Juridical Information Centre “Sibir-Dyu” at the RAIPON branch of the Krasnoyarsk region and Evenkia (ksinkevich@yandex.ru, Krasnoyarsk);
- Juridical Information Centre at the Kemerovo Regional Public Organisation of Teleut People “Nabat” (‘Alarm’, www.turgar.ru, 24tim@mail.ru; Kemerovo);
- Information Centre at the RAIPON branch of the Primorye Territory “Suneyni” (www.udge.ru, licenter@yandex.ru, Vladivostok, Primorye Territory).

In 2005 the Information Centre of the Sakha Republic (Yakutia) and the Center for Cultural Preservation and Development of Northern Indigenous Peoples “Kykhkykh” (‘Swan’, village of Nekrasovka, Sakhalin) joined the network².

The names of the information centres indicate their primary activity. In general, those centers concentrating on juridical activity respond to the present legal situation in the country. Indigenous peoples need information about their rights, and support must be provided to indigenous peoples’ movements in smaller areas, in larger regions or as a whole in the country. For example, the basic purpose of Juridical Information Centre “Sibir-Dyu” (created in February, 2003) is the organisation of territories of traditional nature use, to render assistance for the official registration of applications of indigenous communities, to consult on project development, and to offer additional education to indigenous individuals. The Information Centre in the Magadan area, created in 2003 within an IWGIA-supported project, specialises in the economic development of indigenous peoples’ villages, and plans to create a legal database, to elaborate documents for national villages, and to hold seminars for indigenous peoples’ representatives.

The Youth Information Centre “Northern Center”, established in March 2003, is devoted to informing indigenous student organisations on the indigenous peoples’ movement, with the support of the Information Bureau of the Nordic Council of Ministers in St. Petersburg

Besides spreading information through the Internet the centers produce printed material. “Lach” issues a supplement to the newspaper Aborigen Kamchatki. “Yasavey Manzara” issues the monthly information bulletin “Yasavey Vada”. The Information Centre of Khabarovsk issues the quarterly newsletter “Bagulnik³ in the Wind”. And the Information Centre of Magadan puts out the monthly bulletin “Toren”. Print runs vary between 200 and

² Information from I. Kurilova, RAIPON Information Centre.

³ A wild shrub in the heath family, known in English as “Labrador Tea”, from which an aromatic tea is made.

600; readers are mainly inhabitants of indigenous peoples’ villages, indigenous communities and other indigenous peoples’ organisations (for instance, councils of elders), who have limited or no access to the Internet.

The problem of legal rights protection for the numerically small indigenous peoples of the North in terms of industrial development has become one of RAIPON’s main issues, which is reflected on the organisations’ web-site and in its magazine “Indigenous Peoples’ World – Living Arctic”. The issue is tackled in the form of publications of legal acts, comments to federal laws, and reports on activities like round table meetings and conferences.

The current legal challenge is to reform the federal legislation, particularly legislation affecting the numerically small indigenous peoples, with respect to a new delimitation of authorities at all levels. An intervention by RAIPON into the work of the “Commission on the Draft Preparation for the Delimitation of Responsibilities between Public Authorities at all Levels” in 2002-2003 has led to working discussion of fundamental laws concerning indigenous peoples and to the preparation of proposals for modifications and amendments to 18 federal laws⁴.

Information given by the information centers on the Internet and in printed publications reflects not only the legislation concerning indigenous peoples’ issues in Russia and the indigenous peoples’ movement, but it also supports the protection of the areas which indigenous peoples inhabit from the activities of oil and gas companies and other intensive resource exploiters. At the beginning of the 2000s, a wide information campaign through the indigenous peoples’ mass-media illuminated the conflict between the Primorsk Association of Indigenous People with the transnational corporation “Khendey” and the company “Primorsklesprom”⁵. This resulted in the support of the case by legal defense and nature protection organisations. Similar cases in which information campaigns supported indigenous peoples in conflicts occurred in Sakhalin, Kamchatka and other regions of the country.



Representatives of indigenous information centres met in Moscow, April 2005

⁴ P. 254 in M.A. Todyshev: Perfection of the federal legislation on the rights of numerically small indigenous people of the Russian North. Federalism in Russia and Canada: legal and economic aspects. V.E. Seliverstov and A.V. Novikova (eds.). International Center for Projects and Programmes of Federal Attitude and Regional Policy Development, Moscow 2004. 280 pp.

⁵ P. 78 in O.V. Aksanova: Numerically small indigenous peoples of the North: Lessons in self-organisation and social partnership. Series: Library of indigenous peoples of the North. Vol. 2. IC RAIPON/RITC, Moscow 2004. 115 p.

INDIGENOUS PEOPLE AND GEORESOURCES:**Who is to blame for the tragedy of the Amur Evenks?**

Olga Murashko, RAIPON Information Center

The 5th Congress of Russia's Indigenous Peoples (spring 2005) was the first time that Elena Kolesova, President of the Amur Association of Indigenous Peoples of the North, addressed RAIPON with an oral report on the violation of human and indigenous peoples' rights by timber cutters, gold-diggers, railroad builders and state authorities. RAIPON leaders recommended that she write a complaint to Mr. Korotkov, Head of the Amur Oblast's Administration. So she did, but all she got in response was advice to gather information on the violations and bring it to the Office of the Public Prosecutor of the Amur Oblast. She had done this before without getting any practical aid. Later, in autumn 2005, Ms. Kolesova wrote a request to Sergey Kharyuchi, RAIPON President (her note was published in "Mir korennykh narodov" No. 18). At the same time RAIPON received another letter from the Amur Oblast, by Arkadiy Okhlopkov, President of the clan community "Aborigen", concerning violations of environmental legislation and indigenous peoples' rights in the Selemdzhin Rayon of the region. Mr. Okhlopkov wrote that he had addressed the authorities of the Amur Oblast more than once, requesting the suspension of the illegal gold-diggers who were turning the Evenks' pastures and hunting grounds into a desert, but in vain. The despair of the Evenks who are now deprived of means of subsistence after having lost their reindeer and the possibility to hunt is so great that they are ready to resort to self-immolation to draw the attention of the authorities. Arkadiy Okhlopkov even proposed himself as one of the sacrifices.

Following up on these letters, RAIPON wrote to Mr. Ustinov, General Prosecutor of the Russian Federation, on 11 November 2005. RAIPON requested that the facts of human and indigenous peoples' rights violations be checked, and information provided on the legitimacy of gold mining, timber cutting and construction on the territories of traditional residence and husbandry of the indigenous peoples of the Amur Oblast. RAIPON got a response from the Office of the General Prosecutor informing them that their request had been forwarded to the Office of the Prosecutor of the Amur Oblast. Unfortunately, the responses RAIPON got from the Amur Oblast and from the Ministry of Natural Resources of the Russian Federation contained no information on their fulfilling the constitutional obligations concerning the protection of the environment and traditional way of life of small ethnic communities, according to article 72, part 1, paragraph "m" of the Constitution of the Russian Federation. It was only said that no legislation nor indigenous peoples' rights violations were detected concerning the distribution of geological resources and state forests.

The next meeting with Ms. Kolesova took place in May 2006 at the RAIPON workshop in Ulan-Ude. From Ms. Kolesova's speech and her conversation with our RAIPON experts, Olga Murashko and Yana Dordina, the

following was understood:

In March 2006 Ms. Kolesova was summoned to the village council of Bomnak, where the prosecutor of the Zeyskiy Rayon shouted at her, demanding explanations as to how she could have written a letter like the one she had addressed to Mr. Kharyuchi and hinting that she could be called to account for slander.

Moreover, Elena Kolesova said that Vadim Yakovlev, a hunter and reindeer herder, whose lands were used for the construction of a timber cutters' center and whose reindeer were shot by the timber cutters, committed suicide on 9 January 2006. According to what he said a few days before his death, the reasons were constant threats and torments from the timber cutters and local police that he got in response for his complaints about their shooting his reindeer.

At the end of April 2006 Ms. Kolesova's son was condemned to 10 years in prison, even though he was innocent. At the same time, she reported that equipment was again being provided for the suspended construction of the Umna-Elga railroad. The people are concerned that the resumption of the construction will lead to the loss of their last lands and reindeer.

Elena Kolesova also brought Arkadiy Okhlopkov's new letter to the RAIPON magazine. Mr. Okhlopkov wrote that the people cannot tolerate this any more, that they are ready to protect their reindeer, pastures and hunting grounds, and proposed himself to be a self-immolation sacrifice once again.

The following are transcribed excerpts of a tape recording of the conversation between Elena Kolesova and RAIPON experts Olga Murashko and Yana Dordina (6 May 2006):

"On 9 January 2006 Vadim Yakovlev shot himself. He was young and he was the best hunter and reindeer herder of our community. My brother and I accompanied his family to the taiga. Vadim asked me to find a way out as soon as possible. 'I live like an animal in the taiga,' he said, 'They won't leave me alone. In the spring I'll have to move and move near the center. I have no idea what's going to happen. If you do nothing, I'll find a way out myself'. I went to the settlement, leaving my brother with him, and two days later he committed suicide. He left behind two little kids.

... In 2000, on the pasture and hunting territory our community has used since time immemorial, construction of the Umnak-Elga railroad began, bringing along timber merchants and poachers. In 2002 the work was suspended, but a timber merchants' center was established exactly in the area where Vadim's reindeer go for annual calving. He tried to lead the animals away from the place, but it was impossible to change their direction. So female reindeer ran off to calve where they were used to. Timber merchants or their watchmen shot them on two occasions: the first time

they killed eight reindeer, the second time, fourteen. We have no proof that it was them, but they say that about this time in Gorny, a settlement not far away from us, reindeer meat was being sold. The centre watchmen were from Gorny, and they didn't deny it. When Vadim and I came to the centre and asked why they shot our reindeer, they answered, 'How could we know they belong to you?' We explained that domestic reindeer have a bell on their neck and a *botalo* (a stick preventing them from running off). And the watchmen said, 'If a reindeer comes out of the forest, why should we look at its neck? You should nail your name on their foreheads'. Vadim couldn't help but go for the one who teased him so cruelly. He got beaten. But the timber merchants had no license for hunting.

From that moment they began to persecute Vadim. The timber merchants' woodshed, where the old man was making hooch, caught fire and they blamed Vadim. There was no proof of it, so a while later they accused him of shooting at the centre. I got a call from the local police department saying Vadim had shot everyone at the timber merchants' centre and went to see what was going on. No proof again. But from that moment on timber merchants, their guards and policemen promised that they would catch and arrest him. He was afraid to pass by the timber merchants' centre, but it was his reindeer's ancient route so he couldn't avoid it.



Evenk family in the Amur taiga, harassed by exploitation companies and the local authorities because of their fight against the lawless conditions

And when they came to celebrate New Year's Day with us, he talked to me constantly, he didn't know what to do. When he set out to the taiga on 4 January 2006, he was so upset that my brother and I went with him to help them set down the chum and get settled. And as soon as I left them, he shot himself. He promised to find a way out, and so he did.

... Since gold-diggers, railroad builders and timber cutters began to work on our lands, there were many unnatural deaths among our men. When I began working, we had three herds of more than one thousand deer each. There were 22 young hunters and reindeer herders, and today none is left – and no natural deaths. Some died of disease, some of alcoholism, others committed suicide. We talked about it with Vadim a lot.

... My husband died of heart attack – he couldn't bear the way I was persecuted ... That's another story about how our house was searched when we got a premium for

the first antlers we sold ... After the autopsy I was told his first heart attack had been exactly when we were searched, and the second one was the one he died of. He was extremely good at hunting and didn't drink alcohol.

... Our elder son, born in 1976, shot himself under unascertained circumstances in the winter of 2005 ... He was alone with his wife in the taiga. She says he had shot himself when she was asleep. She doesn't tell much about it, and it's easy to understand. She had spent a long time with his corpse before they were found. And now she has his daughter, the girl is eight months old.

... Recently, my younger son has been condemned for ten and a half years in prison ... It was an accident, there were three of them in the house: a girl, a Russian guy and him. My son says the gun fell down and the Russian caught it, but it went off so that the bullet killed the girl. Both were arrested but they let the Russian go right away, and my son spent a year in custody. The gun belonged to him, and even though the experts proved that he couldn't have done it because of his height, he was condemned anyway. When I visited him, he told me it was all because of me and my job and asked me to quit it.

... The local prosecutor came and summoned me to his office. You should have seen him yell at me, 'Was that you who wrote this? How dare you write this kind of thing? Do you have proof of it? You will answer for the slander...'. It was in March [2006], and in April the court condemned my son".

Who is to blame for the "best hunter and reindeer herder's" suicide? Whose fault is the fact he left two orphan children? Who is to blame that the old man Arkadiy Okhlopkov, who has been seeking the truth for his people for many years, is desperate and ready to burn himself just to draw attention to the Evenks' situation?

Comparing these people's stories, full of pain, with cold and, to say the least, contradictory responses of the officials can cause nothing but indignation. The Amur Oblast Procurator's response to RAIPON's legitimate request for an environmental assessment on the projects implemented on the traditional lands of the Evenks is the following: "Citizens and public organisations (unions) have the right to obtain from the federal body of executive power and its territorial bodies the information on the results of environmental expert evaluations. For this reason, it is impossible to send you the copy of the positive conclusion (environmental seal of approval)." This creates a feeling of being mocked. Certainly, RAIPON won't leave it without consequences, but what should hunters and reindeer herders do in the taiga?

To help the Amur Oblast Evenks, Sergey Kharyuchi, President of RAIPON, sent an appeal to the Plenipotentiary Representative of the President in the Far East Federal Okrug and to the Secretary of the Public Chamber of the Russian Federation, the academician Velikhov, with a request to take measures and stop the violations of the human and indigenous peoples' rights in the Amur Oblast. We enclose all the documents we have, including the Evenk representatives' letters and the authorities' responses to the appeal. This time we hope for a fair investigation on the substance of the case.

Development Assistance Plan for the indigenous peoples of Sakhalin

Continuing the discussion on the situation in Sakhalin

Olga Murashko, RAIPON Information Center

From 26 to 30 May 2006 a workshop titled “The protection of rights of the indigenous peoples of Sakhalin in terms of the industrial use of territories of traditional land use and husbandry” took place⁶. This legal workshop for the indigenous population of Sakhalin was linked to another important event: the launching of the Development Assistance Plan for the indigenous peoples of Northern Sakhalin. The main objectives of this plan are the following: “Prevention or decrease of possible negative impacts of the *Sakhalin 2* drilling project; contribution to the improvement of indigenous peoples’ life quality by means of social development programs, taking into consideration their cultural distinctiveness and sustainable development conditions; development of the Northern peoples’ potential to participate in the management of the plan and similar development programmes”.

At the same time a memorandum was signed between the Regional Council and the company Sakhalin Energy, as well as a trilateral Agreement on Collaboration of the IP Regional Council, Sakhalin Energy and the regional Administration. According to the latter, Sakhalin Energy is engaged to finance the Development Assistance Plan with the amount of \$ 300 000 for five years from 1 June 2006 to 1 June 2011. The Development Assistance Plan is managed by the Supervisory Board formed of the Regional Council’s representatives, Sakhalin Energy and the regional administration. Indigenous peoples’ representatives have the majority in the Supervisory Board.

Sakhalin’s experience

The signed trilateral agreement and the Development Assistance Plan are the results of collaboration between the Regional Council of plenipotentiary representatives of the indigenous peoples of the Sakhalin region, Sakhalin Energy and the regional Administration. However, it was preceded by a period of serious confrontations. A year and a half ago, Sakhalin’s indigenous peoples demanded an ethnological expert evaluation of Sakhalin Energy’s projects — this means assessments of the projects’ impact on the traditional way of life of Sakhalin’s indigenous peoples and the natural environment on which they depend. They also demanded the creation of a formalised dialog among Sakhalin’s indigenous organisations, industrial companies and the regional Administration. Sakhalin Energy had ignored indigenous peoples’ demands for a long time, leaving it all to the Administration. The Administration believed itself best-suited to manage, on behalf of indigenous peoples, the funds Sakhalin Energy invested into their development, so the Administration tried to force the indigenous peoples to sign a vague agreement on collaboration. Ignoring the indigenous peoples’ demands caused notorious protest actions by the indigenous peoples and Greenpeace’s “The Green Wave”. It took place in January 2005, in the Nogliki district, where a pipeline was being constructed. It contra-

dicted the interests of the company in all ways, notably with respect to the company’s claim for a credit in the European Bank for Reconstruction and Development (EBRD). The bank’s demand was that they should use the requirements of the World Bank Operations Policy 4.10 “Indigenous Peoples” as guidelines for the implementation of the project.

The negotiations between Sakhalin Energy representatives and Sakhalin’s indigenous peoples represented by the Regional Council of Plenipotentiary Representatives began in the summer of 2005. They started the collaboration on the Development Assistance Plan. The regional Administration represented by its Department on Indigenous Peoples of the North also took part in it, providing the necessary information on social and economic development.

The plan was not easy to develop; it took a lot of time and effort from both sides to work out an agenda that would be convenient for everyone. The plan was meant to be ready by 1 January 2006, but the delegations continued working on it until May. The text was finished and sent for printing the day before it was to be presented to the representatives.

It was a good move that the company provided 200 copies of the plan for the indigenous peoples’ representatives to bring home to their regions. However, the question is whether the people would be able to understand this complicated document. RAIPON closely examined the Development Assistance Plan, asked for information and offered help for its preparation. But unfortunately, our suggestions were not supported by Sakhalin Energy’s representatives. The company’s website was our only source of information.

On 14 March 2006, during the preparation of the Development Assistance Plan, public hearings on the *Sakhalin 2* project took place in Moscow. The future creditors of the company, EBRD, and other NGOs’ representatives took part. It is important to mention that the project was heavily criticised by scientists and lawyers, who found that it contained many elements that posed potential environmental hazards..

RAIPON assessed all the correspondence connected to the project with respect to indigenous peoples’ rights and the World Bank’s demands to the borrower in the areas in the indigenous peoples’ traditional residence areas. We had to ascertain that all the demands of Operations Policy 4.10 “Indigenous Peoples” were reflected in the documents. In our opinion, the sociological assessment does not correspond to the Operations Policy demands. The only well-surveyed group of the indigenous population is the small reindeer herder group of the Val settlement, which only makes up 10% of the indigenous population in the project impact area. The state and risks of other indigenous groups (about 1500 people involved in fishing, sea mammal hunting, gathering of wild plants and hunting) have not been examined thoroughly. Most of the information on them are official statistics provided by the Department on the Indigenous Peoples of the North, and the results of a few

⁶ for previous articles on this topic see ANSIPRA Bulletin No. 13 and 14

consultations with the representatives of these indigenous groups. There are no results from the poll on the special features of the traditional land use of these groups. There are a few other requirements of Operations Policy 4.10 “Indigenous Peoples” which have not been satisfied. RAIPON’s conclusion also contained the remark that the beginning of the direct dialog between Sakhalin Energy and the indigenous peoples and their collaboration on the Development Assistance Plan are in fact progressive and RAIPON is ready to assist it as much as possible. But the developers of the plan seemed to have only perceived the negative part of RAIPON’s statement and felt offended. At least, before the workshop began, the plan developers had been apprehensive regarding any intervention by RAIPON. It is important to mention that the Regional Council of



Photo: RAIPON

Oil pipeline construction site in Sakhalin

authorised representatives, presided by Aleksey Limanzo, Head of the Sakhalin Association of Indigenous Peoples and the initiator of the protest action, united and consolidated during the collaboration and was firm in its demands. But the members of the Council were not used to the kind of work required for the preparation of the Development Assistance Plan and, certainly, they needed more basic legal information to formulate their demands and development plans.

I was indeed surprised when each of the workshop participants (including indigenous developers of the Plan of Assistance) took several copies of Operations Policy 4.10 “Indigenous Peoples”, the federal laws “On environmental impact assessment” and “Regulation on environmental impact assessments for planning economic and other activity in the Russian Federation”. It was the first time they had seen these documents. Strange as it may seem, the company had not previously provided this documentation to the indigenous peoples and plan developers and had not organised a workshop about their interpretation. Those documents are the main guidelines the developers should have based their work on.

The workshop helped its participants understand, at last, that the Development Assistance Plan is no charity act, but partial implementation of the Russian legislation on the part of “defining possible negative impact, assessment of ecological consequences, taking into consideration public opinion, working out impact mitigation and prevention measures” (Environment Impact Assessment), and of the

World Bank Operations Policy’s 4.10 “Indigenous Peoples” (hereafter OP 4.10) requirements, which have replaced the Operations Directive of the World Bank (hereafter - OD 4.20), used by the company as guidelines.

I hope that the workshop participants, having familiarised with the documents, will now be able to sum up which of the requirements of the OP 4.10 have already been implemented and which ones remain to be implemented.

In particular, the workshop participants were surprised to learn that the OP 4.10 definitely indicates the necessity of developing a programme that would assist in preparing legal grounds for lands that indigenous peoples own or use in a traditional way (OP 4.10 section 17, and section 15 of OD 4.20). Moreover, it is indicated that this procedure is usually carried out before a project is started. This means that the company should have implemented an assistance programme to establish traditional land use territories for the indigenous peoples of Sakhalin. The OP 4.10 defines directly the kind of assistance, “e.g. projects to implement land title registration, to assist in the development of corresponding regional normative acts.”

The workshop participants also found out that the plan should envisage mechanisms that will “allow the indigenous peoples to have a fair share of the profits obtained from the commercial development of resources. These mechanisms should stipulate obtaining profits for indigenous peoples, in a way compatible with the indigenous culture, compensations and reconciliation rights, at least no less than those due to a land user owning a full legal title for the land, if the commercial development was being carried out on his/her lands” (OP 4.10, section 18, and sections 15, 17 of the OD).

For the indigenous peoples of Sakhalin to get fair compensation in the future, it is essential to assess the damage to and losses of traditional land use and lost profits from craftsmaning and other traditional activities. For such assessment basic information on all the kinds of traditional activities of the indigenous peoples is needed, as well as on all the kinds of natural resources they use for their subsistence. The information that the project currently provides is insufficient. But it is obvious that no one else but the indigenous peoples themselves possess this knowledge. One of the workshop decisions was that specialists will help indigenous peoples carry out a questionnaire survey of traditional land users, traditional hunting areas and sacred site locations, and information on genealogy and clans settling. Dozens of representatives of Sakhalin’s indigenous peoples can be involved in this work, and they should get paid for it. This necessary and fascinating work could be one of the indigenous peoples’ projects for the following years. However, it should not be financed from Development Assistance Plan funds, but from other sources of the company, because the results will cover the project’s knowledge gaps in the domain of sociological assessment.

I hope that the information the workshop participants have obtained will help them formulate and ground their demands and work more skillfully with the adopted Development Assistance Plan. I also hope that the Development Assistance Plan is only the first stage of the collaboration of the indigenous peoples of Sakhalin with industrial companies and authorities with respect to the conditions of industrial utilisation of their traditional lands.

The Oil Industry and Reindeer Herding: Problems Implementing Indigenous Rights in the Nenets Autonomous Okrug, Russia

Anna Degteva

This article is a summary of a thesis submitted for a Master's degree in Indigenous Studies at the Faculty of Social Sciences, University of Tromsø, Norway. The thesis is based on fieldwork which took place in the Nenets Autonomous Okrug in July-August 2004. The author is grateful to the Centre for Saami Studies, University of Tromsø, for financial support to write this article. To receive a copy of the thesis (in English) or to discuss the topic please contact the author: danna_spb@mail.ru, anna.degteva@gmail.ru.

Indigenous issues have gained increasing international awareness since the 1970s. During recent decades the international community has recognised that the causes of poverty, poor health, alienation from ancestral lands and other problems faced by indigenous peoples around the world are rooted in marginalisation and discrimination, which had been imposed on these peoples for centuries. One of main current concerns is safeguarding indigenous lands endangered by the ongoing 'second conquest' in the form of numerous development projects. In order to redress the harm done, indigenous peoples' rights have been considered and international standards have been set. Currently these standards are embodied in the following rights: meaningful participation in decision-making in matters affecting them and in the life of the state in general, the right of ownership and possession over the lands traditionally occupied, the right to be consulted prior to natural resource exploration on their lands, and the right to participate in the benefits of such activities, as well as to receive fair compensation for any damages caused.

However, in spite of the acknowledgment of indigenous peoples' rights at the international level, allegations of violations of their human rights and fundamental freedoms are being received from different parts of the world. Obviously, there are some problems with the implementation mechanisms. And the key question is what these problems are, or in other words: Why is it so difficult to implement international standards concerning the rights of indigenous peoples?

The present article is an attempt to contribute to answering the above question by discussing the example of one region in Russia – the Nenets Autonomous Okrug (hereafter NAO). Here, the interests of oil and gas companies clash with the needs of indigenous Nenets and Komi reindeer herders for land resources. The large-scale development of oil and gas fields and pipeline projects are relatively new changes for this area and are often characterised by a lack of communication between the main parties involved: indigenous and non-indigenous local population, extractive companies and government authorities. The village of Khorey-Ver illustrates what happens at the very local level. It is situated in the western part of the NAO and the reindeer herders settled here are among those most heavily impacted by oil development.

To gain a thorough understanding of the factors hindering the implementation of the international standards in question, I begin by briefly reviewing the case of the Saami people in Norway – a relatively successful example. Focussing on the factors identified by looking at the Saami case, the Russian case is then examined at three levels: federal, regional and local.

The case of the Saami in Norway

The situation of the Saami in Norway is a striking example of the successful use of aboriginality to achieve legal and political claims. In Norway, although there are almost no prospects for territorially-based self-government, meaningful participation in decision-making in the matters affecting the Saami, including land issues, has been guaranteed by the establishment of the Saami Parliament and the adoption of the Finnmark Act.

How have the Saami obtained those rights? The breakthrough in Saami ethnopolitics – political activities that defend the economic and politic interests of an indigenous group – occurred after the environmental/Saami actions of 1979 and 1981: the hunger strike and the Alta/Kautokeino Affair [1]. Activists protested the damming of the Alta River, part of a gigantic hydro-electric project in the heart of 'Saamiland'. Prior to this, the Saami as a group or people were not considered as an object of international conventions on indigenous peoples because of their high level of integration into mainstream Norwegian society. The idea of the Saami as 'indigenous', in the modern sense, was unfamiliar not only to Norwegian authorities but also to most Saami. During the Alta Affair, the Saami's indigenous status that had been legitimised internationally a few years earlier gained internal support and boosted the fighting spirit within Saami organisations. The Alta Affair provoked the disintegration of old power structures in Norway and caused a significant change in state policies about the Saami [1]. Along with these political and legal achievements, a remarkable ethnic revitalisation among the Saami in Nordic countries occurred. It became more acceptable to wear traditional Saami clothes, to speak the Saami language – to *be* Saami.

What made the Saami actions of the early 1980s successful? Within the period of the Alta crisis, several shifts in the codification of the resistance – from an environmental case to an aboriginal rights case – occurred that played an important role in the Saami's political mobilisation [2]. It must be emphasised that the signification of a symbolic action, and not only the action itself, can make it successful and allow the subordinate minority group to attain moral superiority over the majority policy, and hence set the conflict resolution on another, more favourable ground [3]. In the Alta case, signification was achieved through public dramatising by the means of the media, as well as appealing to the moral commitment of the Norwegian state and presenting the case as a breach in Norway's reputation in the area of human rights nationally and internationally. During the Alta Affair, the Saami built strong political opposition to the long established

Norwegian power structure based upon their ‘indigenousness’ and, at the same time, the environmental dimension of the conflict was weakened. The phenomenon of politicised indigenous ethnicity became extremely relevant for Saami politics, and ethnicity became highly incorporated into Norwegian society.

For the Saami and aboriginal peoples in general, neither the ability to communicate their aboriginal ethnicity nor having their indigenous status recognised is enough. They require legal entitlements attached to the status in question [4]. Thus “indigenousness” manifests itself through two interrelated dimensions: ethnicity and rights. Without legal rights, claiming ‘indigenousness’ does not have relevance for the groups struggling to improve their situation. One way to achieve these rights is to politicise ethnicity. However, in Russia the situation is different.

Why is it difficult to implement indigenous peoples’ rights?

In Russia, the turning point, like the Alta Affair was for the Norwegian Saami, has yet to take place. In contrast to the Norwegian Saami, the situation indigenous peoples face in Russia can be said to be characterised by a ‘lack of indigenousness’ in that indigenous ethnicity is not an important dimension of politics or everyday life. None of the main dimensions of indigenousness that are evident in the Saami case – politicised ethnicity, and claiming rights according to indigenous status – are significant among Russia’s indigenous peoples. As is clearly evident from the example of the Khorey-Ver village, this is the most striking characteristic of the situation at the local level hindering implementation of indigenous rights.

Could the strategy of employing aboriginality work in Russia as it did in Norway? What makes ethnicity politically explosive in some places and not in others? What prevents ‘indigenousness’ from becoming meaningful in politics of the Russian state, as well as in the perception of its indigenous and non-indigenous citizens? Theoretically, the above-mentioned strategy might have worked in the Russian context, if only the attention of the wider society had become aware of the issue of indigenous rights’ and considered it important to follow international legal norms, as occurred in Norway. Moreover, in Norway there were certain internal and external preconditions which facilitated the success of the Saami action in 1981. These include the stable economic and political situation characteristic of a welfare state with established democratic ideas and freedoms as well as an international reputation as a country that promotes human rights. In Russia such preconditions are still lacking. This helps explain why none of the indigenous actions in Russia have become the ‘Russian Alta’. The chain reaction that has occurred in Norway since the 1980s – first, politicising indigenous ethnicity, ‘indigenousness’ becoming grounds for getting certain rights and the legitimacy of this recognised within the country; second, claiming rights; and third, achieving rights – seems unlikely to happen in Russia in the near future.

The factors preventing indigenousness from becoming meaningful in the Russian context are complex. It is necessary to look at different levels – federal, regional and local – to find a comprehensive answer. Such an analysis is presented below.

The federal level: The policy of the Russian state towards indigenous peoples has changed over the time, from non-interference in Tsarist Russia, to assimilation and paternalism in the Soviet era, and, finally, to the policy of neglect in contemporary Russia. However, at the beginning of the 1990s there were attempts to follow international standards concerning indigenous rights. With this purpose three federal laws meant to guarantee the rights of indigenous peoples were adopted from 1999 to 2000. Do Russian laws fulfil international standards? Yes, most indigenous rights acknowledged at the international level are present in the wording of Russian laws. Are international standards implemented in Russia? Not exactly. First, the laws are incomplete in some important ways. For example, they stipulate possibilities for the control over land and natural resource use and the right to compensation, but they do not define any mechanisms for compensation (where, what for and whom to compensate). Neither do they define how to measure possible damage to traditional land or calculate compensation [5]. Indigenous communities have got recognition, but not guarantees for their land base. The law “On Territories of Traditional Nature Use...” (hereafter “On TTNUs”), which was supposed to become the main mechanism protecting the land from environmental degradation and ensuring indigenous peoples’ access to the land they depend on, contains no procedures for its realisation. Second, the three indigenous laws conflict with other Russian legislation. This allows the authorities to manoeuvre around them and avoid prioritising indigenous issues while still claiming that they follow the law.

The current state policy prioritises considerations of security and economic growth, while the policy towards the indigenous peoples might be called a ‘policy of abandonment’. There is plenty of evidence to support this characterisation. The federal executive agency responsible for the policy in the North was discontinued in 2001. Delineation of authority between the centre and the administrative units of the federation has not been clarified, which allows shifting responsibility for solving indigenous problems from the federal authority to the regional one and vice versa. The three indigenous laws adopted in 1999–2001 do not work efficiently and, as already mentioned, are contradicted by the other legislation. For example, the Land Code passed by the Parliament in 2001, soon after the law “On TTNUs”, does not include the possibility of gratuitous (unrestricted and free of charge) land use even for indigenous peoples involved in traditional occupations, like reindeer husbandry.

There are several possible reasons behind the current policies. These include the modern perception of a poly-ethnic state as a source of political instability, a fear of terrorism and separatism and, last but not least, the priority given to economic development [6, 7, 8]. Whereas many regions enjoy a large degree of self-government, Russia’s political elite has developed an ideology that dismantles this. The core argument is that the menace to the federation’s unity increases simultaneously with the increasing sovereignty of these regions. In this regard, there is no real distinction made between the problems in the Caucasus and in the regions where indigenous peoples live.

The fear of terrorism, which until recently could be used to justify any measures against ethnic movements,

was replaced by the fear of ‘outside separatism’. The Kremlin has been leading the call for tighter controls over NGOs’ activities and finances, on the grounds that the NGOs are essentially fronts for Western espionage aimed at stirring up revolutions across the former Communist world, as occurred in Georgia and Ukraine. Russian authorities promote the idea that special measures are needed to prevent foreign governments from undermining state security.

Finally, the crisis of the 1990s shifted government and public attention to economic development. In such circumstances, when short-term economic goals seem much more weighty, the state managing organs overlook unprofitable reindeer husbandry. At the same time, oil and gas development have a topmost priority in state policy design. First, the Russian economy is mainly sustained by oil/gas export. And, second, it is an important factor in shaping the country’s foreign affairs within the framework of ‘world energy security’. Indigenous peoples’ need for land can be overlooked if it clashes with the interests of the Russian economy driving force: natural resources development.

In the new Russia, the indigenous ethnic movement is represented by RAIPON, an NGO representing both indigenous residence regions and ethnic groups and embracing the regional indigenous associations. Over the last few years RAIPON has been increasing its activity as it has gained experience and international support. However, it is still not capable of counteracting the entrenched state power structures and policies.

As a consequence of both the overwhelming importance of oil and gas industries and the general state policy of neglecting indigenous issues, implementation of international standards concerning indigenous peoples’ rights is unacceptably delayed by the Russian government.

The regional level: Since Russia is a federation, its administrative units have a special responsibility to pursue federal policies by ensuring that regional law complies with federal law. What hinders implementing indigenous rights at the regional level is discussed below using the example of the Nenets Autonomous Okrug.

The current state of affairs in the NAO is that indigenous interests are underrepresented by both indigenous local individuals and non-indigenous institutions. As it was established during the Soviet regime, all the governing institutions or those who represent significant economic power are non-indigenous, be it the oil companies or the regional administration.

The Okrug’s economic growth is heavily dependent on oil and gas development. While reindeer husbandry is a heavily subsidised industry, oil companies provide the main revenues for the budget. The natural resource potential of this particular region is of interest to Russian and foreign energy producers and will most probably define the near future of the NAO. Oil and gas extraction is expected to increase 12-fold by 2020, requiring the construction of infrastructure to transport the resources to the market. Obviously, the pressure on traditional modes of livelihood will simultaneously increase. Reindeer herders are already experiencing the problems most oil companies bring along: contamination of the environmental bases of their traditional occupations; limited access to some valuable reindeer pastures and thus overgrazing of the rest;

and changes to the social organisation and the value of the traditional economy being undermined.

The situation in NAO exemplifies the possible implications of the ‘rule of power’ and how politics can abuse economic and legal policies in regions where civil society is generally underdeveloped [9]. The relationships between the NAO administration, oil companies and indigenous peoples seem to be highly politicised. Their destructive influences concern both major industries: oil extraction and traditional reindeer husbandry. The governor was able to hinder the work of certain oil companies using methods that were later deemed illegal by the Court. The implementation of laws regarding indigenous interests has been incomplete, inconsistent and vulnerable to political context and interests. Moves to centralise power – for example, the presidential appointment of the heads of regional administrations was re-established, replacing free elections – means that the regional governor will hardly exercise the same degree of independence and authority as he once did; the Kremlin’s politics will define regional politics.

Today, indigenous organisations are unable to take a decisive part in regional ethnopolitics, although there has been some progress in the self-reorganisation of the Association of the Nenets People ‘Yasavey’ aiming to tackle the problem. However, the administration, oil companies, and indigenous representatives still show little interest in Yasavey.. There is no serious attempt on the part of reindeer breeders to act collectively to protect reindeer breeding or to formulate a common strategy for coping with oil companies.

The local level: International, national and regional legal norms are adopted for the sake of their implementation at the very local level. What happened and what is happening that hinders implementation?

The reindeer herding enterprise (SPK) of ‘Put’ Il’icha’ is the core of the Khorey-Ver village’s survival, not only because the village is economically structured around it, but also because reindeer herding lies at the heart of the Nenets culture. Exercising their traditional occupation, i.e. being able to practice their culture, keeps indigenous people living in this area.

‘Komification’ and ‘Russification’ are two assimilative processes that took place in the area of Khorey-Ver. Since the place that is now Khorey-Ver is located near the territory occupied by the Komis, Komis have interacted with Nenets for centuries. Even the later process of Russification could not degrade the strong process of Komi assimilation. Today, most people in Khorey-Ver can speak Komi and for many it is a mother tongue, whereas hardly anybody can speak or understand Nenets. The reindeer herders of Put’ Il’icha use Komi as a daily language, both in the tundra and at home. “Here are the Kolva’s Nenets; the real Nenets are in Nelmin-Nos”⁷ – this quote from a local man emphasises the transformation of local identity that occurred with Komification: people in Khoery-Ver contrast themselves to some degree to the Nenets in other areas, who are ‘real’ ones.

A parallel assimilative process, Russification increased gradually during the 20th century and reached its highest

⁷ Interview with Dmitriy L. Khatanzeiskiy. Khorey-Ver is sited on the Kolva River. Nelmin-Nos is a village in the western NAO.

level in the form of ‘Sovietisation’. Under the pressure of Soviet policies, both the traditional Nenets lifestyle and resource management were dramatically transformed over just a few generations. The triad of nationalisation, collectivisation and sedentarisation had the greatest impacts. Indigenous herders were deprived of their means of subsistence (land and reindeer), denied the underlying principle of their social organisation (kinship) and traditional way of life (nomadism). Disregard for traditional social patterns, wage labour and Russian leadership became characteristics of Nenets reindeer husbandry under the Communist regime. Traditional knowledge was undermined by the state, which ran the ‘kolkhozy’ according to central planning. ‘Civilising’ the nomads and attempting to improve their living conditions resulted in their “withdrawal from the land” and a loss of spiritual connection to the landscape [10].

Despite major economic and political changes after the collapse of the USSR, the main organising principles of Put’ Il’icha and its herding practices have remained the same. Contrary to some optimistic predictions [11], traditional subsistence practices and community and family relations were not restored, and consequently their transformation into ‘alive ethnicity’ stimulating the revival of native cultures and traditions could not occur.

Life in Khorey-Ver has changed significantly, and not in a positive direction. In the 1990s and early 2000s, economic problems appeared to be overwhelming for all Khorey-Ver inhabitants regardless of their ethnicity or occupation. The most far-reaching consequence is that poverty limits their choices in behaviour and predefines their relationship with oil companies. The latter are currently increasing their activities in the area and increasing the pressure on reindeer husbandry. The negative impacts wrought by oil companies, such as environmental pollution, are being reported by local people, particularly herders. The pipeline creates the largest problem: it cuts off the pasture lands of Put’ Il’icha, so an important grazing area is hardly accessible. The carrying capacity of the rest of the pasture lands has dropped considerably since the time when the first oil project was launched. The reindeer herders face a complicated dilemma: they were advised to decrease their stocks because scientific data show the carrying capacity had been exceeded but, on the other hand, the enterprise needs to increase the number of animals to become economically sustainable in the future, and for that it depends on material help from oil companies.

In Khorey-Ver indigenous people do not actively oppose the oil and gas companies, despite the dangers they pose to the ecological basis of reindeer herding. Practically, indigenous participation in decision-making regarding oil activities cannot be seen as meaningful: though the law assumes it, the procedure ensuring such participation by all the indigenous locals has not been established. Furthermore, the reindeer herders of Put’Il’icha, in spite of the legal right to be asked for their consent to development projects, are not always aware of construction work happening on their pasture land. The Put’ Il’icha workers talk more about unresolved land conflicts with herders in neighbouring enterprises than conflicts with oil companies. The SPK solves disputes with the extracting companies through ‘mutual contracts’, where better compensation,

(more fair from the herders’ point of view than the one received after the state redistributes oil taxes) is required. Neither are land claims brought to the state. In Khorey-Ver, there seems to be no specific platform that could allow talking about indigenous rights to land. Both the Nenets and Komi are equally involved in reindeer herding, even though they are not viewed as having equal entitlement to protection as indigenous peoples⁸. Nor is there political organisation through which the claims to indigenous title can be pursued. In other words, there is a ‘lack of indigenousness’.

To conclude, the problem of non-implementation of indigenous rights is not simply a legal problem, but mostly of political, economic, social and even historical character. In Russia, at all three levels considered – federal, regional and local – there is a ‘lack of indigenousness’. Indigenous peoples’ rights, which are attached to their status and acknowledged in international documents, are not meaningfully implemented at any of the levels in question. Ethnicity is a social dimension that is not particularly relevant for indigenous polities in Russia. There are historical, economic and political variables, as well as the factors connected to indigenous ethnic organisation, that prevent ethnicity from becoming potent in the Russian indigenous context. Non-implementation of indigenous rights is conditioned by the same factors, namely: limitations in indigenous organisation; the overwhelming importance of the economic situation; shortcomings of the legal system; and state policies, the driving force of which are security considerations. In contemporary Russia, the strategy of employing aboriginality for achieving certain rights for a disadvantaged group is unlikely to be as successful as it was, for instance, in Norway.

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⁸ The Russian law differentiates between indigenous (native) peoples, like Komi, and numerically small indigenous people, such as Nenets. Most indigenous laws apply to the latter category.

Monitoring of oil development in traditional indigenous lands of the Nenets Autonomous Okrug

Project under the International Polar Year (IPY) programme

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In ANSIPRA Bulletin No. 11 (July 2004) we introduced our intention to start a monitoring project in the Nenets Autonomous Okrug to document the interference of oil development with traditional land use. Due to the lack of funds the project has not been implemented yet. However, the project is now listed as qualified for funding by the Norwegian IPY committee and has a very good chance to get funded in 2007-08.

IPY funding will hopefully cover the basic costs. Additional funding will be needed to augment the quantity and quality of data. We think that the GIS database will be a useful planning tool not only for indigenous peoples' organisations, but also for administrative bodies and oil companies. For this reason we republish our plans here in the hope of attracting additional funds from these stakeholders.

The following is a very rough summary. A detailed project description can be obtained from the authors.

Background

Approximately 7750 Nenets and 4500 Izhma-Komi indigenous people (census 2002), many of them involved to some extent with reindeer husbandry, live in the Nenets Autonomous Okrug (NAO). Large portions of Nenets reindeer pastures, especially in the neighbouring Yamal area, were devastated by reckless oil prospecting in the 1960s to 1980s. The recent decade has witnessed an increasing interest in the hydrocarbon occurrences in the NAO. Naturally, people there are worried about their future. In addition to the high unemployment among indigenous peoples, the situation in the reindeer husbandry sector is deteriorating: decreasing numbers of reindeer, misappropriation, absence of appropriate marketing schemes for products. These and other factors provoke a general degradation of indigenous society.

Legal norms for implementing federal laws on land ownership and land use are still absent in the NAO. Land can be allotted for industrial and resource-extractional purposes, while users receive miserly financial compensations. Participation of the indigenous peoples' organisations and representatives of the concerned communities and farms is a fairly new achievement. Processes result in agreements in which the amount of financial compensation is determined.

An uncontrolled situation has developed around oil and gas exploitation in many parts of the NAO, where some oil companies are accused of grave violations of environmental management principles and Russian legislation. Numerous oil spills and other degradations of the upper soil layers occur periodically in the tundra during the summer season, inflicting irreparable damage to the Arctic natural environment.

Nenets and Izhma-Komi in this region have for many centuries maintained a traditional way of life rooted firmly in reindeer husbandry. It is mainly these who suffer as a result of the attitudes of newcomers to the Arctic natural environment, in spite of all legal guarantees.

A severe obstacle for traditional land users to defend their rights is the lack of data providing an overview of the situation. Comprehensive monitoring through regional authorities was last done several years ago and is not easily available to the public, while the situation changes considerably every year. A continually maintained map database showing traditional land use and hydrocarbon development, available to all relevant groups (and the general public), would be an indispensable tool to control development.



Nenets reindeer herders' summer camp. Photo: Yasavey



Tundra damaged by oil drilling. Photo: Yasavey

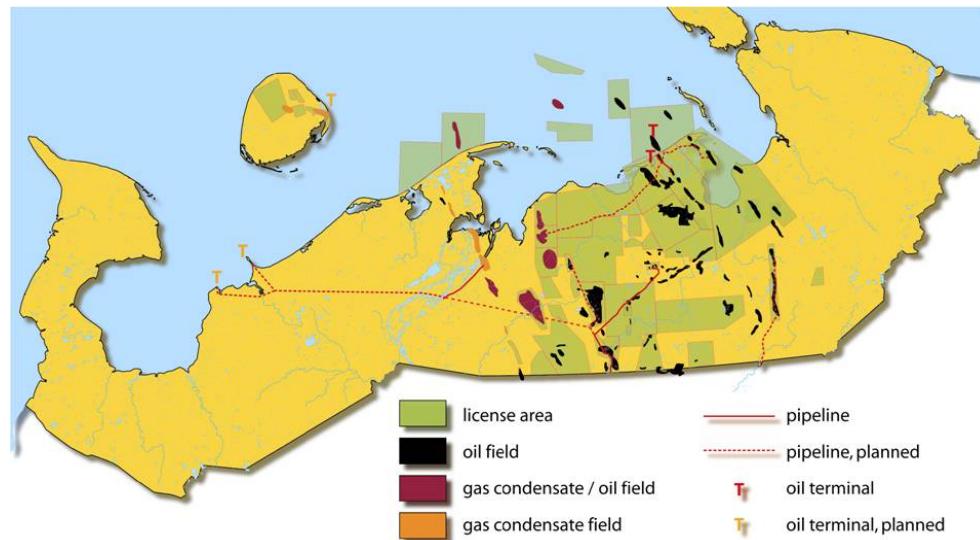
Project summary

Intensive oil and gas development occurs under Arctic conditions in the Nenets Autonomous Okrug (NAO). Severe impacts occur, both on the environment and on the socio-economic situation of the indigenous peoples living in and of the land.

The project aims at monitoring the situation and producing a GIS database which documents activities and can be used to promote the interests of traditional land users. The Norwegian Polar Institute will be in charge of the scientific issues and quality control of the database, while the Association of Nenets People Yasavey, the major cooperation

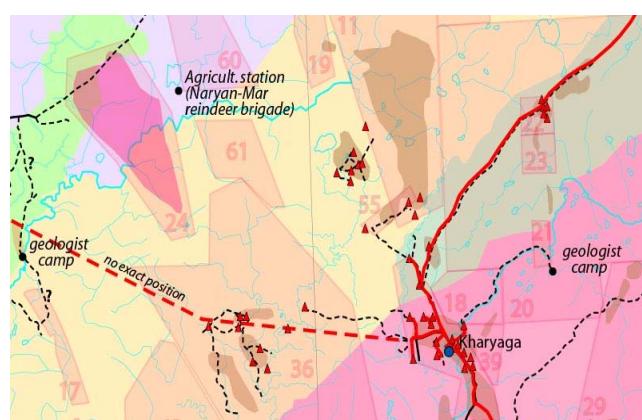
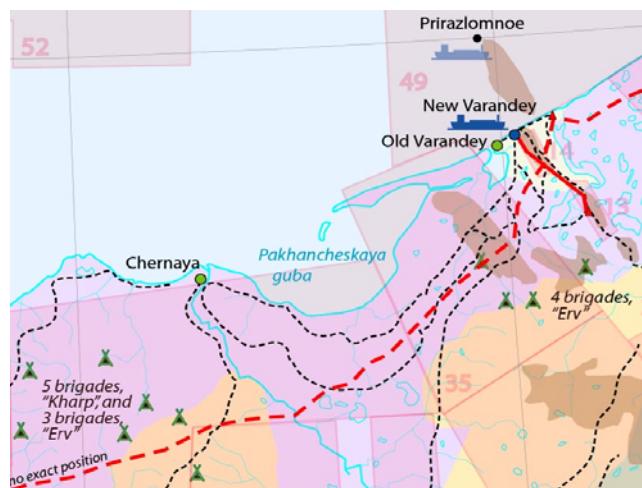
partner, will ensure that local indigenous peoples' knowledge and needs are taken into account.

Both natural and social scientific methods will be applied to acquire data on oil and gas development as well as traditional occupations, mainly reindeer herding. Data sources are published data, personal observations of indigenous representatives, questioning of local residents in selected areas of the NAO, photo documentation, inquiries at administration and oil companies, and satellite image surveys. Local GIS expertise, the Nenets Information and Analytical Center, and representatives of the local administration are involved in the project.



Overview map of the Nenets Autonomous Okrug showing oil and gas development.

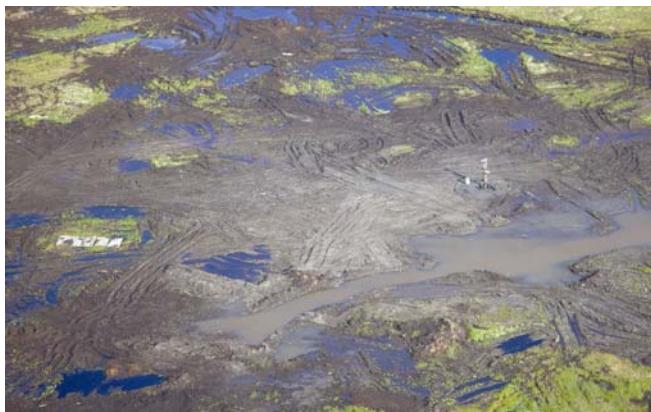
Map: W. Dallmann



The database will be posted on the Internet, accessible to the public. If necessary, some classified data may be open only to authorised users. Data will also be published in bilingual (English and Russian) reports. To make sure that data presentation complies with Russian law, Russian legal expertise (RAIPON, Rodnik Legal Center) is attached to the project.

After cessation of the project the database will be administered locally in the NAO. Yasavey personnel will be trained in using and maintaining it.

Sections of the base map, with data from a preliminary map compilation (old satellite data, no quality control). Infrastructure is shown in black, oil drilling sites and pipelines in red, licence areas in light pink, oil and gas fields in brown and pink patches, places related to reindeer breeding in green, existing and planned oil terminals in blue, etc. Base colours show reindeer herding enterprises. The preliminary map which has been prepared covers the entire NAO (see separate attachment). Maps: W. Dallmann



Tundra damaged by oil drilling. Varandey area, Nenets Autonomous Okrug. Photo: Yasavey

Innovative model of aboriginal ecotourism in Russia

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The term ‘aboriginal ecotourism’ is here used for activity in this economic sector, which is organised and implemented by the Indigenous Peoples of the Russian North, Siberia and the Far East (referred to as Northern indigenous peoples hereafter). The purpose of this activity is to ensure sustainable use of land resources, including biological diversity; another purpose is to achieve a sustainable economic situation for the aboriginal population.

There is no efficient aboriginal ecotourism model in Russia yet; it has to be developed. We have clear prerequisites for this. There are two principal prerequisites: resources for environmental and ethnic tourism in the vast area populated by Northern indigenous peoples on the one hand, and, on the other hand, the great number of their communities that want to participate in tourism developments.

CSIPN has shown initiative and developed a project aimed at creating an innovative model of aboriginal ecotourism in Russia. The European Commission supports the project, which will start in 2006. The overall task is to assess the potential and the investment opportunities, and to establish the information and human resource base for sustainable development of ecotourism in the indigenous areas. This work will be done in three model regions, namely, in Yakutia, Primorye and Kamchatka.

The project will work at creating a tourism model with reliance on the Northern indigenous peoples’ representatives and for the benefit of their communities. After the model is developed and tested, and after the methodologies and the organisation tools have been analysed and tested also, this model can be distributed to other Russian regions populated by Northern indigenous peoples.

The project will progress in the following four directions:

- development of a general plan (a strategy) of ecotourism development with reliance on the capacity of the Northern indigenous peoples, and elaboration of a suitable tuition course;
- development of strategic plans for organizing ecotourism with reliance on indigenous peoples’ resources;
- creation of regional and local partnerships for development of the ecotourism;
- training the Northern indigenous peoples’ representatives

in ecotourism as a kind of economic activity.

The project-borne geographical database will make it possible to produce mapping modules to assess investment capacities to promote sustainable ecotourism development in each region as well as to provide a basis for compiling tourist guides and advertisement materials.

Existing ICT⁹ standards make it possible to combine multi-layer regional databases on the Internet. This will produce a common ecotourism reference and data system covering the Northern indigenous peoples’ territories of traditional nature use.

All the three pilot regions are well known well for their tourism potential. A certain proportion of their potential is already in use, but benefits of tourism do not reach the indigenous peoples. The project’s goal is to rectify this. Representatives of the indigenous peoples’ communities of the three major regions will for the first time be able to participate in training in the basics of organizing and developing ecotourism as a sustainable business of their own and in their native territories.

The proposed project is an innovation to Russia. Its innovativeness lies in that it is not only designed to promote sustainable ecotourism (which is not yet the most popular type of tourism in Russia), but also strives to ensure sustainable ecotourism progress with reliance on the Northern indigenous peoples and for their benefit, as they are the least protected communities socially, economically and politically and who are also the most needy segments of the Russian community.

Environmental and the ethnotourism is destined to develop in such regions as Yakutia, Primorye and Kamchatka. The task of the project is to ensure that the process is well thought out and well coordinated and to make it sustainable. This will first be done by the active involvement of the Northern indigenous peoples in the tourism business. The mentality of these peoples is that of stability. Therefore, if the Northern indigenous peoples govern the tourism business development facilities on their own, this alone will guarantee stability for these projects as well as sustainable development in a broader sense of the word.

⁹ Information and Communication Technologies

INDIGENOUS PEOPLES:**Indigenous peoples of the North, Siberia and the Far East of the Russian Federation
Part IV***Galina Diachkova*

In ANSIPRA Bulletin No. 3 (Nov. 1999), No. 4 (July 2000) and No. 9 (June 2003), we introduced 34 indigenous peoples living in the Russia's northern areas. These belong to a list of 40 officially recognised "numerically small indigenous peoples of the North, Siberia and the Far East of the Russian Federation", according to the announcement of the Government of the Russian Federation № 255 of 24 March 2000 (for a complete list see ANSIPRA Bulletin No. 7, June 2002). Here we present a short introduction to another two of these peoples, the Soyot in the Republic of Buryatia, and the Taz in Primorye. We are planning to introduce the remaining peoples, the Chelkan, Kumandin, Telengit and Tuba (all in the Altai and adjacent areas) in the next issue of this bulletin.

Soyot**Self-designation (singular, ISO spelling):**

Sojon (Sojan, Sojot, Sojong)

Official names (plural):

Russian: сойоты Engl.: Soyot(s)

Other names (plural):

Russian: урянхайцы. In pre-revolutionary Russia the Soyots were designated as Tuvininas

Residence area(s):

Buryat Republic, Okinskiy and Tunkinskiy rayons

Population numbers:

17 th century	1500
1926 census	229
1995	1973
2002	2769

Rural population (% in RF):

42.8% (1995)

Ethnic affiliation:

Samodic group

National language:

The original Turkic language has vanished. Today they speak a Buryat dialect.

Affiliation of national language:

Altaic family, Ugro-Oguzian group, Uiguro-Tukuyuan subgroup

Status of national language:

In 2001 a spelling and grammar of the Soyot language was developed. A Soyot-Buryat-Russian dictionary was published in 2003.

Cultural centre:

Village Sorok

Ethnic % of total district population:

Okinskiy Rayon: 42.8% (1995)

Traditional culture:

Traditionally the Soyot were hunters; they pursued reindeer breeding for the purpose of transportion.

Ethnogeography:

Scientists assume that the Soyots are descendants of the most ancient Samodic population of the eastern Sayan mountains, which was later influenced by a Turkic population and changed their language. In the 17th century, there were probably about 2500 people. The name of the ethnic

group has developed from the root *soyon* or *soyan*; the latter is connected with the Sayan mountains. The Okinskiy Rayon in Buryatia, where the Soyots are concentrated, is bordered by the Todzhinskiy Rayon of the Republic of Tuva, where the Tuvinian-Todzhins live, and by the Khub-sogul Aymak in Mongolia, in the north of which the related Tsaatan people live. All three ethnic groups – the Soyots in Buryatia, the Todzhins in Tuva and the Tsaatans in Mongolia – are closely related in language, occupation and way of life. In the 19th century the Soyots assimilated largely into the Buryats, who migrated into the present territory of the Buryat Republic from the south. As a result of close cultural contacts with the Buryats a second change of language occurred, the Soyots adopted cattle breeding, started partially to use Buryat clothes and food, and adopted a lamaist religion. They live now in the west of Buryatia.

Lifestyle and subsistence of rural population:

In the past the Soyots were hunters and taiga reindeer breeders. Their basic subsistence was hunting game (Baikal elk, reindeer, wild boar, etc.), birds and fur mammals using traps, including snares and self-triggered arrows, and *manza* bows. Reindeer, in herds of up to 30 head, were used for transportation. A hunter had three riding deer. The deer were milked once or twice a day. Their meat was seldom eaten. On the Sayan mountains a taiga form of reindeer breeding developed, mainly aimed at breeding pack and riding animals, which is consequently called the Sayan type. The Sayan type is a residual form of reindeer breeding from the ancient population of the Sayan-Altay region. From here the Karagas breed of reindeer was derived.

At the beginning of the 20th century diverging economic activities emerged among the Soyots: reindeer breeding combined with hunting; reindeer and cattle breeding in combination with fur farming; and cattle breeding and farming. In the 1930s collectivisation started in the USSR and the inhabitants of Siberia who were still nomads were forced into a settled way of life. Reindeer husbandry was converted into socialistic enterprises and people were permanently settled in the settlements of Sorok, Khurga, Bokson, Orlik and on numerous cattle-breeding farms. The Soyots were compelled to switch to Buryat-style husbandry, including breeding yak, khaynyk (a yak-cow hybrid), cows, horses and sheep, while adopting more gener-

ally the Buryat way of life. Reindeer herds were kept in the collective farms to provide transport during winter hunting in the mountain taiga. In 1963 reindeer breeding was abandoned in the Okinskiy Rayon, in accordance with the decision of the government of the Buryat ASSR. Later, a state farm was established on the best hunting grounds of the former Soyot lands. Since then the Soyots have remained without hunting grounds. With the loss of hunting and reindeer breeding, the traditional Soyot lifestyle, together with the Turkic Soyot language and much of their culture, was finally abandoned. People even forgot their self-designation. During the last decades of the 20th century the majority of the Soyots considered themselves Buryats, which, besides some cultural interaction, contributed to a common worldview and shared folklore.

Modern development:

In 1992, on the initiative of aborigines from the village of Sorok, on a village meeting, the Soyot Cultural Center was established. Its aim is to promote the cultural and spiritual development of the Soyot and to revive their traditional crafts. The Soyot Cultural Centre also represents the Akhalar Foundation, a public charitable environmental organisation that deals with environmental issues.

Taz

Self-designation (singular, ISO spelling):

Tadzy, Daczy (Chinese)

Official names (plural):

Russian: тазы Engl.: Taz

Other names (plural):

Tadza, Manzu tadza, Solon tadza (Mongolian)

Residence area(s):

Primorskiy Kray, Olginskiy Rayon

Population numbers:

1872	638
1902	782
1910	554
1959 census	154 (under the ethnic group designation "Udzhegutsy")

1971	172 (acc. to a study by Yu. Sema)
1989 census	203
2002 census	276

Rural population (% in RF):

Mainly a rural population

Ethnic affiliation:

Tunguso-Manchurian group

National language:

A northern Chinese dialect. Vanished.

Status of national language:

Today the Taz speak predominantly Russian.

National district:

Olginskiy Rayon

Traditional culture:

The main occupations in the past were hunting, fishing and gathering; from the end of the 19th century farming and livestock breeding.

Ethnogeography:

The Taz, an ethnically mixed group, live in the south of the Primorskiy Kray (Primorye Territory) in the Olginskiy Rayon. In the 19th century and the beginning of the 20th century the lands inhabited by the Taz were assigned to the Southern Ussuri Okrug. During the Soviet period they were virtually invisible in public censuses. The ethnic group was formed by Tungus elements close to Nanai, Udege, Orochi, etc. The Taz settled in the valleys of the rivers Tadushi, Sudzukhe, Tetyukhe and Avvakumovka.

Lifestyle and subsistence of rural population:

The lifestyle of the Taz in the past was based on hunting, fishing and gathering. They hunted moose and Baikal elk in the summer, in the winter sable and squirrel, and birds in both autumn and winter. Their hunting kit included bows, nets, various sorts of wooden traps, snares, bow-ejected lassos and self-triggered arrows. Fishing had minor importance. At the end of the 19th century agriculture and animal farming were adopted under Chinese influence. Words for the main agricultural crops, tools, techniques and terms related to work in the natural environment are connected with Chinese culture. Housing is similar to that of Nanai and Udege with respect to construction and design.



NOTES:**Main development directions of the Northern indigenous peoples for 2006-2008**

27.01.2006

<http://www.vostokmedia.com/news.details.php?id=57597>

Main development directions of the indigenous peoples living in the Khabarovsk Territory for 2006-2008 were discussed today at the session of the regional government, a correspondent of "Vostok-Media" reported. In his talk Gennadiy Pocherevin, Vice-Chairman of the government and Minister for natural resources, pointed out that recent measures have resulted in an increase of the indigenous population in the Amur region and their employment rate raised by one third.

Pocherevin, as well as other speakers, including Yuriy Donkan, general director of the joint-stock company Indigenous Community Amur, Sinda village, head of the national fishing co-operative Sikau Pokto, Kondon village, Yuriy Dankan, head of Ulchskiy municipal district, and Galina Volkova, president of the regional public organisation "Association of Indigenous Peoples of Khabarovsk Territory", emphasised that indigenous people nowadays are progressively involved in non-traditional occupations, which not only helps them to survive but also provides new jobs and increases the prosperity of the indigenous population of the Amur River valley.

Among these occupations are wood and fish processing, brick production and trade. The number of factories has increased from 125 to 183 while the volume of production has almost doubled. In villages, new cultural centres, schools, shops and youth centres were opened. Indigenous peoples' enterprises and communities were handed cold-storage plants and refrigerators, equipment for processing of non-wooden forest resources, power-saw benches, mini bakeries, equipment for satellite connection and other resources, amounting to 31 million rubles in value.

Training of skilled personnel is of special importance. In the Far Eastern University of the Arts, a department of Northern peoples was established. A regional training school for leaders of indigenous enterprises was formed, from which 180 persons already have graduated.

Great anxiety was expressed concerning pollution of the Amur River that damages fish stock. Fish is one of the main sources of food for the indigenous people so this is particularly worrisome. Most of the fishing enterprises have to close down, while there are no other sources of income for the population of remote villages.

The resolution adopted during the session deals with other problems as well. For example, it was decided to develop wood processing in the denser residence areas of indigenous peoples. In case of another accident at a chemical plant in China¹⁰ they can fish in the sea and in other waters and rivers that would not be polluted by the accident.

¹⁰ On 13 November 2005 an explosion took place at Jilin Chemical Industrial Co. plant (a PetroChina benzene factory) at Jilin, a city about 380 kilometers up river from Harbin. The explosion led to an outpouring of around 100 tonnes of chemicals, mainly benzene, into the Songhua river. The Songhua River runs into the Amur River and then into Russia. (The Editor;

Draft Conception of Sustainable Development of the Russian Arctic presented in Moscow

22.02.2006

RAIPON Information Center

The Draft Conception of Sustainable Development of the Russian Arctic was presented on 17 February by Yuriy Perelygin, Director of the Department of Regional Social and Economic Development and Regional Planning, during the session of the enlarged Board of the Ministry of Regional Development. According to Perelygin, the project is now being considered by various ministries and agencies to be presented in a government session on 1 June 2006.

Perelygin's talk stimulated a lively dispute among the participants of the session, REGNUM Information Agency reported. It was pointed out that social, economic and environmental problems of the Russian Arctic urgently need to be solved, in particular, by determining the southern boundary of the Arctic zone and establishing relevant social guarantees for the population of this zone.

Vladimir Yakovlev, Minister of Regional Development, said he had already discussed the problems of the peoples of the Arctic twice during his meetings with President Putin. The minister also discussed the necessity of passing the federal law "On the Arctic Zone of the Russian Federation" and supported the idea of establishing a working group within the Ministry of Regional Development to draft the relevant legislation.

Coordinating Board of Northern indigenous peoples established in Murmansk Oblast

29.04.2006

RAIPON

A Coordinating Board affiliated to the Murmansk Regional Centre of Northern Indigenous Peoples was established, RIA Novosti reported. The board aims to formulate recommendations and proposals to improve indigenous peoples' living conditions, ensure their employment and safeguard their spiritual and physical well-being..

One of the main goals of the board is to promote implementation of a sensible resource management policy. The board will also assure cooperation between the regional authorities, local self-government institutions and public organisations, communities and reindeer-breeding farms.

The board includes representatives of tribal communities and Saami public organisations.

In the first session, the board considered amendments and supplements to the regional programme of economic and social development of the indigenous peoples living in the Murmansk Region.

from:

http://www.unep.fr/pc/apell/disasters/china_harbin/info.htm.

Representatives of Karelian ethnic associations believe former Committee for Ethnic Policy of Karelia was too enthusiastic about celebrations

03.05.2006

<http://karelinform.ru/>

At the end of last week a meeting of the leaders of ethnic public organisations of Karelians, Vepsians and Finns and the Head of the administration of Karelia was held, KARELINFORM was told by the press service of the Head of the Republic of Karelia.

As KARELINFORM reported earlier, Evgeniy Shorokhov, the former head of the State Committee for Ethnic Policy, was replaced by Vladimir Lavrentiev.

Expressing her opinion about the replacement of the head of the committee, Zinaida Strogalschikova, a president of the Vepsian Culture Society, said: "Lately, the committee has been too enthusiastic about celebrations. However, in many respects its activities were parallel to those of the Ministry of Culture while no attention was paid to social and economic development of the denser residence areas of the Karelians, Vepsians and Finns. He kept 'a spectator's position' when some urgent questions were discussed, such as teaching the Vepsian language at school, reforming institutions of local self-government, etc."

The representatives of ethnic communities said the committee is expected to put forward a legislative initiatives to protect the rights of the indigenous peoples of the Republic of Karelia.

They also discussed the inclusion of the Vepsians in the list of numerically small peoples of the North. This status ensures support for the Vepsians from the federal authorities as part of a special program.

Database of Northern indigenous peoples created (Yamalo-Nenets Autonomous Okrug)

03.05.2006

Maxim Pokrovsky, www.uralpolit.ru

A database compiling information on the social and economic conditions of the indigenous peoples of the North is being created in the Yamalo-Nenetskiy Autonomous Okrug. It is expected to contain very comprehensive information; therefore it is necessary to collect data on the entire population of the region, both settled and nomadic, on their ethnic composition, age and sex structure, number of students, number of people studying their mother tongues, housing conditions, and socially relevant diseases.

The database will also contain employment information including the ratio of people employed in various traditional economic activities to the number of the able-bodied citizens. Information on health care, educational and cultural institutions located in the principal residence areas of the indigenous peoples of the region will be included as well.

The larger aim of this project, according to the Department of Northern Indigenous Peoples' Affairs, is to facilitate the identification of problems and the formulation of interventions relating to the social and economic development of the Northern indigenous peoples, and to enhance the efficiency of state government and local self-

government. The database will also form an important component of the informational resources of the Okrug.

Recently, the Governor of the Yamalo-Nenets A.O., Yuriy Neyolov, has signed the resolution "On social support for individual categories of the indigenous peoples of the Yamalo-Nenets A.O.". It regulates financial aid for postgraduate students, external students and students from needy families who study in the Yamalo-Nenetsk A.O. and elsewhere in the Russian Federation.

Chamber of Representatives of the Indigenous Peoples established in the United Krasnoyarsk Territory

03.05.2006

www.regnum.ru/news/632897.html

The first session of the Chamber of Representatives of the Indigenous Peoples established in the United Krasnoyarsk Territory was held on 2 May in the Department of Public Relations of the Administration Council. In the session, organisational questions were discussed and a working plan for the current year was accepted. The participants of the session also considered prospects of the public policy of the authorities of Krasnoyarsk Territory concerning protection of the indigenous people's rights, problems of traditional nature use, and the territory's target programme "Peoples of the North" for 2007.

The Chamber's session is held on 2-3 May in Krasnoyarsk. Among the participants are representatives of the Department of Public Relations of the Administration Council of the Territory, the Department of Natural Resources and Forestry, the Territory's Administration Service for Control of Natural Resource Use, and others. A meeting of the members of the Chamber with the Governor of Krasnoyarsk Territory, Aleksandr Khloponin is planned for 3 May.

The Chamber is a consultative and advisory body established by the Board of Governors of Krasnoyarskiy Kray, Evenk A.O. and Taymyr A.O. to ensure the protection of the interests of the indigenous peoples in terms of integration. It is the first experience of interaction between the authorities and the indigenous population at such a high level. The Chamber includes eight members representing eight indigenous peoples living in Krasnoyarsk Territory, Taymyr A.O. and Evenk A.O.: Dolgans, Kets, Nganasans, Nenets, Selkups, Chulyms, Evenks and Enets. The recent formation of the Chamber was spurred by the unification of three regions¹¹.

The Chamber provides a guarantee for indigenous peoples' rights. The Chamber may become legally recognised as authorised to represent the indigenous peoples of the United Krasnoyarsk Territory in coordinating all deci-

¹¹ From 1 January 2007, the Krasnoyarskiy Kray (Krasnoyarsk Territory) will formally become a new, united administrative region under complete incorporation of the two formerly autonomous areas – the Taymyrskiy and the Evenkiyskiy autonomous okrugs. The question of uniting the regions has been discussed for many years and was decided by a referendum in all three areas on 17 April 2005. It is the Russian government's policy to reduce the number of administrative units in the RF. A similar process is going on about uniting the Kamchatka Oblast and the Koryak Autonomous Okrug.

sions affecting the interests of the indigenous peoples.

"The importance of establishing the Chamber lies not only in its legislative, economic and ethnic components. First of all, it is aimed at supporting the preservation of every indigenous minority", said Mark Denisov, the head of the Department of Public Relations of the Administration Council of Krasnoyarsk Territory.

A comment on the official list of indigenous peoples of the North, Siberia and Far East

06.05.06

RAIPON Inform. Center, summarised by ANSIPRA Bull.

On 17 April a decree approving the official list of indigenous peoples of the North, Siberia and Far East was passed. The list includes 40 peoples.

"It is an important event for the indigenous peoples, and it contributes to the realization of their rights provided by federal laws", Mikhail Todyshev said, director of RAIPON's Legal Center. "It should be followed by the government's approval of the list of residence areas of the indigenous peoples of the North, Siberia and the Far East. However, today the government has no power to pass such a decree insofar there is no federal law authorising the establishment of such a list. Moreover, no relevant commission has been nominated by the president."

According to Todyshev, the problem also is that the term "residence areas of the indigenous peoples of the North, Siberia and the Far East" is not applied in the current legislation. At the same time, many federal laws use the wording "areas of the traditional residence and subsistence economy". "In these areas special regulations concerning the nature use, including lands, mineral and water resources, should be established", Todyshev said. Thus, it is more important to determine the boundaries of the areas of traditional residence and subsistence economy of the indigenous peoples than their residence areas alone. This would allow to define the territories to which the federal target program "Social and economic development of the indigenous peoples up to 2011" and a number of federal laws could be applied. In areas of the traditional residence and subsistence economy, Territories of Traditional Nature Use can be formed.

Therefore, RAIPON proposes to the government of the Russian Federation to pass a decision on determining the areas of the traditional residence and subsistence economy. This would be a strong basis for passing relevant legislation at the federal level, and would help solving numerous problems concerning allocation of lands for hunting and reindeer-breeding to indigenous communities.

Far Eastern Federal Region pays attention to indigenous peoples' problems

26.05.2006

RAIPON Information Center

On 18 May, the Council under the Plenipotentiary of the Far Eastern Federal Region in Khabarovsk discussed the question of rights' protection and legitimate interests of the Northern indigenous peoples of this region. The indigenous population of the region amounts to 94,500, that is 33% of the total number of the indigenous peoples in the Russian

Federation.

Safeguarding protection of the constitutional rights of indigenous peoples is impeded by the lack of relevant federal legislation. For instance, the government of the Russian Federation has so far not adopted the provisions on territories of traditional nature use according to Clause 11 of the Federal Law No. 49 "On Territories of Traditional Nature Use of the Indigenous Peoples of the North, Siberia and the Far East of the Russian Federation". Moreover, the boundaries of the territories of the traditional nature use have not been determined yet. They also have not determined how lands will be allocated for this purpose. These lands are state property, according to the Paragraph 12, Clause 5 of the Federal Law No. 82 "On Safeguarding Rights of the Numerically Small Indigenous Peoples Living in the Russian Federation".

According to the current federal legislation, to enjoy certain social benefits the indigenous peoples have to prove their ethnic identity, which is no longer specified in Russian passports.

Since Clause 107 of the Forest Code became invalid according to the federal law No. 199, the Northern indigenous peoples lost their right of freely using forests to secure their traditional way of life.

Moreover, the federal target programme "Economic and social development of the numerically small indigenous peoples of the North up to 2011" does not provide funding for new equipment needed for traditional economy and business development, which is vitally important to solve the problems of social and economic development of the native population.

The Council members decided to prepare amendments and supplements to the new Tax Code and submit them for consideration to the State Duma. The idea is to ensure the free use of lands and natural resources, which is necessary for preserving and developing the traditional way of life and economy. This implies exemption from state duties for long-term hunting licenses and permissions to use water resources.

Amendments and supplements should also be introduced into the Forest Code concerning preferential terms for the indigenous peoples to use forests for their needs.

The executive bodies of the regions of the Russian Federation are recommended to consider possibilities for wider use of grant systems to support socially significant organisations of indigenous peoples, reported the press-service of the Plenipotentiary.

Administration of Koryak Autonomous Okrug keeps working on establishing territories of traditional nature use

30.05.2006

Ethno-Ecological Information Center "Lach", Petropavlovsk-Kamchatskiy

The draft resolution of the governor of the Koryak A.O., O.N. Kozhemyako, "On the approval of the 'Temporary Regulations on Territories of Traditional Nature Use of Regional Level in the Koryak Autonomous Okrug', 'Regulations for the Interdepartmental Committee for Considering Appeals on Establishing Territories of Traditional Nature Use of Regional Level, and its Composition'", is pre-

ently agreed with the state authorities. Comments and confinements were obtained from the Departments of Water Resources, Forestry Agencies, etc., of the Kamchatka Region and the Koryak A.O.

The temporary regulations aim at settling the problems concerning the establishment of territories of traditional nature use at the regional level in the Koryak A.O. The territories are established to secure basis for a traditional way of life and traditional subsistence activities for the indigenous peoples, as well as for the non-indigenous segment of the

population who have adopted the indigenous people's life-style and who reside permanently in indigenous people's traditional lands.

The regulations determine the legal regime, specific issues of protection and control of the territories of traditional nature use, as well as sources of financial support, and regulate economic activities within these territories.

As a next step, the draft resolution must pass the obligatory governmental environmental expert evaluation.

NEW LITERATURE:

Reindeer Management in Northernmost Europe: Linking Practical And Scientific Knowledge in Social-Ecological Systems

B.C. Forbes, M. Bolter, L. Muller-Wille, J. Hukkanen, N. Gunsley, Y. Konstantinov (editors)
Hardcover - 397 pages, 1st edition (2006)
Springer-Verlag/Sci-Tech/Trade ; ISBN: 3540260870
<http://www.amazon.ca/exec/obidos/ASIN/3540260870/702-7499960-7924816>

The management of reindeer herds in northernmost Europe has been dramatically altered by changes in the environment, largely the result of human activities. This volume investigates the conditions upon which human-reindeer relations have been based, as well as those necessary for future reindeer management. It consists of three parts: I: Herders and Reindeer: The Cultural and Socioeconomic Dynamics of Human-Animal Relations II: Reindeer Herding - Effects on Soils, Soil Biota, and Vegetation III: Integrative Models for Reindeer Management: The Interface Between Social and Natural Sciences The results of process-oriented field and laboratory studies by scientists are efficaciously supported by those from research involving herders and their experience-based knowledge. In Northern Fennoscandia and Northwest Russia the issue is not just the conservation of the natural environment of reindeer, but also the survival of the Sámi, the northern indigenous people who herd them.

Traditional knowledge, culture and land use of Indigenous Peoples of the North.

Edited by RAIPON in cooperation with CSIPN. Drawings: Murashko O.A.

In this book you can find sketches, devoted to the most widespread ways of traditional land use and knowledge derived from them. Moscow, 2005. 116 p.

The publication introduces the readers to the traditional culture, nature use and knowledge of indigenous peoples of Russia's North. It is a collection of essays focusing on the mostly widespread types of traditional nature use, the ensuing knowledge gained by indigenous peoples and kinds of economic activities. This book is meant for a wide scope of readers, indigenous peoples themselves, representatives of decision-making authorities having an impact on the life of the Northerners as well as for all those willing to know more about the real life of the peoples of the North in the recent past and present.

Series: Library of Indigenous Peoples of the North:

(CSIPN: Center for the Support of the Indigenous Peoples of the North)

Manual for organisation of work with documents. Holding meetings and negotiations [Организация работы с документами. Проведение совещаний и переговоров]

Edited by CSIPN. Drawings: Bocharnikova T. B.
Issue 9. Moscow, 2005. 54 p.

A manual for communities of indigenous peoples of the North, Siberia and Far East of the Russian Federation.

Considerations for indigenous peoples in decision-making on georesources [Учет интересов коренных малочисленных народов при принятии решений в сфере недропользования]

Kryukov V.A., Tokarev A.N.
Issue 10. Moscow, 2005. 172 p.

The aim of this book is developing basic abilities to become more successful and effective in asserting the interests of indigenous peoples of the North, Siberia and the Far East with respect to drilling projects in territories of traditional land use, taking into account Russian and foreign experience.

Indigenous peoples and international cooperation

[Коренные народы и международное сотрудничество]

Mads Faegteborg
Issue 11. Moscow, 2005. 74 p.

This book is intended to teach the reader knowledge about some of the most important mechanisms, which concern indigenous peoples. These mechanisms are adduced in the form of short descriptions of those organisations, which are in charge of making international conventions, policy, programmes and projects.

Encyclopedia of indigenous peoples of the North, Siberia and the Far East of Russian Federation [

Энциклопедия коренных малочисленных народов Севера, Сибири и Дальнего Востока Российской Федерации]

Turaev V.A., Sulyandziga R.V., Sulyandziga P.V., Bocharnikov V.N.
Moscow, 2005. 464 p.

MEETINGS AND CONFERENCES:

**Reindeer civilisation present and past
Ethno-historical, archaeological and anthropological perspectives**

19-21 October 2006, Juan-les-Pins, France

CEPAM (Centre d'étude Préhistoire, Antiquité, Moyen Âge – Centre of Prehistoric, Antique and Middle Age Studies)

CNRS (Centre national de la recherche scientifique – National Scientific Research Centre)

In a prehistoric context the degree of human group mobility is a direct reflection of different resource exploitation strategies within a given territory. Defining the degree of mobility, therefore, the assessment of the extraordinary adaptation faculties of mankind to the major climatic changes that the earth has been subjected to during the Quaternary period.

The reconstruction of forms of mobility is based on functional characterisation and description of sites, on possible discrimination of their respective importance and status, and on an assessment of their role in subsistence strategies. Sites can thus be linked to one another in order to put forward a model of social and economic organisation.

At the end of the Palaeolithic, when Western Europe was subjected for several millennia to quite drastic economic conditions, the hunting of reindeer was often at the heart of the subsistence economy.

It has been systematically argued that the hunting of this animal was at the basis of the logistical organisation of hunters. Other subsistence strategies, such as the gathering of plant and animal foodstuffs (like fishing and foraging of wild grasses and vegetables), were considered to be only complementary and possibly seasonal activities. Hence group mobility was closely related to the behavioural patterns of reindeers and, more specifically, to their migrations and movements.

Despite their apparent standardisation, the various technical systems that derive from this economic strategy present an extensive range of different specific and slight variations that can be related to the environmental context. To a certain extent, this diversity of technical systems could be a picture of social complexity. Given the chronological lack of precision for these periods, it is often difficult to distinguish between what results from strategies of adaptation to specific ecological conditions (climatic change or geographical particularities), and what is the consequences of cultural choice and preference.

The vast territories of Siberia are an ideal setting for the observation of the behaviour of humans and animals living in a biosphere comparable to that of the abovementioned prehistoric periods. The different traditions and lifestyles of indigenous communities (Chukchi, Koriaks, Evenks,...), be they related to the economic, social or symbolic spheres, are all based on the ever-present reindeer.

Major differences in logistics and organisation can be noticed among Siberian groups: they are in part linked to

cultural particularities of the various human groups, but also to substantial variations in ecological conditions within this zone. Between 63° and 70° north, climatic variations are spectacular and plant formations show extremely varied forms, both in structure and in composition (from the permafrost of the Tundra to the coniferous forests of the Taiga). This variability accurately reflects the biodiversity of the environments inhabited by Palaeolithic bands during the cold spells of the Quaternary.

Each biological zone presents unique and special characteristics in terms of seasonal contrast and potential resources (particularly plant resources). This specificity is paramount to subsistence strategy, since it develops differently in time and space according to whether one finds oneself in an ecosystem or another.

Similarly, technical and symbolic systems can show different degrees of complexity. The different parameters influencing systems based on the exploitation of reindeer can be assessed and studied in the Siberian region.

The aims of this symposium will be:

- To present interdisciplinary models based on present-day observation that can partly be transferred to the past for understanding of prehistoric systems. Speakers should emphasise applications to archaeological environments, diets, structures, material culture and symbolic notations.
- To justify application of data from present day to archaeological contexts.

This symposium will constitute the first synthesis of the ACI-French Ministry of Research, Field, techniques and theory - Biological and cultural adaptation: the system reindeer.

Further information:

<http://www.cepam.cnrs.fr/index2.php?page=coll/collsben>

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APPEAL:**Indigenous peoples should not face their troubles alone!****An appeal to the indigenous peoples of Russia and abroad**

Brothers and sisters!

On 21 April 2006 an earthquake with a magnitude of 8 on the Richter Scale struck the Olyutorskiy District of the Koryak Autonomous Okrug. Four settlements, including the homes of more than 4,500 people, were located in the most heavily shaken zone. Thirty-seven people were injured during the earthquake. Thankfully, none were killed. In the villages of Korf and Tilichiki, many buildings have been greatly damaged, including the hospital, the school, two kindergartens, and four thermoelectric stations. All heating and electricity systems have also been destroyed.

The Olyutorskiy District is located in the Far North of the Kamchatka Peninsula. During this time of year, average temperatures in this area remain below -15 degrees Celsius. Last weekend more than 534 people were evacuated from the affected villages, including 271 children.

The underground tremors are still continuing. For the last three days, 19 earthquakes, many reaching 5 points on the Richter Scale, have continued to strike the area of Cape Olyutorskiy. The smell of hydrogen sulphide was noticed coming from one of the rivers in the Olyutorskiy district. People are afraid to go back to their houses. The indigenous representatives who live in the disaster area do not want to be evacuated.

There is an 80% chance of a second major earthquake striking the area, according to the assessment of the Kamchatka branch of the Russian Expert Council on Earthquake Prediction. This second earthquake could reach a magnitude of 7.4. The question of evacuating the entire popula-

tion of the villages of Korf and Tilichiki is being discussed in the Koryak Autonomous Okrug.

The Kamchatka Regional Association of Indigenous Peoples of the North, together with the Itelmen People Council "Tkhsanom", announces a fundraising effort to provide help to the people of Olyutorskiy District who have suffered from these earthquakes. We urge you to give help to our fellow tribesmen who are the hostages of disaster and who are without a roof over their heads in the severe conditions of the Far North.

All of the collected donations will be given to the local Association of the Indigenous Peoples of the North in the Olyutorskiy District. Any donations you can give, however small, will be of great help to the earthquake victims. It is not known where the disaster will hit next. A demonstration of unity of the indigenous peoples will help to strengthen the spirit of the victims and show that they will not have to face their troubles alone.

We ask you to make a charitable contribution and help from the bottom of your heart!

Beneficiary: Zaporotskiy Oleg Nikitovich, ACC
42301978600810010017

Beneficiary Bank: Bank of Moscow, Rojestvenka 8/15
str.3, Moscow, Swift code: MOSWRUMM, Corr/account
with Dresdner Bank AG, Frankfurt/Main, SWIFT code:
DRESDEFF
30301978200000000081 Kamchatka Branch, 18 Leninskay
Street, Petropavlovsk-Kamchatsky, Russia.



*Reindeer herding in
the winter tundra, Ya-
kutia.
Photo:Livia Monami*

Translations from «Мир коренных народов – живая арктика (Indigenous Peoples' World – Living Arctic)»

According to an agreement between ANSIPRA and RAIPON (Russian Association of Indigenous Peoples of the North), we present translations of selected articles of the newsletter «Мир коренных народов – живая арктика» (Indigenous Peoples' World – Living Arctic), the official periodical of RAIPON. The following part of this issue presents translated articles from Indigenous Peoples' World No. 18, 2005.

Russian State Duma delegates refuse to guarantee representation of Northern indigenous peoples in regional parliaments

Irina Kurilova and Olga Murashko

A short time ago the Russian Federal Government proudly announced in its 1st and 2nd Periodic Reports to the Council of Europe's Advisory Committee on the Framework Convention for the Protection of National Minorities saying that it had created mechanisms to ensure the participation of indigenous peoples in the regional parliaments. Only two and half years ago, in March 2003, with the support of the government of the Russian Federation and the representatives of both houses of the Federal Assembly we held a roundtable with our foreign colleagues, under the title "Indigenous peoples of the North, Siberia and Far East and the parliamentary system in the Russian Federation: reality and perspectives". Russia exchanged experiences with other circumpolar countries, including Canada, the USA, Norway, and Denmark. We had something to speak about and to take pride in.

And suddenly the rule, which had guaranteed Russian indigenous peoples participation in regional political fora, was severely undermined through article 13 and some other provisions of the federal law "On the guarantees of the rights of the numerically small indigenous peoples of the North of the Russian Federation"— the notorious Federal Law No. 122, also known as "the law on the benefits of monetisation".

RAIPON and the regions of the Russian Federation, which for quite a long time have been developing parliamentary bodies for the Northern peoples that would not conflict with Russian legislation, are trying to mend the situation and restore the guarantees of the rights of the indigenous peoples. But, as the recent events in the State Duma that are described below show, the majority of the delegates is not ready to accept the suggestions coming from the regions of the Russian Federation.

The State Duma of the Yamal-Nenets Autonomous Okrug introduced to the State Duma of the Russian Federation the bill "Amendments into #4 of the federal law 'About the general principles of the organisation of legislative and executive bodies of the state authority in the subjects of the Russian Federation'".

On 19 October 2005, at the Plenary Meeting of the State Duma of the Russian Federation, Sergey Kharyuchi, President of the State Duma of the Yamal-Nenets Autonomous Okrug and President of RAIPON, presented the main ideas of a bill that would make possible a quota representation of

indigenous peoples in the country's regional parliaments.

The President of the Committee on Federation Affairs and Regional Policy, Viktor Grishanin, read aloud the committee's conclusion..

Clause 18 F3 of the federal law "On the Main Guarantees of Electoral Rights and the Right to Participate in a Referendum of the Citizens of the Russian Federation" guarantees the electoral rights of indigenous peoples. The law permits, in indigenous residence areas, that their representation in an elected assembly can deviate by as much as 40% (plus or minus) from their actual proportion in the constituency's population.

Point 3 Clause 1 F3 admits that the regional laws of the Russian Federation can guarantee the right to vote and to take part in a federal Russian referendum, complementing the guarantees provided by the abovementioned federal law. However, according to the Committee's opinion, "strengthening of the guarantees for the mentioned category of people will derogate the right to vote of other citizens who live in the territory of the corresponding region of the Russian Federation, but not related to the indigenous peoples, which does not conform to Article 19 of the Constitution of the Russian Federation". Moreover, the Committee thinks that the bill presents no concrete notion of the representation quota. Further it was mentioned that the setting up candidates for deputy representatives is already regulated by Chapter V of the Federal Law 'On the Main Guarantees ...', which is one of the main guarantees of the citizens' right to vote. In view of the above, the Committee on Federation Affairs and Regional Policy recommended that the bill should be rejected as unconstitutional. It was also recommended to be refused by the Committee on Nationality Affairs, and? a negative comment was received from the Government of the Russian Federation. Consequently the bill was not passed. The results of the voting on the bill are the following:

- 94 delegates (20.9%) voted affirmatively
- No delegates voted negatively
- No delegates abstained
- 94 delegates (20.9%) voted
- 356 delegates (79.1%) did not vote

Result: no decision made.

Petr Stanislavovich Volostrigov, the representative of

the Duma of the Khanty-Mansiysk Autonomous Okrug (Yugra) and member of the Federation Council, supported the bill.

In the following we publish the speeches of Sergey Kharyuchi and the comments of Mikhail Todyshev, who also was present at this State Duma meeting.

Speech at the plenary meeting of the State Duma of the Federal Assembly of the Russian Federation, 19 October 2005

Sergey N. Kharyuchi, President of the State Duma of the Yamal-Nenets Autonomous Okrug

Distinguished delegates, colleagues! The legislative initiative of the representative body of the Yamal-Nenets Autonomous Okrug is based, above all, on the world experience of the representation of national minorities. There is a wide spectrum of forms for safeguarding the political representation of national minorities.

There are countries like Denmark, Spain, Canada, Finland and China, where the representation of autonomous areas or indigenous peoples' residence territories is defined. Others define the representation of national minority groups or associations (Hungary). In the Republic of Croatia ethnic communities, which make up more than 8% of the population have the right to be presented in the legislative and executive bodies. In Romania they have the right for one seat in parliament, even if during the elections the representative of the national minority was not elected. In Columbia's congress two places are reserved for representatives of the indigenous communities.

Courts of many European countries, including Hungary and Germany, support the possibility of guaranteed representation of national minorities in public authorities.

Second, we also based our bill upon the national experience of ensuring additional guarantees of the electoral rights of this category of the population, which is diverse. It is important to mention that already in 2002, at the meeting of the Council of Europe's Advisory Committee on the Framework Convention for the Protection of National Minorities, the Russian Federation in its report marked as a positive fact the experience of several regions of the Federation, particularly the Yamal-Nenets and Khanty-Mansiysk autonomous okrugs. In Russia's report of 2005 the same regions were recognised as model regions in terms of implementation of the provisions of the Framework Convention.

In the Yamal-Nenets Autonomous Okrug three parliamentary mandates are reserved for representatives of indigenous peoples and are elected by the population of the Autonomous Okrug.

In the Khanty-Mansiysk Autonomous Okrug there are three delegates (formerly five) elected by the okrug population; these form the Indigenous Peoples Assembly. The Congress of the Indigenous Peoples nominates deputy candidates for legislative bodies. It is remarkable that representatives of any ethnic group can be nominated for deputy.

The Sakhalin Oblast had its own way of solving the issue. In 1994 the regional Duma introduced the position of an Indigenous Peoples' Representative of the Sakhalin Oblast. This representative is also elected at the regional Congress of indigenous peoples, answers directly to the President of the Oblast Duma, has the right of legislative

initiative and is paid as a Sakhalin Oblast Duma delegate, but without the right of voting on Duma decisions.

Other administrative regions of the Russian Federation have other ways of handling this delicate issue. It should be noted, distinguished colleagues, that the experience of the application for indigenous peoples' representation quotas in some parts of the Russian Federation showed that this representation has had a positive impact on the relations between the mainstream population and the indigenous peoples, between oil and energy companies and traditional indigenous communities. As a result, the laws passed at the regional level are always well-considered, mainly those concerning environmental issues and the use of natural resources in the interest of the entire population of the territory. Creating interethnic concordance in the territories promotes solving industry development and economic problems in a reasonable way.

The goal of representation (not necessarily limited to the Northern indigenous peoples) is to provide legally equal participation of the indigenous peoples in political processes, in the governing system, and a real possibility to control their own development. It does not distort the representative system in any way, which has been proved by global and national experience. The opinion and the decision of the majority remains decisive anyway.

It has been recognised at the international level that indigenous peoples' cautious attitude towards nature has helped to preserve about 20% of the world's most valuable lands in terms of biodiversity. Therefore, the level of rights provided to indigenous peoples for preservation of their original way of life and land use is in essentially an indicator of the potential of sustainable development for the state.

The bill submitted for your consideration suggests the regulation of this issue by federal legislation, as envisaged by paragraph 3 of article 1 of the federal law "On the Main Guarantees of Electoral Rights...", which states that "... can be established the guarantees for the elective franchises and the right to participate in referendum for the citizens of the Russian Federation".

Comments after the meeting of 19 October 2005

Mikhail A. Todyshev, RAIPON

Yamal's legislative initiative is aimed at setting additional guarantees of electoral rights for the most socially, economically and politically vulnerable category of citizens – the Northern indigenous peoples. Paragraph 3 of article 1 of the federal law "On the Main Guarantees of Electoral Rights ..." stipulates their implementation in the regions of the Russian Federation. For some reason, when the bill was being passed, none of the delegates mentioned that it would contradict the principle of everybody's equality before the law. Based on the same principle, the Constitution of the Russian Federation itself favours children, disabled people, women, national minorities and indigenous peoples (article 69) in a number of articles. These groups of citizens are picked out by the legislator because of their especially vulnerable position, which requires additional privileges and state guarantees. For this reason, the characterisation of the proposed bill as violating article 19 of the Constitution is wrong.

The determination of a representation quota is not required in this bill. It can be determined freely in the re-

gional legislations. And strict limitations of the conditions and order of candidates for deputy nomination are groundless in this case, because the legislative initiative does not pretend to introduce a new main guarantee of the electoral rights. The bill only suggests additional guarantees of electoral rights, which can be expressed in different forms, such as quotas, representation etc.

Which conclusion can be drawn from this?

We witness a deviation of the Russian Federation from the earlier proclaimed principles of protection of the indigenous people's rights according to internationally recognised principles, rules and international agreements. Unfortunately, the State Duma delegates, rejecting this legislative initiative, did not take into consideration Russia's international obligations, following the ratification of the Council of Europe's Framework Convention for the Protection of National Minorities. It is not clear when the Gov-

ernment is telling the truth: through the negative resolution for the bill signed by the vice-chairman of the Government Aleksandr Zhukov, or through the 1st and 2nd Periodic Reports of the Russian Federation to Council of Europe's Framework Convention for the Protection of National Minorities.

The reports show the examples of the Yamal-Nenets and Khanty-Mansiysk autonomous okrugs as well as the Sakhalin Oblast as positive experience of the implementation of the provisions of the Framework Convention, of making political decisions in terms of quota representation of the indigenous peoples in legislative (representative) bodies of state authorities of the Russian Federation.

In the present situation we have no other choice than to prepare a parallel report to the Council of Europe's Advisory Committee on the Framework Convention for the Protection of National Minorities.

Indigenous peoples of the North, Siberia and Far East and exploitation of georesources

Olga Murashko

The Constitution of the Russian Federation guarantees indigenous peoples' rights concerning widely recognised principles and rules of international law and international agreements signed by the Russian Federation. Since the middle of the 1990s a series of federal laws has been passed which satisfy internationally recognised legal principles and rules. However, during the last few years, an inexplicable tendency of refusing or ignoring these principles has developed. Various already adopted laws aimed at guaranteeing the rights of peoples are gradually eroding, leading to the alienation of Russian legislation. This regrettable tendency is continued by the latest legislative initiatives of the Government of the Russian Federation, which aim at revising the Forest and Water Code as well as the Federal Law on Georesources.

International organisations, first of all the UN, currently develop and improve rules that secure indigenous peoples' rights in relation to the development of georesources. In 2004 the UN system approved the "Akwé: Kon Guidelines - Voluntary guidelines for the conduct of cultural, environmental and social impact assessments regarding developments proposed to take place on, or which are likely to impact on, sacred sites and on lands and waters traditionally occupied or used by indigenous and local communities."¹² These are supposed to be instructions for the negotiating parts and governments, taking into consideration the national legislation, when developing impact assessments. The UN Commission on Human Rights is developing the principles of free, prior, informed consent of the indigenous peoples concerning development projects affecting their lands and natural resources. In 2005 the World Bank issued the new edition of the Operation Policy and Bank Procedure that delineates the requirements towards the loaners who are planning development projects

in areas inhabited by indigenous peoples. Some of the leading mining companies that work in Russia were confronted with a lack of mechanisms regulating relations between indigenous peoples and extraction companies. For this reason they tried to develop their own guidelines based on international principles.

In spite of this general international movement the Russian government proposed the draft of the "Subsoil Law" to the State Duma in 2005, which completely ignores the issue of the relation between the state, georesource users and indigenous peoples.

The Russian Association of the Indigenous Peoples of the North (RAIPON) has brought up this question in the State Duma several times, during Parliament hearings and in working groups, and finally decided to address the guarantor of the Constitution, the President of the Russian Federation. Today, the status of the bill is uncertain. It has been withdrawn by the government in order to make it complete. Despite RAIPON's address, none of their representatives are included in the working group on the bill. RAIPON's address to the President of the Russian Federation concerning the draft "Subsoil Law" and the response of RAIPON to the bill remain relevant.

To the President of the Russian Federation, Mr. Vladimir V. Putin

Dear Vladimir Vladimirovich,

The Russian Association of the Indigenous Peoples of the North, Siberia and the Far East of the Russian Federation would like to express its concern because of the fact that the draft "Subsoil Law" (bill № 187513-4), submitted by the Russian Federation Government to the State Duma does not regulate nor even mention the issues related to the exploitation of georesources on the traditional residence and land use territories of the Northern indigenous people.

The life of the Northern indigenous peoples, which is

¹² 2004, Secretariat of the Convention on Biological Diversity

based on traditional land use, depends totally on the condition of their environment. This bill's ignoring the specific problems of the aboriginal environment and the traditional way of life contradicts the Constitution of the Russian Federation, the federal legislation, and international principles and rules concerning the protection of the rights of indigenous peoples.

Indigenous peoples' rights issues connected with the exploitation of georesources in their traditional residence and land use areas are juridically regulated in all countries of the Arctic region. These issues are not solved in the Russian Federation, which is an anachronism inadmissible under modern circumstances.

Taking into consideration that the state programmes of exploitation of georesources and most of the economic deposits are located on the traditional residence and land use areas of the Northern indigenous peoples, those issues should be regulated by Russian legislation. Not solving these problems may cause social tensions during the implementation of projects and vigilance of the investors, who are interested in the development of georesources in the Russian Federation.

Dear Vladimir Vladimirovich, we urge you to delegate corresponding tasks to the Administration of the President and to the Government of the Russian Federation to study the issue and regulate indigenous peoples' rights issues, connected with the exploitation of georesources in their traditional residence and land use territories, in the draft "Subsoil Law".

Enclosure: 2 pages

RAIPON President
Sergey N. Kharyuchi

Enclosure:

List of most acute issues that need regulation when exploiting georesources on traditional residence and land use territories of the Northern indigenous peoples.

The following provisions should be included in the draft of the federal "Subsoil Law" to regulate the exploitation of georesources on traditional residence and land use territories of the Northern indigenous peoples:

- to guarantee the participation of plenipotentiary representatives of indigenous peoples in carrying out ecological, ethnological and social expert evaluations of planned commercial activities connected with the exploitation of georesources, and in government bodies preparing and making decisions at all levels;
- to provide the conditions for getting preliminary, free and informed consent before giving the right to exploitation of georesources on traditional residence and land use territories of the Northern indigenous peoples;
- to oblige the georesource users to make amends to the indigenous peoples for the damage to the aboriginal

habitat and traditional way of life, caused by those carrying out the commercial activities, concerning all forms of property, according to special calculation methods for such damages defined by the Government of the Russian Federation;

- to safeguard the authority of the executive bodies of the regions of the Russian Federation to include in the terms of the license agreements with the georesource users the requirement or observance of guarantees for the indigenous peoples' rights, protection of their aboriginal habitat, as well as the authority to control the corresponding conditions of the license agreements;
- to provide in the terms of the auction, competitive or non-competitive provision of the right for exploitation of georesources on traditional residence and land use territories of the Northern indigenous peoples special deductions from the resource users' profits to the budgets of the regions of the Russian Federation aimed at the rehabilitation of the indigenous peoples and their adaptation to the new circumstances, which emerge as a result of the exploitation, for social and economical development programmes for those peoples, and signing of corresponding economic agreements on the compensation by the resource user with the representatives and communities of the indigenous peoples.

Besides including the abovementioned provisions to the draft federal "Subsoil Law", the following suggestions should be included as changes and completions to other federal laws and normative acts:

- Development and confirmation of methods of defining the damage and losses caused to the aboriginal habitat, traditional way of life and land use of the indigenous peoples by the activities of industrial companies, as well as land confiscation for state and municipal purposes.
- Development and confirmation of the order of defining the damage and losses caused to the aboriginal habitat, traditional way of life and land use of the indigenous peoples by the activities of industrial companies, as well as land confiscation for state and municipal purposes.
- Defining the order of deduction from the profits of industrial companies involved in the activities related to resource use and the order of making amends for the damage done to the traditional way of life and land use, as well as the lost profit to the economies of the indigenous peoples.
- Creation of a legislative base for the development of contractual relations between the indigenous peoples' representatives and their organisational institutions and economic subjects of all forms of property involved in the commercial activities on the traditional residence and land use territories of the Northern indigenous peoples.

Resolution of the “5th Congress of Indigenous Peoples of the North, Siberia and the Far East of the Russian Federation” (excerpts)

A complete version of the resolution will be posted on ANSIPRA's website at <http://npolar.no/ansipra/>

The delegates of the 5th Congress of the indigenous peoples of the North, Siberia and the Far East, plenipotentiary representatives of the 40 indigenous peoples of the Russian Federation, noted these negative consequences of modern social, economic and political processes:

- the destruction of the social infrastructure and the public system of medical, cultural, goods, social and transport provision in the places inhabited by the Northern indigenous peoples, as a result of which the indigenous peoples involved in reindeer herding and handicrafts, leading a permanent nomadic or semi-nomadic way of life, were completely isolated;
- a deep crisis in the traditional branches of economy, which form the basic life-support of the Northern peoples, as a result of ill-considered and swift privatisation of the main traditional means of production;
- a decrease of the amount of the indigenous peoples pursuing traditional occupations, as a result of which a general, permanent unemployment is noticed, which has led to impoverishment, abrupt increase of morbidity, especially through tuberculosis, and, as a consequence, to a mortality increase and a reduction of the life expectancy for Northern indigenous peoples;
- the non-effectiveness of the state measures on the preservation and support of Northern indigenous, regardless of the high vulnerability of the culture, language and ethnic identity of those peoples under the conditions of globalisation, which has brought over ten ethnic groups onto verge of disappearance, and led to the decrease of five indigenous peoples – an irreversible threat and cultural loss not only for the Russian Federation, but also for the global civilisation;
- the lack of the mechanism to implement Northern indigenous peoples' rights, guaranteed in the Constitution and the federal legislation of the Russian Federation in the domains of land use regulation, self-government, development of traditional occupations and cultures; there is no well-considered system of regional and branch laws and other normative legislation, which has made it impossible to implement the declared rights.

In order to safeguard the legal rights and interests of indigenous peoples under market economic conditions, it is essential to create additional mechanisms for ecological security to account for the industrial exploitation of traditional residence and nature use areas of indigenous peoples:

- regulate land and nature use of the indigenous peoples, providing gratuitous long-term use of land and traditional natural resources, which is essential for the preservation and development of their traditional way of life;
- regulate assessment and legal regulations concerning the negative impact of industrial use of natural resources as well as land confiscation for state and mu-

nicipal purposes in traditional residence and nature use areas of indigenous peoples;

- regulate social and economic development of the indigenous peoples and eliminate their unemployment through state support of modern development of the traditional livelihoods, like thorough reshaping of reindeer herding, fishing, sea fishing, gathering of wild plants and handicraft, and the marketing of their products;
- take into consideration the uniqueness of the traditional way of life and culture of the indigenous peoples when organizing medical services, the education system and other social services;
- regulate the representation of indigenous peoples in public authorities so that the indigenous peoples in their residence areas can be represented in electoral committees and can nominate deputy candidates and recommend people from their communities to be included in the corresponding party lists.

The delegates addressed with their requisitions and suggestions:

To the President of the Russian Federation

... to safeguard protection of the indigenous people's rights to lands and natural resources in the area of their traditional residence and traditional occupations according to universally recognised rules of international law, international treaties and the Constitution of the Russian Federation. Do not let our lands become the object of purchase and sale and destructive exploitation of natural resources.

...to establish the institution of a Plenipotentiary on the Rights of the Indigenous Peoples of the Russian Federation. Suggest that the Federal Assembly of the Russian Federation ratify the ILO Convention #169 of 1989 Concerning Indigenous and Tribal Peoples in Independent Countries.

...hold detailed assessments of ecological, economical and social impact of state programme implementation on the development of oil and gas deposits on the territories of the North, Siberia and Far East and the adjacent shelf on the environment and traditional way of life of the indigenous peoples and numerically small ethnic communities.

...to recommend that the Plenipotentiary Representatives of the President of the Russian Federation in the North-Western and Ural federal districts create advisory expert councils to deal with the problems of the indigenous peoples, which would include plenipotentiary representatives of the peoples of the North.

... not to allow to the import of nuclear waste products on the territories of residence and economic activities of the peoples of the North.

To the Federal Assembly of the Russian Federation

... to ratify ILO Convention #169 of 1989 Concerning In-

digenous and Tribal Peoples in Independent Countries.

... to develop and adopt Federal Laws:

- “On the Protection of the environment and traditional way of life of the indigenous peoples of the North, Siberia and Far East of the Russian Federation”, and
- “On the Plenipotentiary Representative of the Indigenous Peoples of the North, Siberia and Far East of the Russian Federation” taking into consideration the decision of the 5th Congress of the Indigenous Peoples of the North, Siberia and Far East of the Russian Federation on the recognition of RAIPON as the plenipotentiary representative of the indigenous peoples.

... to create by the President of the State Duma of the Russian Federation an Advisory Expert Council for Northern indigenous peoples’ issues; this council should include as members the leaders of the peoples of the North and delegates of legislative (representative) bodies of the administrative units of the RF from among indigenous peoples and relevant experts.

... to accelerate the development and adoption of federal laws and normative acts regulating issues of vital importance for the indigenous peoples of the North, Siberia and Far East of the Russian Federation concerning the following domains:

- reindeer herding;
- hunting and commercial hunting;
- preservation and support of cultures and languages of the peoples of the North;
- forming plenipotentiary representative bodies of the peoples of the North (including a Parliament of indigenous peoples),
- development of traditional forms of self-government of the indigenous peoples;
- preservation of cultural and spiritual heritage;
- education and health protection.

... abolish the rules of the Federal Law #122, which confine indigenous peoples’ rights and are in conflict with the Constitution of the Russian Federation.

... define the order of representation of the indigenous peoples in the legislative and executive bodies at federal, regional and local levels.

... provide the right of defining one’s ethnic identity in the identification documents of Russian citizens.

... make changes and amendments to the federal laws on the rights of the indigenous peoples to the federal and regional legislation, in accordance with the Constitution of the Russian Federation, including:

- to the federal law “On Nonprofit Organisations” in order to assign to the communities of the indigenous peoples of the North, Siberia and Far East of the Russian Federation the status of a legal entity;
- to the federal law “On General Principles of Organisation of the Indigenous peoples of the North, Siberia and Far East of the Russian Federation” in order to assign to the communities the status of an organ of territorial, social self-government of Northern peoples and an economic entity, corresponding to the traditional functions of unions of the Northern peoples;
- to the federal legislation on local self-government to preserve municipal formations with a population below 1000 inhabitants in traditional residence areas of Northern indigenous peoples;

- to the labour legislation of the Russian Federation changes should be made to decrease of uninterrupted length of service in order to set privileged pensions for reindeer herders from 25 to 20 years and restore the northern guarantees and compensations in it, envisaged by the law of the Russian Federation “On Government Guarantees and Compensations for Individuals Working and Living in the far North and equivalent areas”;
- to the federal legislation on natural resources – Land Code, Forest Code, Water Code, the laws “On Subsoil”, “On the animal world”, “On the Continental Shelf”, “On Strictly Protected Natural Areas”, “Agricultural Land Market Act” – the necessary changes and amendments ensuring gratuitous, long-term and priority land and natural resources use, which are essential for the preservation and development of the traditional way of life of the indigenous peoples and providing compensation when confiscating those lands and resources, making amendments for the damage caused by the activities of enterprises and organisations of all property forms.
- to create a legal basis for the development of contractual relations between the representatives of the indigenous peoples, their organisations and economic entities of any property form in the traditional areas of the indigenous peoples.
- to establish rules in the federal legislation to limit commercial involvement of indigenous peoples’ traditional areas.
- to develop and adopt the federal law “On Making Amendments and Addenda to the Law ‘On Education’ (‘On State Support of the Educational Institutions Located in the Agricultural Areas of the North, Siberia and Far East’).
- to make changes and amendments to the federal laws regulating the legal status of the indigenous peoples in the legal documents regulating the protection of original human environment and traditional way of life.
- to add ‘territorial-adjacent communities’ to the list of types of indigenous communities in articles 217 and 238 of the Tax Code according to the Federal Law “On General Organisational Principles for the Communities of the Indigenous Peoples of the North, Siberia and Far East of the Russian Federation”.

To the Government of the Russian Federation

... to develop and adopt the Conception of State National Policy toward the indigenous peoples.

... to develop the Conception of Sustainable Development of the indigenous peoples.

... to consider creating an executive authority to implement the state national policy toward the indigenous peoples to solve their social and economic problems and to regulate their social and labour rights to safeguard their traditional way of life.

... to revise and supplement the governmental resolution “On the list of the residence areas of the indigenous peoples of the North” taking into consideration the suggestions of the regional governments and RAIPON.

... to develop the necessary normative acts for the implementation of the federal law “On the Territories of Traditional Nature Use of the indigenous peoples of the North,

Siberia and Far East of the Russian Federation” of 11 May 2001.

... to make the necessary changes and amendments to the federal laws on natural resources, aimed at providing environmental security, and to give an adequate compensation for the damage done to the original natural human environment and traditional way of life of the indigenous peoples of the North, Siberia and Far East.

... to make the necessary changes and amendments to the Land Code and to the federal “Agricultural Land Market Act” in order to ensure gratuitous, long-term and priority land and natural resources use, which are essential for the preservation and development of the traditional way of life of the indigenous peoples.

... to make the necessary changes and amendments to the Tax Code of the Russian Federation in order to ensure gratuitous, long-term and priority land and natural resources use, which are essential for the preservation and development of the traditional way of life of the indigenous peoples.

... to bring in line with the federal legislation the normative acts related to the distribution of quotas and licenses, hunting and fishing rules, to provide guarantees for indigenous peoples’ right to a prioritised use of living resources.

... to develop and confirm the methods of defining the damage and losses caused to the aboriginal habitat, traditional way of life and land use of the indigenous peoples by the activities of industrial companies, as well as land confiscation for state and municipal purposes.

... to develop and confirm the order of defining the damage and losses caused to the aboriginal habitat, traditional way of life and land use of the indigenous peoples by the activities of industrial companies, as well as land confiscation for state and municipal purposes.

... to develop and confirm the order of making amendments for the damage and losses caused to the aboriginal habitat, traditional way of life and land use of the indigenous peoples by the activities of industrial companies, as well as land confiscation for state and municipal purposes.

... to define the order of deduction from the profits of industrial companies involved in the activities related to resource use and the order of making amends for the damage done to the traditional way of life and land use, as well as the lost profit to the economies of the indigenous peoples.

... to develop a federal regulation on measures of state support for the traditional economic occupations of the indigenous peoples.

... to define the order of participation of RAIPON as the plenipotentiary representative of the indigenous peoples in development and decision-making on issues related to the protection of original human environment and traditional way of life.

... to approve the order of annual adjustment of volume and objects of financing from the federal target programme “Social-Economic Development of the Indigenous Peoples of the North up to 2011” taking into consideration the suggestions of RAIPON and regional indigenous peoples’ organisations.

... to form an executive board of directors of the programme which includes indigenous peoples’ representatives.

... to develop and adopt a statement on the plenipotentiary of indigenous peoples in pursuance of the federal law “On

the Guarantees of the Rights of the Indigenous Peoples of the Russian Federation”.

... to make amendments to the regulation of the government of the RF No. 7 of 5 January 2001, related to funds for the regions of the Russian Federation having on their territory indigenous peoples, and of the right to indicate a person’s ethnic affiliation according to his/her desire.

... to introduce the practice of discussing and adopting an annual national report on the state of the indigenous peoples.

... to introduce annual statistics accounts of the social and economic development of the urban and rural indigenous population.

... to support the development of languages, education, culture and science of the Northern indigenous peoples, to develop and adopt a state target programme that would envisage the introduction of a continuous educational system, a programme of preservation, revival and development of the cultures, that would stipulate the creation of ethnic culture centres in the areas inhabited by the peoples of the North.

... to consider a prolongation of the registration period and recording of unemployment among indigenous representatives who live in remote places.

... to add the words “and ethnic groups” to the title of “List of the indigenous peoples of the Russian Federation” and include the Izhma-Komi reindeer herders in it.

... to work out a state programme concerning a “mobile” model of industrial development of natural resources in the traditional indigenous residence and activity areas.

... to create a national committee on the 2nd International Decade of the Indigenous Peoples of the World with representatives of the indigenous peoples on parity terms and suggest that the authorities of the indigenous residence areas create corresponding local committees.

... to develop and adopt a comprehensive activity plan for the implementation of the 2nd International Decade of the Indigenous Peoples of the World, taking into consideration the suggestions of the indigenous NGOs.

... to speed up the ratification process of the ILO Convention #169 of 1989 Concerning Indigenous and Tribal Peoples in Independent Countries.

... to propose the European Charter for Regional or Minority Languages for ratification by the State Duma of the Federal Assembly of the Russian Federation.

... to reconsider the development and implementation of the federal target programme “Social-Economic Development of the Indigenous Peoples of the North up to 2011”, to increase its funding using resources of the Stabilisation Fund and to strengthen the control over its intended use.

... to restore the programme “Children of the North”, financing the support of indigenous children and youth.

... to create a special body (committee or department) in the health and social security system to provide the development and implementation of measures on health protection and social security for the rural population of remote and poorly accessible Northern regions.

... to include ethnic and national educational problems of indigenous peoples on the priority list of the Ministry of Education and Science and develop a federal target programme concerning the development of education from 2006 to 2010 to increase the quality of education by modernizing the educational systems of the regions.

... to include a section of education and staff training on

the federal target programme “Social-Economic Development of the Indigenous Peoples of the North up to 2011”.

... to define development goals of educational programmes for the Ministry of Education and Science, that would take into consideration the traditional nomadic or semi-nomadic way of life of the Northerners; to provide necessary funding for publishing schoolbooks and fiction in the indigenous languages.

... within the framework of the federal programme “The Russian Language”, to monitor the linguistic situation for creating a glossary of the languages of the peoples, which will reflect their current social, linguistic, educational and cultural state.

... to prevent the reduction of grant applications to the main universities of the Russian Federation, in order to train specialists from among the indigenous peoples in the priority issues of their regions.

... to include the Herzen State Pedagogical University in the list of national universities of Russia; to preserve the plan of enrolment to the university of grant students (matriculated to the university at the place of grant issuing) for the regions at the level of 2004; to envisage funding the staff development programme by the Herzen Institute for the Northern peoples.

... to preserve the unique federal scientific Institute of Eth-

nic Educational Issues as an autonomous juridical person financed from the federal budget to develop the regions.

... to charge the Ministry of Agriculture to take into consideration RAIPON’s suggestions when preparing the decree “On the Order of Aquatious Harvesting Aimed at Safeguarding a Traditional Way of Life and Traditional Occupations” for the following year.

... to recommend the Federal Agency of Physical Fitness and Sports to include in their programmes annual ethnic sports competitions for indigenous children and youth, as well as art and crafts regional festivals to support health and bring up the children according to their ethnic traditions.

The delegates also addressed to the General Prosecutor’s Office of the Russian Federation, the bodies of state authorities of the Russian Federation subjects, the Russian and international NGO’s and to the RAIPON with their requisitions and suggestions.

The resolution was adopted by the 5th Congress of the Indigenous Peoples of the North, Siberia and Far East of the Russian Federation on 13 April 2005, supplemented by the Congress delegates’ suggestions and published on 6 June 2005.



Reindeer herding in the winter tundra, Yakutia. Photo:Livia Monami