

Access to adequate food

An issue resurfaced in 2021 that had basically been unresolved since the collapse of the Soviet Union: a continuing lack of understanding on the part of the Russian authorities of access to adequate food as a fundamental right of Indigenous Peoples.

During 2021, the Russian Federation continued to impose undue restrictions on Indigenous Peoples' access to shing resources, while affording preferential treatment to commercial shing enterprises.

In spring, Indigenous Peoples in the Far East were outraged at the impact of new shing regulations affecting several Far Eastern regions from Chukotka peninsula to Primorsky Krai, which had been adopted by the Ministry of Agriculture in 2020. Indigenous Peoples' and *obshchinas*¹ applications for shing quotas submitted under the old rules were rejected, as the new rules were applied retroactively. Even those Indigenous persons whose applications were not rejected had to wait for the authorities' decision until the shing migration season was almost over. At the same time, commercial enterprises received their permits on time, as always.

The new rules adopted by the Ministry² foresee a highly bureaucratic procedure for Indigenous Peoples when applying for quotas for traditional shing. Alexander Asmolov of the Russian Academy of Sciences referred to the new rules as an act of "cultural genocide" against the Indigenous Peoples.³

The new rules limit eligibility to Indigenous Peoples living in officially recognised "places of traditional residence and traditional economic activities of small indigenous minorities of the Russian Federation." The list of such places adopted in 2009,⁴ as well as similar lists compiled on the regional level, are criticised for being incomplete and outdated. In many regions, only some of the Indigenous Peoples were listed, while others were often left out and thus rendered ineligible for shing quotas under the new rules.

In Magadan region, residents from certain settlements, as well as all members of the Chukchi, Eskimo, Kamchadal, Orochi and Aleut peoples, were denied their shing rights as they were not included on the regional list of Indigenous people.⁵

In order to partly mitigate the impact of these policies, the Magadan administration promised to provide one-off subsidies that would enable Indigenous Peoples to buy three paid recreational shing licences per Indigenous sherman.⁶

Similar situations where commercial shing was prioritised over recognition of the shing rights of Indigenous Peoples were also observed in Yamal-Nenets Autonomous Region,⁷ Khabarovsk region⁸ and Sakhalin.⁹

Responding to the new rules introduced by the Ministry of Agriculture, the Indigenous Peoples of Khabarovsk region held an online rally decrying the decision to delay the start of the traditional shing season in 2021 and to grant negligible shing quotas to them, while the quotas granted to commercial, recreational and sport sheries were, as always, considerable and on schedule.¹⁰

Overall, the Russian authorities' approach to the shing rights of Indigenous Peoples can be summarised by the following quote, from the speech by a representative of the Rosrybolovstvo (Federal Agency for Fishery under the Ministry of Agriculture): "... We have completed the overarching task of reducing the number of users of aquatic biological resources among indigenous peoples of the North, Siberia and the Far East. Our next step should be to determine who among the remaining ones should, in our opinion, ultimately be granted the right to conduct shery in order to lead a traditional way of life."¹¹

Meanwhile, a new registration system for persons belonging to Indigenous minority peoples is to come into force by 7 February 2022 and is expected to greatly reduce the number of Indigenous Peoples eligible for shing and hunting rights as well as other prerogatives (See Year-book 2021). The Rosrybolovstvo appears to have taken matters into its own hands instead of waiting for the list to be finalised, in itself a source of grave concern to Indigenous Peoples.¹²

Migrating sh species, as well as sea coastal and sea mammalian meat, are key components of the traditional diet of most Indigenous Peoples in the Arctic and a lack thereof seriously affects Indigenous Peoples' health. These actions therefore constitute severe violations of Indigenous Peoples' right to adequate food and have been fiercely opposed. In the words of Yakutia Republic's MP, Elena Golomaryova: "By protecting sh too zealously, we are destroying our indigenous people."

Development without participation

On 26 October, President Putin approved a Strategy for the Development of the Russian Arctic Zone and Ensuring National Security for the period to 2035. This document inter alia stipulates the establishment of mechanisms to foster the economic and social development of the Indigenous Peoples in the Arctic zone. Pursuant to this stipulation, according to Alexey Chekunov, Russia's minister in charge of the country's Far East, Russia has allocated an annual spending of 500 million roubles (approximately EUR 6 million, 21 euro per capita) to support Indigenous Peoples in the draft federal budget for 2022-2024. According to the minister, investment projects relating to Indigenous Peoples will allow the Russian Federation, during its chairmanship of the Arctic Council (2021-2023), to demonstrate a balanced approach to preserving the environment, improving the quality of life of the population and developing the economy in the Arctic.¹³ However, currently, only cultural activities appear to be receiving any funding.

The "Programme of State Support for Traditional Economic Activities of Indigenous Peoples of the Russian Federation", approved on 15 April 2021, makes it clear that most of the modest funds (approximately 21 euro per capita) allocated will not go to Indigenous organisations.¹⁴ While the document states that its objective is "the

establishment of a sustainable basis for the development of indigenous minority peoples”, the recipients of the funding will be intermediate structures such as commercial enterprises, who inter alia employ members of Indigenous Peoples. The document repeatedly states that certain actions should happen “*with the participation of indigenous minority peoples*” rather than be carried out and owned by Indigenous Peoples themselves. The role of Indigenous Peoples themselves in this programme is limited. They are expected to produce traditional crafts for external and internal markets, make themselves ready to receive tourists and be able to meet “professional standards for the category of workers engaged in traditional economic activities.”

The programme makes no mention of the role of Indigenous Peoples’ institutions of self-governance and the concept of “Indigenous communities” is not mentioned at all. Further, the programme fails to address the key problem facing traditional nature use: the conditions for access to territories and resources, especially the government’s failure to implement the Federal Act on Territories of Traditional Nature Use of 2001 (see below), and commercialisation of fishing and hunting areas.

Once again, the right of Russia’s Indigenous Peoples to adequate food, development and culture continues to be violated as many communities have no land on which to graze their reindeer and other live-stock, nor have they places to fish and hunt because their land is occupied by commercial entities. How the legal and environmental damage accumulated over past decades to the “ancestral territories and traditional ways of life” of Indigenous Peoples will be dealt with is not reflected in the programme.

Indigenous Peoples confront mining giant Nornickel

Nornickel is Russia’s largest mining company, owned by oligarch Vladimir Potanin. The company’s main operations are based in the north of Krasnoyarsk region, around the city of Norilsk, with major impacts on the Dolgan and Nenets communities on Taimyr peninsula, as well as Murmansk region near the Norwegian border, where its operations affect the Sámi people. The city of Norilsk has a reputation of being one of the world’s most polluted cities and in 2020 was the site of a major diesel fuel spill (see Indigenous World 2021) that robbed downstream Indigenous communities of fish as their most important source of nutrition. Since the mining giant has refused to directly negotiate adequate compensation with the affected communities, Indigenous activists have turned to international allies, first targeting Elon Musk’s Tesla, which was considering purchasing from Nornickel, with a campaign under the hashtag #AnswerUsElonMusk,¹⁵ after which Tesla did not pursue its intent to purchase metals from Nornickel any further. The coalition of Indigenous Peoples and support organisations later addressed the German chemical corporation BASF, one of Nornickel’s major European customers. BASF responded to an initial joint open letter by rejecting responsibility and deferring the coalition to Nornickel itself but later agreed to hold talks.¹⁶ At a later point, Nornickel itself became part of the talks.

While the company thus displayed some willingness to talk to the international coalition, the situation on the ground remains concerning. The company has been pursuing a divide and rule strategy, on one hand exerting pressure on local Indigenous communities¹⁷ while on the other creating its own “Indigenous Council” on Taimyr, luring Indigenous communities to it with monetary incentives. Meanwhile, leading activists have been the target of legal threats from the regional administration.¹⁸

Nornickel eventually announced its intention to join the IRMA (Initiative for Responsible Mining Assurance),¹⁹ a leading multistakeholder initiative in the extractive sector with regard to respect for Indigenous Peoples’ rights; however, this process may take a long time to complete. Towards the end of the year, Nornickel embarked on the piloting of a FPIC procedure with an Indigenous community that was due to be resettled. However, in doing so, it imposed its own protocols on the community rather than allowing the Indigenous side to develop their own.²⁰

Land rights in limbo: “Territories of Traditional Nature Use” dysfunctional and weakened further

“Territories of Traditional Nature Use” (TTNU) are, within the Russian legal system, what come closest to recognising and delineating Indigenous Peoples’ territories. However, since enactment of the Federal Law on Territories of Traditional Nature Use²¹ in 2001, the government has failed to establish any Territory of Traditional Nature Use (TTNU) with federal status, while the legal situation of TTNU with local or regional status is extremely unstable.

The most recent refusal to establish a federal-status TTNU was issued in December 2021 by the Federal Agency for Ethnic Affairs (FAEA) to an organisation of the Sámi people of Murmansk region.²² The refusal was justified by the notion that draft amendments to the Federal Law are currently being discussed within the FAEA.

2020 and 2021 demonstrated anew that TTNUs must have federal status in order to be properly protected, as federal government bodies in charge of issuing concessions to extractive industries do not take into account the existence of regional-status TTNUs.

The most recent example of such a situation is a regional TTNU in the Republic of Khakasia inhabited by Indigenous Shors. In 2020, the Shors learned that some 30 concessions had been issued for gold extraction on their TTNU. When confronted, Khakasia’s regional administration explained that while their TTNUs had regional status, the concessions were awarded by federal agencies, hence there was nothing that the regional authorities could do to resolve the situation. The Federal Ministry of Natural Resources, for its part, informed Shor activists that since it had no information on the boundaries of regional TTNUs in Khakasia, the concessions had been issued legally. The Shor

communities demanded revocation of the concessions and a moratorium on new ones. In response, the gold mining company, Artel Starateley Khaskasia, supported by the local authorities, began coercing the Shors into signing “cooperation agreements”. In December 2021, the authorities organised village gatherings in the settlements where Shors constitute a minority, thus rubber-stamping the agreements.^{23,24}

The other weakness of the TTNU with regional status is the danger of being dissolved because much of the territories that Indigenous Peoples rely on is classified as federal land. This is what happened in Yakutia where, in December, the Ust-Maisky municipal council voted to liquidate the municipal Territory of Traditional Nature Use following a request from the local Public Prosecutor's office.²⁵ According to this office, this step was necessary because it included forest lands which, according to Russian legislation, are the property of the federal government.

International human rights and remedy mechanisms

Due to COVID-19, none of the periodic reports submitted by Russia to UN treaty bodies were considered in 2021. Instead, their analysis has now been moved to 2022 and beyond.

In April 2021, with two years' delay, Russia submitted its 5th periodic report under the European Council's Framework Convention for the Protection of National Minorities (FCNM).²⁶ The report mentions Indigenous Peoples but fails to provide disaggregated data on their socio-economic status and gives an evasive statement regarding the issue of Indigenous Peoples' right to FPIC.²⁷

In February, the Centre for Support of the Indigenous Peoples of the North, one of the leading independent organisations working on the promotion of Indigenous Peoples' rights in Russia, submitted a complaint to the European Court of Human Rights, appealing its forced closure in 2020 by the Russian Ministry of Justice. In April, the court registered the complaint. The court also registered a complaint by German Indigenous rights defender Johannes Rohr, appealing his 50-year travel ban to Russia, handed down in retaliation for speaking out in 2018 at the UN Forum on Business and Human Rights on the situation of Indigenous Peoples in Russia.²⁸

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