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## Extractive Industries and Indigenous Minority Peoples' Rights in Russia

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### Abstract

This paper analyses the existing system of protecting the interests of Russian indigenous minority peoples carrying on their traditional way of life during resource extraction on their territories. The research is supported by interviews of representatives of indigenous minority peoples carrying on their traditional way of life and the personal impressions of the author obtained during a trip to the Russian North. The author draws independent conclusions and offers recommendations to improve and develop the existing system of protecting the interests of Russian indigenous minority peoples carrying on their traditional way of life during resource extraction on their territories.

**Key words:** Indigenous Peoples, Indigenous Minority Peoples of the North, Siberia and Far East of Russia, Resource Extraction, Mining Companies, Environmental Protection, Territories of Traditional Natural Resource Use.

### Introduction

The balance of issues between business and human rights has become increasingly important today and is the subject of international attention. For example, recently the UN Human Rights Council decided to establish a working group to address issues involving human rights, transnational corporations and other business enterprises.<sup>1</sup> Especially urgent are issues that

concern interaction between mining companies and indigenous peoples.

Territories of indigenous minority peoples in Russia have been industrializing since the middle of the 20th Century. Different ways of living and use of natural resources caused a conflict between extractive business representatives and local indigenous communities.

According to a population census, there are approximately 400,000 indigenous minority peoples in Russia (less than 0.3 % of the total Russian population) from 46 ethnic groups. They live from Murmansk in the West to Chukotka in the East, and they occupy 60 % of all Russian territory.<sup>2</sup> They belong to different ethnic and linguistic groups. In the North, Siberia and the Far East, they live in extreme weather conditions. Their traditional way of life is hunting, fishing, gathering and reindeer breeding. Many are nomadic. Only 8 % of the Russian population lives in the territory of the indigenous minority peoples. However, a majority of Russian natural resources is concentrated in those same areas (97 % of gas, 80 % of oil, and 100 % of diamonds).<sup>3</sup>

Mining companies have entered the indig-

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<sup>1</sup> UN HRC Document A/HRC/RES/17/4 July 6, 2011.

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<sup>2</sup> Official website of the Russian 2010 Census: [http://www.gks.ru/free\\_doc/new\\_site/perepis2010/croc/perepis\\_itogi1612.htm](http://www.gks.ru/free_doc/new_site/perepis2010/croc/perepis_itogi1612.htm) (accessed April 2014)

<sup>3</sup> Nikitin M.A. "Urgent Issues of State Policy towards Indigenous Minority Peoples of the Russian North" in *Yamal Indigenous Peoples in Contemporary World: Concepts of Development. Collection of Materials* (Popkov Y.V. ed), Novosibirsk – Salehard: Published by Nonparel, 2007. p.73.

enous minority peoples' territories to collect and remove natural resources. Their primary focus is not the interests of the indigenous minority peoples, who have been living on these resource-abundant ancestral lands for ages. The issues of peaceful coexistence between local indigenous communities and mining companies now has particular urgency because of the growing number of mining companies participating and the expanding territorial reach of such activity in Russian North. This extractive industry has caused environmental pollution in the area. The indigenous minority peoples have lost access to adequate resources to maintain their livelihood and very often have received no adequate restitution from mining companies. The principle of free, prior and informed consent before commencing industrial activity on the lands of indigenous minority peoples has been disregarded by authorities and extraction companies.<sup>4</sup>

Because of the industrial development of the Northern territories that began in the mid-20<sup>th</sup> century, most indigenous minority peoples are now in danger of disappearing.<sup>5</sup> Their territories have become polluted,<sup>6</sup> because of extractive industries and their traditional way of life has been threatened. Many indigenous minority peoples were forced to leave their lands and move to the cities, where they were subsequently assimilat-

ed. Of all of the problems facing indigenous minority peoples, the most concerning is the right to their lands and to their traditional way of life.

### **International Legal Regulation in Russia**

There have been some achievements in the field of indigenous peoples' rights at the international level. The Permanent Forum on Indigenous Issues was created and has been working since 2002.<sup>7</sup> The Second Decade of Indigenous Peoples was declared by the United Nations from 2005 to 2014.<sup>8</sup> The UN Declaration on Rights of Indigenous Peoples was adopted,<sup>9</sup> and the Expert Mechanism on the Rights of Indigenous Peoples was established by the UN Human Rights Council and began its work in 2008.<sup>10</sup> The UN Forum became a place where representatives of indigenous peoples from different parts of our Planet meet and discuss their problems and exchange their experiences with each other and can ask questions to the governments and international organizations. At the end of each session, advice and recommendations are given to the ECOSOC. Russian indigenous minority peoples are also represented at the Forum and their voice could be heard at the international level.

There are two articles in the Russian Constitution that pertain directly to the indigenous minority peoples. Article 69 states: "The Russian Federation shall guarantee the rights of the indigenous minority peoples according to the universally recognized principles and norms of

<sup>4</sup> The principle of free, prior and informed consent is stated in the UN Declaration on the Rights of Indigenous Peoples (Articles 10, 11, 19, 28 and 29). However, Russia has not supported the document and therefore has not implemented the principle to its domestic legislation.

<sup>5</sup> There are some ethnic groups among Russian indigenous minority peoples which numbers less than 500 persons according to the last census (for example, Aleuts – 482, Kereks – 4, Setu – 214, Tazi – 274, Oroki – 295) [http://www.gks.ru/free\\_doc/new\\_site/perepis2010/croc/Documents/Vol4/pub-04-19.pdf](http://www.gks.ru/free_doc/new_site/perepis2010/croc/Documents/Vol4/pub-04-19.pdf) (accessed April 2014)

<sup>6</sup> *Monitoring of Development of Traditional Indigenous Land Use Areas in the Nenets Autonomous Okrug, NW Russia*. Project Report, p. 42, available at <http://ipy-nenets.npolar.no/pdf%20files/MODIL-NAO%20EN%20final%202010-03-05.pdf> (accessed April 2014).

<sup>7</sup> The official website of the Forum: <http://www.un.org/esa/socdev/unpfii/> (accessed April 2014)

<sup>8</sup> The UN General Assembly resolution A/RES/59/174 (December 22, 2004) and the UN General Assembly resolution A/60/270/ADD.1 (August 26, 2005).

<sup>9</sup> The UN Declaration on the Rights of Indigenous Peoples 2007.

<sup>10</sup> One of the independent experts on the rights of indigenous peoples there is Mr. Alexey Tsykarev, who represents Russia. The official website of the Expert Mechanism: <http://www.ohchr.org/EN/Issues/IPeoples/EMRIP/Pages/EMRIPIndex.aspx> (accessed April 2014)

international law and international treaties and agreements of the Russian Federation.”<sup>11</sup> Article 72 states: “The joint jurisdiction of the Russian Federation and the subjects of the Russian Federation includes: protection of traditional living habitat and of traditional way of life of small ethnic communities.”<sup>12</sup>

Although the Russian Constitution guarantees the rights of the indigenous minority peoples according to the universally recognized principles and norms of international law and international treaties and agreements, the Russian Federation refused to ratify the ILO Convention № 169 (1989) and abstained from signing the UN Declaration on Rights of Indigenous Peoples (2007). It means there are no real international guarantees to the rights of the indigenous minority peoples exist in Russia.<sup>13</sup>

Since Russia still has not ratified ILO Convention № 169 and has not supported the UN Declaration on Rights of Indigenous Peoples, there are no real international legal guarantees for indigenous minorities concerning mining activity on their lands. The Russian Federation has not ratified the ILO Convention № 169 mainly because of Article 14 of the Convention, which outlines the rights of ownership and possession

of indigenous peoples over the lands, which they traditionally occupy.

Many arguments have been advanced in the Russian legal literature in favour of acceptance of the Convention that prove all the advantages and guaranties that indigenous minority peoples in Russia could gain if this Convention were accepted.<sup>14</sup> Most significantly, the Convention presents what is necessary to ensure the survival of the indigenous minority peoples. This entails preserving and developing their traditional way of life, culture, and language, guaranteeing their rights, and confirming the state’s duties with regard to those rights.

Modern Russian legislation, in many respects, meets the requirements of the ILO Convention № 169. The provisions of the Convention that contradict the Russian federal legislation are marked in Russian legal literature, and the methods of overcoming these gaps are offered as well.<sup>15</sup> Ratification of the ILO Convention № 169 will increase the trust of the indigenous peoples in the authorities, and it will strengthen the state’s control over the preservation of appropriate conditions of their lives and the law-making process in the sphere of maintaining the rights and freedoms of indigenous peoples.

Indigenous minority peoples of the Russian Federation consider Russia’s participation in this Convention as a guarantee of their political rights and a strong base for the development of Russian legislation on indigenous peoples’ rights. The ratification of the Convention can be an important factor that provides stability and

<sup>11</sup> Constitution of the Russian Federation, 1993 (Article 69).

<sup>12</sup> Constitution of the Russian Federation, 1993 (Article 72).

<sup>13</sup> Russia is a participant to the International Covenant on Civil and Political Rights, 1966. Article 27 of which says: “In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practice their own religion, or to use their own language”. This provision was implemented to domestic legislation and reflected at the Russian Federal Law About Guaranties of the Rights of Indigenous Minority Peoples of the Russian Federation, 1999. But it is not enough protection in face of extractive industries, in our opinion, and concerns only cultural rights.

<sup>14</sup> Kryajkov V.A. *Indigenous Minority Peoples of the North in Russian Law*. Moscow: Published by NORMA, 2010; Alexandra Xanthaki. “Indigenous Rights in the Russian Federation: The Case of Minority Peoples of the Russian North, Siberia, and Far East”, *Human Rights Quarterly*, Vol. 26. 2004. p. 76.

<sup>15</sup> Kryajkov V.A. *Indigenous Minority Peoples of the North in Russian Law*. Moscow: Published by NORMA, 2010. p. 124–130.

a sequence of the state policy concerning these peoples. Most importantly, the basic provisions of the Convention correspond to the democratic provisions of the Russian Federation Constitution and its concrete aspects that guarantee indigenous minority peoples' rights.

Additionally, the Russian indigenous minority peoples themselves consider Russia's participation in this Convention as a guarantee of the observance of their political rights and a solid basis for the development of Russian legislation on indigenous issues. It is also necessary to adopt the UN Declaration on the Rights of Indigenous Peoples of 2007 and to initiate the development and protection of the international legal Convention on indigenous peoples' rights on the basis of the existing Declaration. It is indispensable to bring into balance the Russian legislation with international standards in the field of indigenous peoples' rights protection.

The only international document that mentions the rights of indigenous peoples that Russia has ratified is the Convention on Biological Diversity,<sup>16</sup> which was developed in the wake of the Rio conference. Its preamble and Articles 8(j) and 10(c) and (d) refer to indigenous peoples' rights.<sup>17</sup> However, the references to their rights are written in a very soft and indefinite manner, repeatedly using such language as "As far as possible and as appropriate".

In 2004 by the Conference of the Parties to the Convention on Biological Diversity were developed and adopted the Akwé: Kon<sup>18</sup> Voluntary Guidelines for the Conduct of Cultural, Environmental and Social Impact Assessment regard-

ing 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.<sup>19</sup> This document was developed in collaboration with indigenous communities and was adopted to strengthen Article 8(j) of the Convention on Biological Diversity. The Conference of the Parties to the Convention on Biological Diversity requested governments to use the Guidelines and encouraged them to initiate a legal and institutional review with a view to exploring options for incorporation of the guidelines in national legislation and policies. Nevertheless, as indicated in the name of the document, the guidelines are voluntary and not legally obligatory. They have the character of recommendations.

The most effective mechanism for protecting indigenous peoples' rights and against mining activity on their territories was created by the World Bank. In its two Operational Directives 4.10 and 4.20, the World Bank discusses the necessity of protecting indigenous peoples' interests during projects financed by the World Bank.<sup>20</sup> Borrowers from the World Bank must divulge all information about a project before they begin and allow indigenous minority peoples the opportunity to influence the realization of the proj-

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<sup>19</sup> The Document is accessible here: <http://www.cbd.int/doc/publications/akwe-brochure-en.pdf> (accessed April 2014).

<sup>20</sup> World Bank Operational Directive (OD) 4.20, a policy that aims to protect the interests of Indigenous Peoples (IP). Document Date: 2003/01/10 <http://web.worldbank.org/WBSITE/EXTERNAL/PROJECTS/EXTPOLICIES/EXTOPMANUAL/0,,contentMDK:20553653~menuPK:64701637~pagePK:64709096~piPK:64709108~theSitePK:502184,00.html> (accessed April 2014) and World Bank Operational Directive (OD) 4.20, which calls for the preparation of an Indigenous Peoples Development Plan (IPDP) in investment projects that "affect" indigenous peoples (IP). Document Date: 2003/04/23. <http://www.indianlaw.org/sites/default/files/resources/MDB%20WorldBank%20OD420.pdf> (accessed April 2014)

<sup>16</sup> Russia ratified the Convention in 1995.

<sup>17</sup> The Convention on Biological Diversity (Rio-de-Janeiro). June 5, 1992, available at <http://www.cbd.int/doc/legal/cbd-en.pdf> (accessed April 2014).

<sup>18</sup> Pronounced "Agway-Goo". A holistic Mohawk term meaning "Everything in Creation" provided by the Kahnawake community located near Montreal, where the guidelines were negotiated.

ect. Further, item 18 of the World Bank's Operational Directive 4.10 imposes a set of obligations to projects, which concern mining activity on the lands of indigenous peoples. These obligations have been implemented by some mining companies in the Russian North, but only by those who borrow from the World Bank.<sup>21</sup> Thus, unfortunately, these obligations are not universal.

In October 2009, the UN Special Rapporteur on the rights of indigenous peoples, James Anaya, visited the territories of the Russian North and met representatives of indigenous minority peoples. The Special Rapporteur met with Government authorities at the federal and regional levels, representatives and members of indigenous communities, and organizations in Moscow and in the regions of Khanty-Mansiysk, Krasnoyarsk and Khabarovsk. In his final report, Mr. Anaya emphasized that many Russian mining companies currently hold consultations and sign agreements with indigenous minority peoples before extracting resources from their territories.<sup>22</sup> One criticism of the current practice that the Special Rapporteur heard from heads of families is that they would like to have the opportunity to discuss and negotiate all terms of their agreements with oil companies, rather than being presented with a model and an inflexible contract, pre-printed and ready to be signed.<sup>23</sup> At the Tenth Session of the Permanent Forum on Indigenous Issues in 2011, the RAIPON<sup>24</sup> first vice-president also spoke about problems

encountered in implementing the Free Prior Informed Consent in Russia.<sup>25</sup>

Contemporary international law serves as an important guide and a strong motivation for the development of domestic legislation in the field of indigenous peoples' rights. International law has developed and continues to develop to support indigenous peoples' demands. Domestic law should follow international standards. Nowadays, indigenous peoples are full participants in international dialogue with states, international organizations and independent experts.

### Federal Law in Russia

The Russian Federation is a multinational country, which includes many ethnic groups that live in Russia. The largest component of the population is ethnically Russians; the others include Tatars (the second largest group after Russians), Chechens, Udmurts, Bashkirs, Chuvashes, Yakuts, Nenets, and Chukchies. These peoples are usually divided into four groups in Russian legal literature: 1) Titular Nation (Russians); 2) Titular Nations (in Republics); 3) Indigenous Minority Peoples; and 4) National Minorities.<sup>26</sup>

To benefit from Federal Law about Guaranties of the Rights of Indigenous Minority Peoples of the Russian Federation, these peoples must:

- live in their historical territory;
- preserve their traditional way of life, occupations, and trades;
- recognize themselves as a separate ethnicity;
- have at most 50,000 of their population within Russia.<sup>27</sup>

<sup>21</sup> There are not many such companies in Russia, one of them, for example, Russia's leading independent natural gas producer NOVATEK in Yamal-Nenets Autonomous Okrug.

<sup>22</sup> Report of the Special Rapporteur on the rights of indigenous peoples, James Anaya on situation of indigenous peoples in the Russian Federation, 2010. The UN Document A/HRC/15/37/Add.5 June 23, 2010.

<sup>23</sup> The UN Document A/HRC/15/37/Add.5 June 23, 2010.

<sup>24</sup> Russian Association of Indigenous Peoples of the North, Siberia and Far East of the Russian Federation.

<sup>25</sup> Report of the RAIPON first vice-president Rodion Sulyandziga at the Tenth Session of the UN PFII in 2011: <http://raipon.info/1865.html> (accessed April 2014)

<sup>26</sup> *Human Rights and Peoples' Rights*, (Mironov O.O., ed.), Moscow-Saratov: Published by Saratov Law Institute attached to the Ministry of Interior. 2006. p. 258.

<sup>27</sup> Russian Federal Law About Guaranties of the Rights of Indigenous Minority Peoples of the Russian Federation, 1999 (Article 1).

The Russian legislative regulations contain several omissions and contradictions concerning the rights of indigenous minority peoples in Russia. For example, the numerical criterion in the legal definition of Russian indigenous peoples does not correspond to the definition in international law.<sup>28</sup> The numerical criterion, in our opinion, has a discriminatory character and does not address the social purposes of the legislation on guarantees of indigenous peoples' rights. It is not advantageous for Russian indigenous minority peoples to increase their number, because they will lose all of their privileges and benefits according to Russian legislation. It was made intentionally, in our opinion, in order to keep the policy of assimilation and to integrate indigenous minority peoples into the dominant Russian population.

According to the Federal Law about Guarantees of the Rights of Indigenous Minority Peoples of the Russian Federation, these peoples have the right to protect their lands and traditional way of life. Provisions were adopted for ecological and ethnological examination before any resource extraction on the lands of indigenous minority peoples. However, these provisions still do not work, because the mechanism for such examinations has not yet been established. Therefore, these standards exist only on paper, but not in reality.

Another Federal Law "About Territories of Traditional Natural Resource Use of the Indigenous Minorities of the North, Siberia and the Far East of the Russian Federation"<sup>29</sup> does not resolve the problem either. Even though indig-

enous minority peoples have been living in the Northern territories of the Russian Federation for ages de-facto, they cannot confirm their right to the land de-jure. Consequently, this law, which has existed for more than 10 years, has had no visible effect. This law contradicts to the Federal Land Code of Russian Federation, that is why there were not created any territories of traditional natural resource use for indigenous minority peoples at the Federal level.

The Constitution of the Russian Federation (Articles 69 and 72), the Federal Law on Guarantees of the Rights of Indigenous Minority Peoples of the Russian Federation (1999), the Federal Law on General Principles of Organization of the Communities of Indigenous Minority Peoples of the North, Siberia and the Far East of the Russian Federation (2000), and the Federal Law on Territories of Traditional Natural Resource Use of the Indigenous Minority Peoples of the North, Siberia and the Far East of the Russian Federation (2001) set the basic legal system for the protection of the rights of indigenous minority peoples in the Russian Federation. Unfortunately, this system is full of legal gaps and contradictions and has to be developed according to international standards.<sup>30</sup>

According to the Russian Constitution and the Federal Laws, we can conclude that the rights of indigenous minority peoples to traditional natural resource use is a part of the human right to a favourable environment and an essential part of the human right to life. However, the Russian Federal Law "About Subsoil", for example, does not mention any rights of indigenous minority peoples concerning resource extraction on their territories.<sup>31</sup> This means by default that priority

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<sup>28</sup> Although there is no unified definition of "indigenous peoples" in international law, there is nowhere such criterion as a number of such peoples. That is why according to Russian legislation there is no "indigenous peoples", but "indigenous minority peoples".

<sup>29</sup> Russian Federal Law About Territories of Traditional Nature Use of the Indigenous Minorities of the North, Siberia and the Far East of the Russian Federation, 2001.

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<sup>30</sup> Ruslan Garipov, "Russian Indigenous Minority Peoples: Rights and Liberties Guarantees", *Journal of Russian Law*. Moscow, 2012. № 6. p. 67.

<sup>31</sup> Russian Federal Law about Subsoil, 1992.

is given to commercial interests and not to indigenous minority peoples who suffer at their hands.

Professor Vladimir Kryazhkov states that Russian legislation is vastly inadequate in the sphere of relations between mining companies and indigenous minority peoples. Of particular concern is the absence of the right of indigenous minority peoples to the lands they occupy. He writes about the need to develop the mechanism for interaction between mining companies and indigenous minority peoples in the Russian North. This mechanism must include, for example, carrying out ecological and ethnological expert examinations before commencement of any commercial project on the lands of indigenous minority peoples.<sup>32</sup> Ecological examination could show the effect of extractions to the environment and the ethnological one – to the local communities of indigenous peoples. If there is any negative affect could be visible before extractions, such commercial projects should be cancelled.

Of course, Russia made use of progressive international experiences as reflected in its domestic legal system, but is still much to do. For example, it is important to distinguish from the concept of indigenous peoples those peoples who are engaged in hunting, fishing and gathering, i.e. dependent upon the environment and in need in this regard of a special protection. It is very urgent to keep the environment in good condition and to bring the “duty to consult” into the relations between mining companies and indigenous minority peoples in Russia.<sup>33</sup> It is very important for indigenous minority peoples to

have the opportunity to say “no” to mining companies and to veto any extractions.

It is also necessary to establish precisely by law the borders of indigenous minority peoples to preserve their environment and to guarantee the conservation of their territories for future generations, because the current legislation does not protect the territorial interests of indigenous minority peoples in Russia effectively.<sup>34</sup> The overview of the provisions of the Federal law on Territories of Traditional Natural Resource Use of Indigenous Minority Peoples of the North, Siberia and the Far East of the Russian Federation shows its inefficiency.

Finally, it is possible to conclude that, although legal documents existing today in Russia are directed to improving the living conditions of indigenous minority peoples, frequently their rights and freedoms are not realized because of the absence of appropriate material and financial maintenance and strong control from the state.

### Regional Law in Russia

There is a good experience and legal regulation of the relations between aboriginal people, local authorities and mining companies in Khanty–Mansi Autonomous Okrug.<sup>35</sup> This region is rich in gas and oil. In 1992, a law was enacted about the legal status of clannish lands in Khanty–Mansi Autonomous Okrug. The clannish lands included forests, rivers, lakes, wetlands, grasslands and so on, where local indigenous minority peoples historically carried on their traditional way of life. These lands could be possessed

<sup>32</sup> Kryajkov V.A., *Indigenous Minority Peoples of the North in Russian Law*. Moscow: Published by NORMA, 2010. pp. 301–309.

<sup>33</sup> Ruslan Garipov. “Resource Extraction from Territories of Indigenous Minority Peoples in the Russian North: International Legal and Domestic Regulation” *Arctic Review on Law and Politics*, Vol. 4, 1, 2013. p. 17.

<sup>34</sup> Ruslan Garipov, “Resource Extraction from Territories of Indigenous Minority Peoples in the Russian North: International Legal and Domestic Regulation”, *Arctic Review on Law and Politics*, Vol. 4:1, 2013. p. 17.

<sup>35</sup> Khanty–Mansi Autonomous Okrug, also known as “Yugra”, is a federal subject in the North of Russian Federation. The local indigenous minority peoples in the region are the Khanty and the Mansi.

by individuals, families (clans) or communities. Today, all of these clannish lands have been renamed the "Territories of Traditional Natural Resource Use".

In the Surgut district of the Khanty–Mansi Autonomous Okrug, the local indigenous minority peoples make contracts with mining companies regarding the use of their lands. The special committee, within the local authorities' limits, controls the process of contracting and performance of the contracts. Therefore, indigenous minority peoples and extractive companies negotiate and cooperate with each other directly concerning mining on the territories of traditional nature management, and authorities just control the process.

Another situation is in Yamalo-Nenets Autonomous Okrug,<sup>36</sup> where no territories of traditional natural resource use were formed. However, the region provides a good example of relations between indigenous minority peoples and extractive industries.

The Purovsky District in the Yamalo-Nenets Autonomous Okrug is an oil and gas extraction leader. A special system of relations and cooperation between indigenous minority peoples and mining companies was formed here, in which local authorities play an important role. To support the traditional way of life, the authorities join with indigenous minority peoples to create joint-stock companies. These companies provide representatives of indigenous minority peoples with all necessary equipment in order to hunt, fish, perform reindeer herding, and the authorities manufacture and realize goods. In contrast to Khanty–Mansi Autonomous Okrug, here the authorities play an active role and participate in mining-indigenous relations.

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<sup>36</sup> Yamalo-Nenets Autonomous Okrug is a federal subject in the North of Russian Federation. The local indigenous minority peoples in the region are the Nenets.

The author found an interesting document in the Purovsky District, Yamalo-Nenets Autonomous Okrug. The document is the District Long-Time Program "Conservation of the Indigenous Minority Peoples' Traditional Way of Life and Cultural Heritage in the Purovsky District from 2012 to 2017", adopted by the Administration of the District in December 21, 2011. The document states that 4,731 representatives of indigenous minority peoples live in the Purovsky District, of whom 2,150 are nomads and keep their traditional way of life.<sup>37</sup>

The document also indicates that, because of industrialization and the extractive industries, the indigenous minority peoples' traditional way of life is threatened. According to this Program, the authorities intend to spend 1,645,000 Rubles<sup>38</sup> annually for six years for the indigenous minority peoples' needs. This amount would provide each nomad with 765 Rubles<sup>39</sup> annually. The Program says about organizing cultural events, competitions, publishing, and even about some health care measures, including indigenous peoples' providing with medicaments. In my opinion, it is not enough to support the traditional way of life and their cultural heritage of district's indigenous minority peoples. According, notwithstanding the far-reaching sound of the document's name, it provides no real mechanisms to bring about its goals.

Through the author's conversations with the representatives of indigenous minority peoples, it became obvious that conditions are not as good as the representatives of local authorities contend. Many problems arise during the rela-

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<sup>37</sup> District's Long-Time Target Program "Conservation of the Indigenous Minority Peoples' Traditional Way of Life and Cultural Heritage in the Purovsky District from 2012 to 2017", adopted by the Administration of the Purovsky District, Yamalo-Nenets Autonomous Okrug, in December 21, 2011.

<sup>38</sup> This is approximately 47,000 USD.

<sup>39</sup> This is approximately 22 USD.



tions between the indigenous minority peoples and the mining companies. The main problem is the environmental degradation caused by the extractive industries and the disregard of the indigenous minority peoples' opinion during mining activities.

The results of inquiries and interviews between the author and indigenous minority peoples showed that local authorities, regardless of their duties, protect only business interests. At the same time, many among the indigenous minority peoples are dependent on their traditional way of life and suffer from the extractive industries. In addition, a high level of corruption exists at the regional level; representatives of large mining companies use the oil money to bribe the representatives of local authorities and even the representatives of local indigenous NGO leaders. Consequently, the system of relations between indigenous minority peoples and the extractive industries in Russian regions is very weak and unreliable. It is depended not on law but on the good will of local authorities and the representatives of the oil and gas businesses.

### **Conclusion**

Although a set of legal norms is dedicated to improve the living standards among Russian indigenous minority peoples, very often it is impossible to realize them because of the lack of financial support and state and public control. The existing system of relations between indigenous minority peoples and mining companies is not sufficient, because there is no unified state policy concerning these issues and no political will to solve all of these problems in the sphere of indigenous minority peoples' rights protection.

The Russian Federation should ratify the ILO Convention concerning Indigenous and Tribal Peoples in Independent Countries № 169. This Convention allows joining it with reservations, which will simplify the process of ratifica-

tion. Russia should also support the UN Declaration on Rights of Indigenous Peoples 2007, as have many other countries. It could be treated as a measure to enforce Article 69 of the Russian Constitution, and these documents could be a solid base for protecting the interests of indigenous minority peoples in carrying on their traditional way of life during resource extraction on their territories.

It is very important to bring to the fore the internationally recognized principle of free, prior and informed consent of indigenous minority peoples concerning any proposed commercial development on their territories. Indigenous minority peoples in the Russian Northern territories should be recognized as equal partners by commercial enterprises and must be allowed the opportunity to co-manage all such projects.

It is indispensable to protect the environment and lands of indigenous minority peoples as well as their traditional way of life and traditional natural resource use. The unified system of relations between indigenous minority peoples and mining companies should be developed.

The Federal Law about Subsoil needs some changes, including, most importantly, adding the principle of free, prior and informed consent of indigenous minority peoples before any extractive activity is commenced. Federal laws should also be developed and adopted regarding ecological and ethnological examination before resource extraction can occur on the lands of indigenous minority peoples.