



Arctic Report 2022: Focus on Russia and beyond

In 2022, the Covid-19 pandemic narrative which dominated headlines throughout the last two years was overshadowed by the Russian government's unprovoked invasion of Ukraine (also known as “a special military operation” among Russian circles).

The ongoing war has a knock-on effect beyond the two nations; it caused the fastest-growing humanitarian crisis in Europe since the Second World War, a shakeup of global trade blocs due to unprecedented sanctions imposed against Russia, reinvigoration of the transatlantic alliance, to name a few. The conflict has also triggered a major turmoil across Russia's public itself by stirring up tensions between different society groups including the most invisible one - indigenous communities.

The Russian invasion influenced the country's indigenous peoples on a range of fronts: through division and disruption of indigenous movement, censure and silencing of indigenous representatives who oppose the war, putting Arctic cooperation and partnerships in many critical spheres in jeopardy, etc.

As the Ukraine War rages, the following questions are being raised: How will the conflict play out for Russia's/Arctic indigenous communities? What impact will it have on the state's approach to indigenous peoples, and, more importantly, on the Arctic Council which has been perceived as the last of the major international platforms still functioning in which the Russian Federation remained an important partner?

“Arctic exceptionalism” - a mirage?

The Arctic Council is the pan-Arctic organization that includes the Arctic Eight, six indigenous organizations (known as Permanent Participants) and over 30 non-Arctic observers. The Council was once seen as an exceptional space for cooperation with the Russian Federation, removed from the pressures of great power politics, and has been in particular frequently described as a largely successful and unique model of governance where indigenous peoples are granted with equal rights together with the states.

What has changed? A week after Russia's invasion of its neighboring country, the seven Arctic states (the US, Canada, Denmark, Finland, Iceland, Norway and Sweden) announced a “pause” in its work. Later it was announced the Council would ‘implement a limited resumption of work on projects that do not involve the participation of the

Russian Federation'. In the meanwhile, Russia who ironically holds the council's two-year rotating chairmanship, will continue to do so in complete solitude until May 2023 when the position is expected to be passed to Norway.

Notably, decision to boycott the Arctic Council was taken by the seven states without consultation with the six Permanent Participants. For organizations representing the indigenous peoples of the Arctic, it can signal a tectonic shift in regional governance and put a hard-won prominence of indigenous voices in Arctic order in jeopardy.

Russia's attack to Ukraine provoked a split among Arctic indigenous organizations themselves with the two-decades efforts to build up and strengthen relationships being torn down overnight. RAIPON, Russia's indigenous non-governmental umbrella organization, openly aligned with the government and supported Vladimir Putin's actions in Ukraine. In response, Saami Council, a cooperation body that brings together Russian, Norwegian, Swedish and Finnish Sámi, suspended formal relations with Russia's organizations—the Kola Sámi in Murmansk Oblast. At the moment, Russian government turned Council indigenous agenda into the platform for aggressive propaganda under RAIPON flag.

Background

Although the present conflict is not the outcome of centuries old hatreds but a war of choice and decision of one man, the signs of Russia's rapid transformation into a pariah state were seen long before 2022. Country's indigenous strategy approaches need to be therefore analyzed closely in relation to and as a part of a general trend of centralization of Russian policy. During the first two decades of the new century, dozens of new laws were adopted to strengthen the power vertical, control on society, mass media, non-governmental sector, etc. In varying degrees, it has affected all civil society sectors, including human rights' defenders, ecologists, journalists and others. New regulations curtail freedom of press, criminal prosecution of organizations or its members, judiciary loses independence. The result of this transformation became a policy targeting economic modernization in the strong paternalistic state with focus on national interests and intolerance towards a critical civil society.

Since 2000, the power structure between the federal center and regions has shifted dramatically. Vladimir Putin and his elite initiated a series of reforms designed to (re)strengthen the position of the federal government vis-à-vis the regions. Under the firm rule of the newly created national political party United Russia, some autonomous areas were decimated or merged with bigger regions with idea to strengthen the controllability of the regions. Coupled with diminished political control of region, districts have not avoided changes in economic incentives neither. The federal government centralized the distribution of revenues from mining operations to tax away natural resources profits from the regions. Another feature of Putinism in line with weakening of regional powers is a growth of the political influence of big business and the rise of oligarchs (or oiligarchs as Etkind refers to them). Skyrocketed demand for

natural resources has enabled a rapid advancement of the so-called “resource colonialism” defined as the rhetoric of development that benefits the extractive communities and “understood as economically driven discourses, programs, and policies promoting extractive activity” into the resource-rich Arctic region. Under Putin, strategic companies were subdued, many enterprises have become concentrated in the hands of the state, while control over strategic companies has been passed to a small number of people who had close ties to the President. Increased centralization and the reduction of regional powers have forced the governors to search strong economic partners who would compensate for their loss of economic and political resources. Big business, in turn, has come to rely on the support of the “friendly” governors to guarantee the preservation of their regional properties and provide them with preferential treatment. In 2004, the elections of governors were replaced by presidential appointments forcing business to create new forms of lobbying and channels to access to regional politicians. Powerful lobby of extractive industry and business representation in political structures are typically found in those regions where there are important business assets and where governors rely to a significant extent on the economic support of large enterprises. In this context, Arctic region has become the main platform and the backbone of big business.

During the turbulent 1990s indigenous activism was rather successful and was developing in line with the global trend of indigenous empowerment. Yet, somehow, 30 years later, as indigenous peoples were seemingly in control of their fate, they came to be, once again, outsiders, both politically and economically. After a brief moment of democratization in the 1990-2000s, indigenous hopes have been shattered by the government of Putin and thirsty-for-profit industries. The twenty-first century brought deforestation, pollution of water with industrial wastes, degradation of reindeer pastures and put Arctic diversity at risk. After dissolution of the USSR and transition to a market economy, Soviet laws lost the power and became ineffective, yet, with challenges multiplied, no alternative approach has been proposed either. In realities where the federal government does not deliver, regions are losing power, companies depend on authorities, indigenous population of the country finds itself alone. And although indigenous peoples and their lands and rights are often easily manipulated, their challenges are often left on the shelf.

Russian Chairmanship: Expectations and Unsolved Problems

In 2020, while countries around the world were fighting against the Covid-19, Russia’s apparatus was bound up in tactlessly changing its 1990s constitution. Indeed, for Kremlin, 2020 was a busy year to say the least: protests in Khabarovsk; the attempted assassination of Alexei Navalny; deteriorated relations with the European Union; unrest in neighboring Belarus, uncertainty relations with the USA under the incoming Biden administration. The economic impact of the pandemic compounded by a decade-long period of near-zero growth and stagnation added the final flourish to the Russia’s 2020 outlook. And, against the background of growing social inequality, the government (yet

again) praises Arctic programs to save the day. By fiercely pushing forward Arctic projects amid hopes of becoming the engines of national economy, Kremlin launched a series of measures targeting its indigenous peoples and Arctic region's development:

- Registry of Indigenous Peoples in Russia (January, 2020)
- Federal Law On Government Support for Business Activities in the Arctic Area of the Russian Federation (July, 2020)
- Decree on Compensation for loss or damage to indigenous environment (September, 2020)
- Standards for Arctic residents' responsibility to indigenous peoples (September, 2020)
- Strategy for the Development of the Russian Arctic Zone and Provision of National Security Through 2035 (October 2020)

In 2020 Russia was preparing to assume the two-year chairmanship of the intergovernmental Arctic Council; hence, the following initiatives were rushed through in record time and were mostly centered around environmental protection, sustainable development, and the "human dimension" as the priorities of the upcoming 2021-2023 Russian Chairmanship.

At a closer look, the "Strategy for the Development of the Russian Arctic Zone and Provision of National Security Through 2035" adopted in October 2020 essentially announces Arctic the platform and the backbone for big business. Support of the resource-based economy - a motto of the Strategy - effectively requires development of the regulatory system aimed at giving primacy to thirsty-for-profit industries whereas environmental and social costs of this priority scheme are largely omitted from the document. Although indigenous peoples were given a passing mention in the document on different occasions, no separate chapter dedicated to their specific development and rights has been included either.

Nonetheless, in order to comply with largely declarative yet necessary-for-international-approval standards for indigenous peoples' wellbeing and demonstrate "adherence" to indigenous rights implementation, several decrees targeting indigenous groups in Russia were adopted this year, including Decree on Compensation for loss or damage to indigenous environment (September, 2020), Federal Law On Government Support for Business Activities in the Arctic Area of the Russian Federation (July, 2020) and its article 28 on indigenous traditional activities in particular, Registry of Indigenous Peoples in Russia (January, 2020), etc.

Decree on Compensation for Loss or Damage to Indigenous Environment adopted in September 2020, was hoped to clearly define the process of calculating damage that an industrial project would potentially inflict on the native habitats of indigenous group including social, economic, environmental, and cultural costs (impact on language, way of life, etc.), compensation that should be paid, and, finally, lead up to the adoption of the federal law on ethnological expertise. Yet, the document turned out to be vague on who determined the damage, what was the established procedure, how and on what grounds the loss and damages were assessed. Rather successful regional experiences (the

Law of the Republic of Sakha Yakutia “On Ethnological Expertise” adopted already in 2010) were left ignored.

As the Decree reads, compensation for loss is made based on the agreements to be signed between companies and regional councils of representatives of indigenous peoples. In practice, it means that authorities (in tandem with business) will play a key role in managing and allocating the benefits. While the state is the principal duty-bearer in relation to human (and indigenous) rights, its duty to protect against abuses of rights by third parties, including by business entities, has received limited attention in Russia. Instead, even when companies are required to pay compensation to indigenous inhabitants, negotiations are rare and limited in scope. If past experience is any guide, backed up by authorities, businesses are at liberty to weaken protection of indigenous rights to participate in decision-making and usually take full advantage of their position of strength in negotiations. Aspects of infrastructure and welfare are, hence, presented as gifts or limited to “ribbon-cutting” ceremonies while a desired support targeted at long-term sustainable development for the community is not even on the table. Instead of developing ground for responsive change and delivering sustainable economic benefits to indigenous communities, state policy reinforces their dependence on companies/patronage networks, whereas their basic and inherent rights are equated with charity.

Numerous amendments to indigenous laws and business exemptions initiated over the past decade reflect an increasing influence and powerful lobby of extractive industry in the country. To this day, in Russian realities revenue sharing from the industrial activity for negative effects of extraction on indigenous communities leaves a great deal to be desired.

Ultimately, the Decree hides a far bigger problem for country’s indigenous peoples: absence of land rights to their traditional territories. Land is owned by the state, and may be leased to companies and other users. While resource extraction has severe impacts on indigenous environment and livelihoods, no real protection is afforded by legislation.¹ The preservation and revitalization of indigenous cultures depends on access to and control over their traditional territories; without land rights, indigenous people find themselves stuck in a legal, social and cultural limbo. These kind of legal provisions, in essence, extinguish original indigenous title to their territories and force communities to accept questionable monetary payouts for their unrecovered land, sell off nature, territory and potential for development, and finally surrender their rights as indigenous peoples.

Another long-awaited initiative, the Registry of Indigenous Peoples in Russia was intended to protect indigenous rights, make indigenous people eligible to receive state support, minimize corruption, stop misuse and reduce the number of fraud and abuses of the benefits’ and entitlements’ system.² The need of a simple process to define and prove indigenous status was voiced repeatedly by numerous indigenous advocates and organizations in previous years. However, current measure was criticized for a

¹ The Russian Federation has one of the strongest potential law within the entire Arctic that relates to Territories of Traditional Nature Use (Territories of Traditional Natural Resource Use) of Indigenous Peoples of the North, Siberia and the Far East of the Russian Federation (2001). Yet other laws and legal conditions largely disable its implementation (Ferguson and Viventsova 2007).

² Refers to the cases when pseudo-indigenous obshchinas were created by businesses with the purpose to benefit from priority access rights

complexity of documentation to be submitted and, more importantly, limitations by place of residence and occupation. As the current law reads, to enter the register, indigenous person must live within the confines of places of the traditional habitation (List of the places of traditional residence and traditional economic activities of Indigenous small-numbered peoples of the Russian Federation, 2009) and lead a traditional lifestyle (List of the types of traditional economic activities of Indigenous small-numbered peoples of the Russian Federation, 2009) while no other sources of income other than traditional activities are permitted. Exclusion of indigenous people who pursue 'non-traditional' employment is a matter of obvious concern; in addition, many indigenous homelands where indigenous peoples live and work are not included in the official list of the traditional residence.

In general, when discussing issues of indigeneity, it can be observed that in Russia indigenous legal framework shapes indigeneity rather than the reverse. Indigeneity is factually dictated by country's own version of "indigenous" politics and artificial bureaucratic circumscriptions. To start with, the Russian law does not employ a concept of "indigenous peoples". Instead, it proposes its own definition of "indigenous small-numbered people" not known internationally and grants the status of "indigenous" to those groups numbering fewer than 50,000 and maintaining their traditional way of life.

What is most remarkable is that the decrees such as the law on Registry of Indigenous Peoples is a clear reflection and continuation of the state policy of paternalism. The government itself decides for the indigenous peoples what they should do and where to live, takes on the task of deliberately confusing already complex and multilayered indigenous identities, ruling whether they are "incomplete" and necessarily causing a conflict between recognized and unrecognized groups. As a result, what we have now is a highly problematic indigenous identity that is inherently contested and devalued.

Not only that kind of policy facilitates the cultural rupture of Russia's indigenous peoples and degrades indigenous voice, erosion of indigenous Self also plays into hands of politicians and business who use laws and affirmative action measures to render indigenous claims secondary. Permitted to celebrate solely cultural markers of their identity and confined in a certain "traditional" lifestyle", indigenous peoples are not seen as a source of rights and political voice (even less - as rightholders), but as objects of outland exotic cultures and recipients of state support.

This is not to mention the irony of the law's limitation by residence clause. It is notorious that the main reason why indigenous peoples do not live in their homelands is connected with the fact that for centuries indigenous peoples were deprived of the access to their traditional lands and resources; indigenous land loss is a cumulative impact and the result of systematic pressures and state policies, forced relocation, and environmental destruction by industrial development.

Lastly, Registry tracking process was given into hands of the Federal Security Service on the pretext of helping to fight extremism. Indigenous rights advocates fear, however, that these measures are intended to strengthen control on indigenous activists. In the light of a general trend of centralization of Russian policy, all civil society sectors are becoming a target for a closer state watch; during the first two decades of the new

century, dozens of new laws were adopted to strengthen the power vertical, control on society, mass media, non-governmental sector, etc. Since the assertion of indigenous rights to ancestral land, territories and resources essential to their survival, is increasingly seen as a threat to Russia's national resources development, indigenous peoples have currently been operating under the special attention of the intelligence services and state-controlled media.

What is missing?

Indigenous peoples comprise 15% of the total population of the Russian Arctic. Therefore, matters of region's future cannot be discussed without their direct participation. Region's indigenous communities should, by all means, have the same possibilities to decide on their development as all Arctic residents.

Reconciling indigenous and non-indigenous legal traditions in the country is a complex yet critical step in realization of indigenous rights. Instead of "fitting" indigenous peoples into existing system, this step inevitably requires the change of institutional arrangements and a control transfer from mainstream structures to indigenous institutions and actors. By constantly attempting to "upgrade" and "upscale" indigenous self-sufficient initiatives into its own version of "indigenous" politics, government apparatus tends to treat indigenous claims as something that only needs to be partially considered, without giving it any actual power or force in its own right. Legal framework must, hence, accommodate, advocate and even take on indigenous forms instead of getting in the way of implementation basic rights. The practice of indigenous rights' must be in the control of indigenous people themselves.

For that matter, it is crucial to reframe the ways in which indigenous issues are discussed and handled. Governments and public institutions have failed to see that many social challenges experienced by indigenous peoples are often not about individualized failure but monumentally a legacy of government policies of displacement: physical (when they were denied access to their traditional territories), social and cultural (when they were forced to abandon traditional values), political (when they were forced to participate in structures, procedures and legal systems that are not of their own making). Repeated assaults on the culture and attacks on collective self-determination of indigenous groups targeted whole generations and weakened the foundations of indigenous society. That is why affirmative actions alone isn't sufficient to counter all the wrongs of the past centuries. What is most urgently needed are rights.

Then, there is always a concern about the extent that governing structures within indigenous groups truly reflect the interests and concerns of the communities being governed. The implication is that the state must engage not only with formal indigenous representative bodies but also with grassroots community members in order to avoid cultivation of pro-government indigenous politicians and ensure representation of indigenous interests. To magnify indigenous voices, support of human rights and other

justice organizations ready to stand up as an ally with indigenous people and advocates is also essential.

Conclusion: The False Promise of the Arctic Dream

Based on numerous legislative acts adopted in 2020-2021, it is actually hard to tell what exactly Russia's current indigenous policy is being aimed at. While seemingly aimed at the conservation of certain elements of indigenous cultures and symbolic markers of national identity (folklore, museums, language, food, etc.), it takes the focus away from more substantive discussions regarding the reclamation of indigenous territories, livelihoods, natural resources, and self-government, and most importantly, from the discourse of rights per se.

Inclusiveness and empowerment has to be systemic, from the bill draft on down in order to be successful. Instead, indigenous issues are handled in the usual paternalist manner in hopes that the solution lies within short-term remedial provisions or ribbon cuttings. In no case will anyone expect that by narrowly framing indigenous rights and enacting laws focusing solely on a small fraction of what lies beneath (such as the state support on traditional cultures) would ensure equality or magically fix the actual challenges of indigenous peoples who have been structurally deprived of rights, power, privilege, voice and, on top of all, capacity to fight back.

Whereas before February 2022 country's strong paternalism was tempered by the presence of international actors in the region, now the Russian state is relentlessly nullifying any progress made through deregulation and reassertion control over indigenous lands and resources. Under the circumstances, indigenous agency has found itself in organizational void and institutional capture incapable of developing self-defense mechanisms. The laws themselves have become yet another site that obstructs indigenous agency. Approved by the state with the aim to control, manage, and contain indigenous communities in designated areas, recently adopted laws render indigenous assertions of difference unsubstantial.

Delineation of indigeneity boundaries in Russia has become an entirely political process and is inevitably tied to benefits and who can access them. Instead of beginning to build (once again) a solid foundation to indigenous rights legal framework thoughtfully and wisely, country's laws are finalized in a slapdash and at the end, remain unfulfilled promise but with more damage done. And of course, even the best articulated and detailed legislation becomes futile when the ability and intention to fully or even partially execute them is uncertain.

Both West and Russian observers tend to view the Arctic as a source of the Russia's strength; in practice, it is more of a country's blind side. The Arctic is threatened on all fronts, from climate change, toxic contamination, plastic pollution, and extractive

industries' projects.³ In response, Kremlin has cemented Arctic future with oil and gas. Condemned to remain a mere raw material colony, whose greatest treasure isn't its residents, but resources, what Arctic (and the whole country) needs now in the absence of a powerful counterweight to state propaganda is better protection and, critically, bold politicians.

With Russia's absolute certitude about the raw material extraction as the Arctic's only viable option, what will the future of the region look like?

Today (and for quite some time already), indigenous peoples' rights in Russia is a sinking ship. Playing the role of the only source of Kremlin's self-confidence, the Arctic's and indigenous peoples' (if not the whole country's) fate looks merciless: identity devalued, wealth stolen, lands in peril, rights at an endless stalemate, freedom under assault and equality in retreat.

What is known today is that the Arctic is heading into dark times. The region lost its status as a space immune from political tensions and matters of security and militarization. Arctic Council lost one member and is currently considering how to adapt its work to the new reality. The Russian Federation lost its place in the Arctic Council and the partner status in a number of strategic spheres. Permanent Participants are losing their collective voice and a hard-won seat at the table. Russian indigenous peoples lost an important platform to address international community while RAIPON lost the legitimacy to represent indigenous voices of the country at all.

With the Arctic cooperation on shaky ground due to the Russian-Ukraine war – doubts are now being raised about what progress the Arctic Council can actually claim and even the organization's right to life. A turning point that will determine the fate and the future trajectory of the Council including Permanent Participants and the whole Arctic region will be May, 2023.

³ In May 2020 Russia suffered one of the worst environmental disasters in its history when an oil spill at the Nor Nickel plant spewed thousands of tonnes of oil into land and water in Taimyr, Siberia. It is possibly second in scale only to the 1994 Komi pipeline spill, which was by some estimates over eight times bigger in volume than the Exxon Valdez in Alaska in 1989.