

Reflections on the Influence of the Current Political Development in Russia on Indigenous Peoples' Land Rights

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I. Indigenous Peoples in Russia

There are forty distinct Indigenous Peoples in Russia. According to Russian law, they are called “Indigenous small-numbered peoples of the North, Siberia and the Far East of the Russian Federation.”¹ This is a collective term for peoples with populations of less than 50,000 each, which inhabit two-thirds of the Russian territory in the Arctic and Asian parts of the country. In Russian legislation and legal traditions, the standalone term “Indigenous Peoples” cannot be found anywhere. It appears only in conjunction with specific qualifiers referring to size and place.² The total number of the Indigenous Peoples of the Russian North is about 250,000 individuals in total and less than 0.2% of the Russian population. Their traditional livelihood is based on fishing, hunting, reindeer husbandry and gathering. More than two thirds of them continue to live in rural areas where these activities are indispensable sources of food and income. Due to their traditional livelihoods, most of the Indigenous peoples of the Russian North, especially those who preserve a nomadic way of life, usually need much more territory for subsistence than other populations. Indigenous Peoples in Russia remain one of the poorest parts of the population and their social and economic development, as well as their life expectancy, is far below the national average.³

1. There are another seven peoples in Russia that have the officially recognized status of small-numbered Indigenous Peoples of the Russian Federation but do not belong to the small-numbered Indigenous Peoples of the North, Siberia and the Far East. These are the Abasins, Besermens, Vod, Izhor, Nagaibaks, Seto and Shapshugs, who live mainly in the Southern territories of Russia and do not depend as much on traditional livelihoods as the Northern Indigenous Peoples.
2. J. Rohr, “Indigenous Peoples in the Russian Federation,” International Work Group for Indigenous Affairs Report 18 (2014), <http://bit.ly/2h4j0yz>
3. Dmitry Berezhkov, “New Political Realities for the Indigenous Movement in Russia,” Forum for Development Cooperation with Indigenous Peoples (2013), <http://bit.ly/1rqEkzg>

Most territories that are inhabited by Indigenous Peoples are rich in natural resources, including oil, gas, and minerals, and they are heavily affected by large energy and mining projects such as pipelines, hydroelectric dams, gold mining and other forms of resource extraction. The Russian Arctic macro-region traditionally plays a significant role within the Russian economy, providing about 60% of Russian natural resources produced in the Russian North including 93% of natural gas, 76% of oil, 100% of diamonds and platinum, 90% of nickel, and 63% of gold.⁴ At the same time, the share of mineral resources in general exports of the Russian Federation exceeds 70% as of 2014, with a value of about \$350 billion USD per year.⁵ Consequently, the land issue and control over the territories are significant issues for the Russian economic development and political agendas.

II. Indigenous Peoples' rights in Russian legislation

Russian legislation includes some obligations to protect Indigenous Peoples' access to lands, biological resources, culture, education, participation in decision-making and other areas. The legal context of Indigenous Peoples' rights in Russia consists of the articles of the Russian Constitution, a set of specialized federal and regional laws, along with individual articles in different Russian resource, land and environmental legislations. The most important provision lies in article 69 of the Russian Constitution, which guarantees the rights of the small-numbered Indigenous Peoples in Russia according to generally recognized norms of international law. At the same time, in accordance with Russian legal tradition, the only rules of international law binding for Russia are those appropriately ratified by the Russian Federation.⁶

4. Matveev, A.S. "From the Paradigm of Conquering the Arctic to the Paradigm of its Habitation." The current status and the ways of development of small numbered Indigenous peoples of the North, Siberia and the Far East of the Russian Federation, The Federation Council of the Federal Assembly (October 2012), <http://bit.ly/2h4faoZ>
5. Russian State Statistics Agency, http://www.gks.ru/bgd/regl/b15_13/Main.htm
6. V.A. Kryazhkov, "Legal Regulation of Relations Between Small-Numbered Indigenous Peoples and Subsoil Users in Russian Federation," (Moscow, Russia: National Research University, Higher School of Economics, 2014), <http://bit.ly/2h4pzRl>

Therefore, neither the provisions of ILO Convention 169 nor the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) are parts of the Russian legal system.

Hence the framework of cultural, territorial and political rights of Indigenous Peoples and their communities in Russia consists of the articles of the Constitution together with three federal framework laws: “On the Guarantees of the Rights of the Indigenous Small-Numbered Peoples of the Russian Federation” (1999); “On General Principles of the Organization of Communities [Obshinas] of the Indigenous Small-Numbered Peoples of the North, Siberia and the Far East of the Russian Federation” (2000); “On Territories of Traditional Nature Use of the Indigenous Small-Numbered Peoples of the North, Siberia and the Far East of the Russian Federation” (2001). There are also some relevant provisions in articles of other federal and regional laws.⁷

Observers have noted that this web of legislation suffers from a lack of consistency and stability, greatly inhibiting effective protection of Indigenous rights. First of all, there are substantive deficiencies in legislation, including its incompleteness and lack of robustness with regard to the protection of Indigenous rights set out in the UNDRIP, and also its partial incompatibility with these rights. Secondly, there is a poorly working legislative process often resulting in poorly crafted and contradictory regulations. Thirdly, there is an implementation gap. Many positive-sounding regulations remain on paper only, allowing Russia to cite them before international human rights bodies without actually giving effect to them on the ground. Indigenous Peoples’ rights to their traditional territories and livelihoods are still not effectively protected. Crucially, legislation does not acknowledge Indigenous Peoples’ inherent right to their ancestral territories. Indigenous Peoples are not regarded as the owners of their ancestral lands. Based on their traditional occupancy, they are merely granted usufruct rights to hunt, fish, to herd their reindeer on the land, etc.⁸

7. Berezikov, *supra* note 3.

8. Rohr, *supra* note 2.

III. Changes in the Russian legal environment according to the “evolution” of the political regime

During the last few years, the level of respect and protection of Indigenous Peoples' rights as well as of human rights and ecological rights in Russia has declined significantly. Since the mid-2000s, the government of the Russian Federation, with the aim to promote economic development, has removed administrative barriers, supported geological exploration, and has been consistently applying the concept of “un-ecologization” to federal legislation. This process has been accelerated since Vladimir Putin took the position of Prime Minister after his first job swap with Dmitry Medvedev in 2008.

From 2006 to 2009, requirements of the State Environmental Evaluation, which is the main official ecological assessment tool for any development projects including extractive projects or establishment of natural reserves, was significantly reduced in order to make access to lands easier for business. A good number of items that were formerly under the State Environmental Evaluation, including almost all development programs and technical regulations, were excluded from the application of its regulation.⁹ The procedure of public hearings within the Evaluation was revised in order to exclude any opportunity to stop or significantly influence any development project. Protocols of public hearings became a ceremonial appendix to materials of the State Environmental Evaluation.

Through the revision of federal laws on hunting and fishing, commercial auctions were introduced in 2008 for Indigenous communities to obtain fishing and hunting grounds. In these auctions, Indigenous Peoples had to compete with commercial companies, which led to many Indigenous Peoples losing their traditional fishing and hunting grounds due to a lack of capacity and financial resources.¹⁰

The 2001 Federal Law on Territories of Traditional Nature Use (TTNU) aimed to protect Indigenous Peoples' traditional lands from

9. D.V. Afinogenov, “Analysis of Legal Changes of the Status of the Environmental Assessment,” *Public Environmental Review* (2007), <http://bit.ly/2gkwp14>

10. Alexey Limanzo, “Current Legislation on Hunting Excludes the Ability for Indigenous Peoples' Priority Access to Hunting Resources,” *Indigenous World/Living Arctic*, no. 27 (2011), <http://bit.ly/2gYfO3d>

industrial development, but was not fully implemented and not even one federal TTNU was established. Attempts to establish one such territory over the past 15 years were blocked by the federal government, with the argument that there is no special regulation (subordinate act) that would allow the establishment of such territories. The issue is that the federal government is responsible for introducing such regulations and has not done so since the TTNU law's adoption in 2001. TTNUs at a regional level were established in some regions by regional authorities, but their legal status is rather shaky as most forestlands in the country belong to the federal government and regional governments do not have enough power and authority to parcel out such territories on their own.¹¹

In 2013, the federal government made the situation worse through the initiative of a new version of the law on natural protected areas (natural reserves), which allowed construction and business activity, including tourism, on territories of natural reserves. Through the same law, territories of traditional natural use of Indigenous Peoples lost the status of natural protected areas, which weakened their potential to protect Indigenous Peoples' traditional lands from development projects.¹²

In 2016, a new federal law entitled "On the Far East Hectare" was initiated by the federal government to stop the out-migration from the Far East regions. Based on this law, the government started a program according to which every person in the country can receive for free a hectare parcel of land in any Far East region for personal use. Regional authorities then started to compile lists of lands appropriate for use in this program, thus resulting in massive land withdrawal from regional TTNUs. Fifteen million hectares were consequently withdrawn from regional TTNU land registers in Khabarovsk Krai, which is about 50% of the total area of TTNUs in the region.¹³

11. In 2001, the regional prosecutor of the Koryak Autonomous Region, under the pressure of a gold-mining company, filed a protest against a regional TTNU of Itelmen people, called "Thsanom," using the argument that this territory (which was established by the regional governor) included federal lands. The TTNU was banned and, after several years of court trials, the Itelmen community lost the case in court.
12. O.A. Murashko, "The Territories of the Traditional Nature Use are Excluded from the Official List of Special Protected Areas," (2014), <http://bit.ly/2gTQEqb>
13. Ministry of Natural Resources of Khabarovsk Krai, "The Far East Hectare for Indigenous Peoples," (March 2016), <https://mpr.khabkrai.ru/events/Novosti/250>

Since the second job swap between Vladimir Putin and Dmitry Medvedev in 2012 when Putin returned to the Kremlin, besides the degradation of environmental legislation in Russia, the situation of human rights in the country in general has deteriorated rapidly. Dozens of new restrictive federal laws came into force, the most famous of which is the “Law on Foreign Agents.” This law allows the state to characterize as a “foreign agent” any non-governmental organization that receives financial support from abroad and is involved in political activity. Independent human rights work, as well as any environmental protection activity, is therefore viewed by the federal government as “political activities.” Thus, many ecological and human rights NGOs were recognized as “foreign agents,” including three Indigenous NGOs.¹⁴ This status implies a large penalty payment to the state, closes any available space for dialogue with governmental officials, increases state control over any financial activity of the NGO concerned, and imposes other restrictions which make it almost impossible to raise funds abroad. This great difficulty in attracting financial resources for independent human rights work inside Russia, combined with the aforementioned strong pressure from authorities and security/intelligence agencies, often leads to the shutdown of NGOs with such status.¹⁵

This legislative development, as well as the general context of political acrimony with Western countries and an atmosphere of spy hysteria, combine to reflect negatively on Indigenous Peoples' rights in Russia. Within the context of the weakening of the legal protection of Indigenous Peoples' lands and the decline of overall human rights protection in the country, private businesses have been allowed to act more aggressively in order to gain control over lands and resources. A protracted economic crisis, caused by the fall of oil prices and Western sanctions against Russia, has also served to influence accepted corporate behavior in Russia. Companies are now trying to save money by reducing environmental security and social programs. On

14. The Center for Support of Indigenous Peoples of the North/Russian Indigenous Training Center (CSIPN/RITC) was recognized as a “foreign agent” in November 2015. See <http://kommersant.ru/doc/3112136>

15. “Development of Civil Activities in Spite of Everything: Russian NGOs After the law ‘On Foreign Agents’,” Third Sector Lawyers Club, Human Rights Resource Center, (2016), http://hro.org/files/2016_NLC_report%20on%20FA_Rus.pdf

the ground, this leads to intensification of conflicts between Indigenous Peoples and business over land rights.

IV. Khanty people and Surgutneftegaz

The Khanty-Mansiysk Autonomous Okrug-Ugra (the official term for this autonomous region) is located in the northwest of Russian Siberia and is the main producer of Russian oil. The region's territory is comparable in size to the territory of France or Ukraine. The Khanty-Mansiysk Autonomous Okrug-Ugra is one of the Russian Federation's leaders in terms of industrial output, power generation, oil and gas production, and equity investment. 475 oil and gas fields have been discovered there since the start of oil exploration in the region in 1960s. This region's share of total Russian oil production in 2013 amounted to 48.8 %. 104 oil and gas production companies work in the Autonomous Okrug territory, which in total produce more than 250 million tons of crude oil per year. Ugra is an export-oriented region where export accounts for 95.6% and import for only 4.4 % of its foreign trade turnover. The main export product is crude oil (99.4 % of all exports). The population of the region is 1,597,200 people, of whom 32,000—or approximately 2%—are Indigenous Peoples of the North. These Peoples are the Khanty, the Mansi, and the Nenets, half of whom maintain their traditional way of life.¹⁶

The Khanty is one of the small-numbered Indigenous Peoples of the Russian North who belong to the Finno-Ugric peoples. There are 30,000 Khanty in Russia and 60 % of them live in the Khanty-Mansiysk Autonomous Okrug. Their traditional semi-nomadic livelihood consists mainly of reindeer herding, hunting and fishing, and is conducted over a large, dispersed area along the Ob River, which is one of the largest rivers both in Siberia and worldwide. Their culture is based on extensive clan systems, a native religion, a native language and a traditional way of life in widely separated family settlements on traditional hunting territories. The hunting territories vary in size depending on the number of family members, but usually

16. "About the Okrug," Official Site of the Public Authorities: Khanty-Mansiysk Autonomous Okrug-Ugra, <http://www.admhmao.ru/en/about/general/>

they are between 400 and 600 square kilometers. The family size varies between five and forty individuals. Their culture was born in and is specifically adapted to the forest and swamp ecosystem of the Western Siberian taiga.¹⁷ They are among the Indigenous Peoples of Russia who have best preserved their language, their cosmovision, and their traditional knowledge. Unlike many other Indigenous Peoples of Russia, they have the formal right to use their traditional lands in the form of so-called "ancestral lands" and these are officially recognized within the regional legislation as Territories of Traditional Nature Use (or TTNUs, as mentioned earlier).

The Khanty-Mansiysk Autonomous Okrug has a rather developed legislation dedicated to Indigenous Peoples' rights. Indigenous Peoples of the Okrug have representation in regional parliament, where they constitute a so-called Assembly of Small-Numbered Indigenous Peoples of the North. About 500 regional TTNUs are organized in the Okrug, with 300 of them located within the licensed areas of oil exploration and extraction.¹⁸ The region has a rich practice of agreements between oil companies and Indigenous communities. A company which begins oil activity within the officially recognized Indigenous Peoples' TTNU should reach an agreement with the Indigenous family concerned about using the land and, usually, this ends by signing an agreement of an economic nature.¹⁹

The Khanty-Mansiysk Autonomous Okrug is a region of numerous lakes that are rich in fish and play an important role in traditional Indigenous Peoples' economy. At the same time, many of them are sacred for the Indigenous Peoples of the region. Historically, Khanty people considered lakes with islands as the most sacred sites where

17. "West Siberia Oil Industry: Environmental and Social Profile, Final Report," IWACO Consultants for Water and Environment, Final Report for Greenpeace, (June 2001), <http://www.greenpeace.nl/Global/nederland/report/2001/5/west-siberia-oil-industry-envi.pdf>
18. "The Concept of Sustainable Development of Small-Numbered Indigenous Peoples of Khanty-Mansi Autonomous Region (Yugra)," <http://www.kmns.admhmao.ru/kontseptsiya/>
19. "On Territories of Traditional Nature Use of Small-Numbered Indigenous Peoples of the North in Khanty-Mansiysk Autonomous Region-Yugra," Regional Law, (last modified September 26, 2014), <http://bit.ly/2g6XBD4>

reindeer herders, fishers and hunters can pray in privacy and leave offerings to gods. Lakes also play a significant place in Khanty's oral traditions and their mythology. Khanty families have kept many of these sites secret for generations, so many of them have remained unknown to the general public until recently.

One of the most sacred places is Imlor Lake, which is located in the municipality of Surgut in the central part of the Khanty-Mansiysk region. According to the myths of Indigenous Peoples who live in this area, the island in the middle of the lake became a place where the final battle took place between the Yugansk god and the Stone Bear, who was a messenger of the god of heaven. Here the Stone Bear was fatally wounded and, after the battle, he went down under the ground to his mother for relief.²⁰ The lake and its neighboring area is a historical place for the traditional livelihood of several Khanty families. They, as well as Indigenous people from other districts who sometime travel for hundreds of kilometers to reach this location, use the lake and the island for their spiritual rituals.

The ancestral land of Sergey Kechimov, an Indigenous Khanty elder who is considered by local Indigenous Peoples as a keeper of sacred Lake Imlor, is spread over several dozen square kilometers around the lake. Kechimov and his family live there permanently. They use a traditional style of life, hardly speaking Russian and rather using the Khanty language in everyday activities. The oil company OJSC Surgutneftegas is operating drilling wells to extract oil from the Sarymo-Russkinskoye oil field in the same area. When the oil wells began to surround the lake, destroying the natural ecosystem that supported the life of the local Khanty people, including their cattle pastures, most of the Khanty left in exchange for financial compensation which allowed Surgutneftegaz to use their ancestral lands for oil extraction. Thus, Kechimov eventually became the last local Indigenous resident who lives there permanently and does not agree to leave the area in exchange for compensation. Living in the area, Kechimov conflicts fairly often with oil company representatives,

20. M. Favorskaya, "The Old Man and the Sea of Oil," *Snob* (June 2015), <http://bit.ly/2fYpa2I>

as Surgutneftegas pollutes the territory and continues to inch nearer to the lake's shores. This conflict continued until 2014.

At that point, along with the oil wells, Surgutneftegaz employees put up small hunting and fishing lodges near the lake and brought dogs to the area. According to the laws of the Khanty-Mansiysk Autonomous Okrug, it is forbidden to keep dogs in the oil fields. Stray dogs and cats, poaching in hunting areas, are to be killed. In September 2014, according to Kechimov's testimony, dogs that were accompanying Surgutneftegas employees attacked Kechimov near the lake where he has a grazing pasture for his domestic reindeer; he alleges that he was forced to shoot the dogs. Soon thereafter, the local police visited Kechimov and recorded his testimony and asked him to sign some papers, without explaining the charges against him and without an interpreter. Kechimov, who speaks Russian poorly, did not clearly understand the situation and rather understood that the papers were related to him killing the dogs. However, it turned out that he had signed a confession to threatening the lives of two employees of OJSC Surgutneftegas, who had accused Kechimov some days earlier. The court trial is still ongoing and, because of media attention raised by Greenpeace, the case has become rather prominent in Russian and international mass media.²¹ In February 2017, the court convicted Kechimov of an offence of a murder threat and sentenced him to 30 hours of compulsory community service. At the same time, he was discharged from liability because of a legislative pardon that was announced by the State Duma (the Russian Parliament Low Chamber) in memory of the 70th anniversary of the end of the Second World War.²²

V. Cultural heritage sites

From a legal point of view, a most interesting issue is the methodology used by regional authorities to promote oil interests in this

21. "Russia: Guardian of Khanty sacred lake facing prison for defending himself against stray dogs brought in by oil workers," International Work Group for Indigenous Affairs, (July 2015), <http://bit.ly/2h8YwV5>
22. "The shaman was convicted in Ugra because of the murder threat to employees of Surgutneftegaz," Znak.com (February 3, 2017), <http://bit.ly/2nHEFiS>

conflict. Officially, the regional government stays out of the disagreement and is trying to find a solution that will accommodate all opposing parties. Several joint working groups were organized, which included representatives of Indigenous Peoples, representatives of the relevant oil company, and the authorities. The most important tool to protect Indigenous Peoples' interests, according to the authorities, was the creation of a special protected area: a municipal cultural heritage site called "the sacred Lake Imlor." According to regional regulations, construction, industrial pollution, the creation of hunting and fishing bivouacs, and wood logging are prohibited within the site's boundaries.²³ It should be noted that the municipal creation of protected areas in Russia is the lowest possible level of authority. The other important point to note is that cultural heritage sites, which are mainly located in cities and urbanized areas, have lower importance than specially protected *natural* areas for environmental protection, especially in the opinion of extractive companies. Cultural heritage sites are under the jurisdiction of the Federal Ministry of Culture, while the specially protected natural areas are under the jurisdiction of the Federal Ministry of Natural Resources.

But the most significant item of "the sacred Lake Imlor" site's regulations is their boundaries, as they almost exactly duplicate the shoreline of the lake.²⁴ The authorities thereby supported the Indigenous Peoples' demands on paper but in reality, the creation of the heritage site did not create any hindrance for the company to extract oil in this area. Moreover, the boundaries of the cultural heritage site had been revised at least once after a review of Surgutneftegas's demands²⁵ and today Indigenous locals are complaining that the company does not

23. "The Service of State Guard of the Cultural Sites of the Khanty-Maniysk Autonomous Region, The Regulation Order of the Boundaries, Protection Status, Territorial Use Regime of the Temporary Protection Zone of the Municipal Cultural Heritage Site 'the Sacred Lake Imlor'," (2013), <http://www.surgutneftegas.ru/uploaded/7NP.pdf>
24. "Interactive map of the Sacred Lake Imlor," <http://www.surgutneftegas.ru/ru/ecology/imlor/imlor1/>
25. "Minutes of the public hearings on rationalization of the borders and using the regime of cultural heritage site 'the Sacred Lake Imlor'," (2012), <http://bit.ly/2gFN1U3>

comply with the minimum final borders, which are separate production derricks from the lake.²⁶

According to our understanding, through creating a “municipal cultural heritage site,” the authorities and the Surgutneftegas corporation constructed an exploitative fictional platform which was not supposed to protect Indigenous Peoples’ rights, but rather would protect the authorities and the company from public opinion. The same ploy was used in the case of Numto Natural Park in the Beloyarsk municipality in the north of the Khanty-Mansiysk region a few years later.

VI. Heaven Lake “Numto”

A discussion between the Surgutneftegas oil company and local Indigenous communities around Numto Lake has been on-going for almost two decades. The Numto Lake, which is located near the border of Khanty-Mansiysk Autonomous Okrug and Yamal Nenets Autonomous Okrug,²⁷ is sacred for Indigenous Peoples from both regions. There is a sacred island located in the middle of the lake, which, translated from the Khanty language, is named Heaven Lake.²⁸

In 1997, local activists initiated the foundation of a regional natural park, “Numto,” to protect the fragile Northern Siberian ecosystem in this area and to preserve the traditional way of life of the local Indigenous population. The regional park was officially established by the regional government and approved by the Federal Ministry of Natural Resources. The Russian scientific community has recommended that the Numto wetlands be included in the List of Wetlands of International Importance (as defined by the Ramsar Convention) as an important site of waterfowl habitat. At the time of the creation of the natural park, the local government left a gap for oil companies within

26. “Minutes of the public hearings on the project of changing the zoning regime of natural park ‘Numto,’” (2016), <http://www.greenpeace.org/russia/Global/russia/report/2016/protocol-numto.pdf>

27. The Yamal Nenets Autonomous Okrug produces about 90% of the natural gas output of the Russian Federation.

28. Elena Sakirko and Konstantin Fomin. “Hope Floats at Heavenly Lake,” Greenpeace Russia (February 2016), <http://bit.ly/2fYLJzN>

the park's regulations which allowed oil extraction activity if it would be organized according the "environmentally safe" technologies.²⁹

In 1999, the Federal Ministry of Natural Resources issued an oil search license that covered the same area as the natural park. After some years, the Surgutneftegaz company, which received the license, confirmed positive oil reserves in the area and, in 2001, initiated a new zoning of the park that separated the territory into several zones. The area now included an oil extraction zone, a wildlife conservation zone, and a zone for traditional livelihood of Indigenous Peoples who still live permanently there on the territory of the natural park.³⁰

Since 2002, Surgutneftegaz started intensive oil field exploration in the area. In 2004, the company received a license for oil extraction and started to produce oil in the southern part of the park in 2007.³¹ After some years, the company initiated a new process of rezoning of the park's territory with the aim to gain more access to the wetlands, which previously were included in the park's wildlife zone and in the zone of Indigenous Peoples' traditional livelihood. Khanty families, the park's administration and environmental organizations brought urgent attention to the case among authorities and the general public with the aim to stop this new rezoning process. The public hearing organized by local authorities in February 2016 showed the depth of contradictions between the company's point of view and Indigenous Peoples' point of view. Khanty families refused to give the company their consent for the new rezoning of the park as they have no other territory for traditional livelihood and the oil infrastructure already surrounds them on all sides.³²

Unfortunately, Russian legislation does not include the concept of free, prior and informed consent of Indigenous Peoples. Through transformation of the federal legislation, which was described previously in this paper, a negative vote from a public hearing cannot significantly

29. "Regulations of 'Numto' Natural Park," (1997), <http://faolex.fao.org/docs/pdf/rus145795.pdf>
30. Tatiana Slanevskaya and Efrosinya Grigorieva. "The Natural Park 'Numto'— Looking for Compromise," (April 2016), <http://union-press.ru/rubrics/aktualno/772>
31. "The Environmental Impact Assessment of Changing the Zoning Regime of Natural Park 'Numto'," (2015), <http://bit.ly/2nshdW4>
32. "Minutes of the public hearings on the project of changing the zoning regime of Natural Park 'Numto'," *supra* note 26.

influence a development project and would only be considered by the Ministry of Natural Resources in the project planning.

In a situation of significant public attention to the rezoning process, the government of Khanty-Mansiysk Autonomous Okrug used their proven scheme and announced the creation of the cultural heritage site “Numto” and its exclusion from the oil-licensed area. Once again, the territory of the “cultural heritage site” covers mostly the surface of the lake, with a thin shred of land around the lake’s shore. Representatives of the local Indigenous community opposed such a rezoning scheme and pointed out the negative experience at Imlor Lake. However, their opinion was not considered in the final decision of the Federal Ministry of Natural Resources. After several months of negotiations, the new rezoning scheme of the Numto natural park was approved, and the wildlife zone and the zone of Indigenous Peoples' traditional livelihood within the park were crosscut by wide corridors of an oil-processing zone. The cultural heritage site “Numto” was thereby created at a regional level.

Authorities, the Surgutneftegas corporation, and co-opted media presented this decision as a success of Indigenous Peoples; they claimed the wildlife zone and the zone of Indigenous Peoples' traditional livelihoods were extended by 19% and the lake itself received an additional protective status.³³ At the same time, Greenpeace, independent experts, and Indigenous locals believe that this new rezoning has had a crucially negative effect on local biodiversity and the traditional livelihoods of local Indigenous Peoples, as the oil pipeline corridors cut through the most vulnerable lands of the natural park.³⁴

VII. Conclusions

The Khanty-Mansiysk region is considered one of the most developed regions in the Russian Federation, taking into account

33. “Indigenous Peoples have Protected the ‘Numto’ Park: New Zoning Regime Will Be Endorsed Before the End of the Year,” Ural.Polit.Ru, (October 2016), <http://bit.ly/2fZVDG7>
34. “They Give the Free Hand to Oil Producers to Destroy the ‘Numto’ Park Despite the Protests of Civil Society,” (October 2016), <http://www.rosbalt.ru/russia/2016/10/20/1560495.html>

economic development; quality of life; development of Indigenous Peoples' legislation; protection of their cultures, their languages, and their education; and other factors. This was the region where Russian authorities brought the UN Special Rapporteur on the Situation of Human Rights and Fundamental Freedoms of Indigenous Peoples, James Anaya, in 2009 to present best practices of Indigenous Peoples' socio-economic and cultural development.³⁵ For many years, Khanty-Mansiysk Autonomous Okrug had one of the lowest levels of conflicts between Indigenous Peoples and extractive companies among other regions of the Russian Federation. Its experience was presented by the Russian government in many international fora as one of the best experiences of negotiations between Indigenous Peoples and extractive industry in the country.

Nevertheless, quite a number of experts believe that the region has no fewer challenges than other regions in the country; rather, those challenges were better covered because of significant financial resources concentrated in the region³⁶ and massive public relations campaigns in the media. The oil companies have enough financial resources to pay compensation immediately, so Indigenous families agreeing to sign contracts with companies giving up their ancestral lands usually do not typically raise the issue of free, prior and informed consent or environmental pollution.

But as soon as Indigenous Peoples' representatives refuse to agree with oil extraction, they are met with the joint efforts of both powers—administrative and the oil industry. These powers use public relations campaigns, cheating through legislative measures, judicial pressure and other tools to gain access to land and overcome the resistance of the local community. Extractive business takes advantage of the gaps in national legislation and, if this is not enough, starts to apply pressure on people through the police, courts, and intelligence agencies, as is the case in some other areas in Russia.

35. Khanty-Mansiysk region was one of two Russian regions visited by Professor James Anaya in 2009. The second region was Krasnoyarsk Krai.

36. Khanty-Mansiysk is the third richest region of the country after the two metropolises of Moscow and St. Petersburg.

Because of the general political evolution of the country, the typical human rights tools of public opinion or international law are not working properly to protect Indigenous Peoples' land and cultural rights. Leaders and activists of Indigenous Peoples in Russia are increasingly encountering the threat of arrest for their civic position, and some of them have already been convicted or are under threat of conviction. Businesses in Russia use the political situation in the country more and more often to neutralize any obstacles to their economic benefits, such as the advocacy of Indigenous, ecological or human rights' activists, who, with increased frequency, are called "foreign agents," "spies," or "Western servants."

Today's oft-used voluntary guidelines for business do not work in the legal environment in Russia and can sometimes make the situation even worse in practice through the pretense of adherence to international standards by companies. Joint public relations capacities of authorities and companies allow the cover-up of human rights violations by pretending to follow "high international standards."

Authorities not only support business and do not support Indigenous Peoples' rights, but they are actively involved in the promotion of business interests by way of the oppression of differing points of view. Disagreements with the official vision are significantly trivialized by government and corporations, which call ecological and human rights activists "Western agents, whose aim is to prevent the economic development of Russia." State propaganda and media efforts are focused on projecting only positive experiences or aspects of Indigenous Peoples' social and cultural lives, out of touch of (or in isolation from) land rights and access to natural resources. A current shift away from the international legal framework also compounds the negative impact on—and general insecurity of—Indigenous Peoples' rights in the country. It is also rather disquieting for the international Indigenous Peoples' movement when such a large and powerful country as Russia makes an abrupt move backward in the field of the protection of Indigenous Peoples' rights, especially after some decades of positive democratic development. In this situation, there is a need for the international Indigenous movement to act jointly on emerging challenges and to find appropriate solutions in cooperation with partners and allies.