

Evolution of the Concept “Indigenous People” in the Soviet Union and the Russian Federation: the Case Study of Vepses.

by Anna Varfolomeeva

Submitted to

Central European University

Nationalism Studies Program

In partial fulfillment of the requirements for the degree of

Master of Arts

Advisor: Professor Andras Pap

Budapest, Hungary

2012

Abstract

This thesis discusses the changes in the politics towards indigenous peoples in the Soviet Union and the Russian Federation, and the implementation of indigenous rights in contemporary Russia. All the major changes in Soviet and Russian national politics influenced indigenous peoples, and although today the Russian Federation claims to follow international norms on indigenous rights protection, neither ILO Convention 169, nor the UN Declaration on the Rights of Indigenous Peoples are ratified by the Russian state. The thesis shows that despite the attempts of international organizations to create unified standards of indigenous rights protection, the position of native population still to a large extent depends on the politics and priorities of a concrete state.

The work includes the analysis of the indigenous rights of Vepses, a small Finno-Ugrian people residing in the North-West of Russia. The process of indigenous status recognition in the case of Vepses and the implementation of their indigenous rights are discussed. As the case study shows, the lack of coherence between federal and regional legislation in Russia, as well as vague formulations of legislative acts lead to the situation when federal provisions on indigenous people's rights are not implemented by regional authorities.

Acknowledgements

I would like to thank my thesis supervisor, Professor Andras Pap, for his guidance throughout the thesis writing process, and Professor Mária Kovács for the support at the early stages of this project. I am grateful to my teachers at the Finno-Ugrian school of Petrozavodsk who made me think about the destiny of minority languages and opened to me a whole world of a new culture. The support of my CEU friends from both years of my studies was vital for me; thank you for the warm memories of the time we spent together in Budapest. And finally, even being thousands of kilometers away, my family was always there for me: whether I needed a scan of an article, words of encouragement or just the feeling that I am loved and appreciated.

Table of Contents

Acknowledgements	ii
Introduction.....	1
Chapter 1: Indigenous peoples and international law	8
1.1. The history of indigenous peoples' rights recognition	8
1.2. The overview of indigenous peoples' rights guaranteed by international documents.....	13
Chapter 2: Indigenous peoples' recognition in the Soviet Union and the Russian Federation	19
2.1. The position of the Soviet Union and the Russian Federation towards international documents on the rights of indigenous peoples	19
2.2. The usage of the concept and its change over time.....	24
2.3. The implementation of indigenous rights in the Russian Federation	44
Chapter 3: Vepses as the Indigenous People of the Russian Federation.....	55
3.1. The history of Vepsian indigenous status recognition	55
3.2. The analysis of the indigenous rights of Vepses and their enforcement	61
Conclusion	69
Appendices.....	74
Appendix 1. Indigenous Peoples of the map of the Russian Federation.....	74
Appendix 2. Unified List of Indigenous Peoples of the Russian Federation (March 24, 2000).....	75
Appendix 3. Map of the Republic of Karelia	77
Bibliography	78

Introduction

...I ask you a question or two. Do not hurry with your answers. Do you believe -- really believe -- that all peoples are entitled to equal protection of international law now that you are so strong? Do you believe -- really believe -- that treaty pledges should be kept?

Think these questions over and answer them to yourselves.

Deskaheh (Levi General), speech before the League of Nations in Geneva, 1923

On May 7-18, 2012 the eleventh session of United Nations Permanent Forum on Indigenous Issues took place in UN Headquarters in New York. A special half day discussion during the forum was devoted to Indigenous Peoples in Central and Eastern Europe, the Russian Federation, Central Asia and Transcaucasia. The discussants mostly concentrated on the situation of native population in Russia, and the opinions on the topic were diverse. Deputy Minister of Regional Development of the Russian Federation stated that addressing the interests of indigenous peoples was the subject of the fundamental work of Russian Government, whereas a representative of the Association of Indigenous Peoples of Russia claimed that in the past decade, the state had not made any noticeable accomplishments to resolve the problems of indigenous peoples.¹ Although these statements contradict each other, both of them reflect the current position of indigenous communities in the Russian Federation, the state torn between the Soviet Union legacy and the attempts to correspond to international norms. The construction of “indigenusness” in the Soviet Union and the Russian Federation, as well as the current legislation of Russia addressing indigenous peoples are in focus of this thesis.

¹ Permanent Forum on Indigenous Issues. Eleventh Session. 8th Meeting (AM), 11 May 2012, <http://www.un.org/News/Press/docs/2012/hr5091.doc.htm>

According to a United Nations report published in 2002, there are more than 5,000 indigenous groups in the world. These groups consist of at least 300 million people who live in more than seventy countries.² However, there is no internationally recognized definition of indigenous peoples, and probably its creation will not be attempted in the nearest future. Hurst Hannum offers the definition focusing primarily on indigenous lifestyle: “societies that have remained relatively separate from the dominant society that surrounds them, living in a more or less traditional manner and governed by traditional political structures”.³ The UN report on indigenous peoples published in 1983 contains the working definition of indigenous peoples which is still used by UN bodies in practical purposes:

Indigenous communities, peoples and nations are those which, having a historical continuity with pre-invasion and pre-colonial societies that developed on their territories, consider themselves distinct from other sectors of the societies now prevailing on those territories, or parts of them. They form at present non-dominant sectors of society and are determined to preserve, develop and transmit to future generations their ancestral territories, and their ethnic identity, as the basis of their continued existence as peoples, in accordance with their own cultural patterns, social institutions and legal system.

However, even set of norms which are generally considered to be applicable to indigenous groups can be contested. The temporal gap between the time when a particular territory was occupied by its native population and a subsequent conquest of this territory can be justified in the cases of North America and Australia; however, in Asia and Africa such gaps are blurred, and sometimes it is almost impossible to distinguish between indigenous peoples and later settlers of a particular area.⁴ Indigenous communities’ “historical continuity with pre-invasion and pre-colonial societies” is also a relative category, as politics, culture and other

² First Meeting of Permanent Forum High Point of UN Decade. Backgrounder. May 12, 2002. <http://www.un.org/rights/indigenous/backgrounder1.htm>

³ Hurst Hannum, “Self-Determination in the Twenty-First Century” in *Negotiating Self-Determination*/ed. Hurst Hannum and Eileen F. Babbitt (Lanham: Lexington, 2006), 74

⁴ John R. Bowen, “Should We Have a Universal Concept of 'Indigenous Peoples' Rights?": Ethnicity and Essentialism in the Twenty-First Century”, *Anthropology Today*, Vol. 16, No. 4 (2000), 13

distinctive features of a people change over time. Their social and cultural distinctiveness in many cases gets vaguer: thus, Siberian indigenous peoples' representatives are moving from their native villages to cities, abandoning traditional lifestyle and rarely using their mother tongue. The issue of ethnic identity preservation is also ambiguous and to a large extent depends on peoples' wishes: it cannot be imposed "from above", as indigenous peoples are in most of the cases not isolated from the society and cannot ignore development remaining in the cultural bubble of "preservation".

As most of the international norms defining indigenous people seem ambiguous, the issue of self-determination becomes especially important. Even after a brief analysis of indigenous peoples' rights recognition it becomes clear that native populations contest the integrative discourse and want to save their distinctiveness instead of merging with the majority.

The construct of indigenous peoples in international law emerged just several decades ago and is still under development. As the category remains rather vague, many countries tend to refine the concept in their own way according to the needs of the state. As a state is free to decide whether to agree to international norms concerning indigenous rights, the protection of a native population is highly dependent on a particular country's legislation. The study of indigenous communities in the Russian Federation shows that even when a country is willing to follow international norms, international provisions cannot directly influence native populations in the country, as the Russian state has not accepted any international document on indigenous rights.

The understanding of "indigenusness" in the Soviet Union and post-Soviet Russia has undergone several major changes which inevitably influenced the life of indigenous communities. Thus, in 1926 twenty two small-numbered peoples got the status of indigenous

populations, while sixteen more ethnic groups received it only in 2000. The thesis aims to track how the understanding of indigenous population changed over time and in what aspects it was different from international definitions. In addition, I am planning to explore the meaning of “indigenouness” contemporary Russia.

The thesis aims to answer several related questions:

1) What were the reasons of granting indigenous people’s status at different historical periods of the Soviet Union and the Russian Federation? How did the understanding of indigenous population change over time, and in what aspects was it different from international definitions?

2) What does it mean today to be indigenous in the Russian Federation? Did this status bring changes in the regulation of native territory use, organization of communities, development of language and culture; or was it only reflected in documents, but not implemented in practice?

While answering these questions I will bring the example of Vepsian people’s indigenous status recognition as a case study. Vepses are a small-numbered people of the Russian Federation mainly residing in the Republic of Karelia, Leningrad and Vologda Regions. In 2000, Vepses got the status of indigenous population of the Russian Federation; in 2006, they were included into the list of small-numbered indigenous peoples of the North, Siberia and Far East of Russia. Karelians, the other native population of the Republic of Karelia, were not recognized as indigenous, as it is stated in the law that the number of indigenous population should not exceed 50,000 people. According to the 2002 census, the number of Karelians in contemporary Russia is

60,815 people. In all the other aspects, except the number, they are similar to Vepses: reside at the same native territory of the North-West of Russia and lead traditional lifestyle.

In the thesis I am going to concentrate especially on the Republic of Karelia, where the majority of Vepses reside. The Republic of Karelia is situated in the north-west of Russia, between the Baltic and the White seas (see Appendix 3). In its western part Karelia borders Finland. For more than a thousand years the region has been the place of coexistence of Slavic and Finno-Ugrian cultures.

In the 1920s, when Karelia got territorial autonomy, it was decided that Finnish will be used as the language of education for both Finno-Ugrian minorities in Karelia; later, after a short period of recognition, national Vepsian and Karelian schools became considered by Soviet authorities as “propagating frame for bourgeois nationalism” and thus were closed. After this period the assimilation of Finno-Ugrian people fastened rapidly until the next change of the political situation in the region in late 1980s and the escalation of public interest towards the situation of Finno-Ugrian minorities.

The thesis consists of three chapters; each deals with a different aspect of indigenous rights. The first chapter is devoted to the international recognition of indigenous peoples’ rights. This problem has been widely discussed in literature: thus, James Anaya provides a thorough historical observation of international legal documents aimed at indigenous rights protection. The principle of self-determination and its application in the case of indigenous peoples receives special attention.⁵ Similar problems are analyzed by Russel Barsh who presents a bright picture of the evolution of international approach towards indigenous rights: from expectations of near

5 James S. Anaya, *Indigenous Peoples in International Law* (Oxford; New York: Oxford University Press, 2004)

integration towards the recognition of distinctive indigenous identity.⁶ Ronald Niezen discusses the emergence of internationally recognized concept of “indigenous peoples”.⁷

The second and third chapters focus on the changes of the concept of indigenous peoples in the Soviet Union and the Russian Federation, and the implementation of indigenous rights in contemporary Russia with the case study of Vepsian indigenous status recognition. The history of indigenous rights recognition in Russia is discussed in the works of Alexandra Xanthaki,⁸ Galina Diatchkova,⁹ Dmitry Nikitin,¹⁰ Indra Øverland,¹¹ Zinaida Strogalschikova,¹² Anna Stammler-Gossmann.¹³

The position of Vepses as a national minority within the Soviet Union and the Russian Federation has received large scholarly attention starting from late 1980s. However, as the indigenous status was granted to Vepses only in 2000, the problem of Vepsian indigenousness has not been sufficiently discussed yet. The most informative work I am referring to is the

⁶ Russel Barsh, “Indigenous Peoples: An Emerging Object of International Law”, *The American Journal of International Law*, Vol. 80, No. 2 (Apr. 1986), 369-385

⁷ Ronald Niezen, *The Origins of Indigenism* (Berkeley and Los Angeles: University of California Press, 2003)

⁸ Alexandra Xanthaki, “Indigenous Rights in the Russian Federation: the Case of Numerically Small Peoples of the Russian North, Siberia and Far East”, *Human Rights Quarterly*, Vol. 26, No. 1 (2004), 74-105

⁹ Galina Diatchkova, “Indigenous Peoples of Russia and Political History”, *The Canadian Journal of Native Studies* XXI, 2 (2001), 217-233

¹⁰ Dmitry Nikitin, “O korennyh i malochislennykh narodah” (“On Indigenous Small-Numbered Peoples”), *Evrazia*, No. 8 (2006)

¹¹ Indra Øverland, ‘Indigenous Rights in the Russian North’, in *Russia and the North*/ ed. Elana Wilson Rowe (Ottawa: University of Ottawa Press, 2009) pp. 165-185

¹² Zinaida Strogalschikova, “Korennye malochislennye narody Rossii v politike gosudarstva: formirovanie zakonodatelstva i ego realizatsija v postsovetskij period” (“Indigenous Small-Numbered Peoples of Russia in State Politics: Formation of Legal System and Its Realization in Post-Soviet Period”), *Finno-Ugorskij Mir*, No. 1 (2008), 48-63

¹³ Anna Stammler-Gossmann, “Who is Indigenous? Construction of “Indigenusness” in Russian Legislation”, *International Community Law Review*, 11 (2009), 69-102

collection of materials *Vepses: the Models of Ethnic Mobilization* (2007). The collection of documents reflects the peculiarities of ethno-cultural development of the Vepsian people in the Republic of Karelia at different stages: the debates over the revitalization of Vepsian language and culture, the establishment of Vepsian schools and NGOs, the legal status of the language.¹⁴

The thesis will be based on secondary literature as well as primary sources, such as international legal documents and the legislative acts of the Soviet Union, Russian Federation and the Republic of Karelia, as well as several other autonomous Russian districts, Federal Programs of the Russian Federation, materials of Barents Euro-Arctic Council and Special Reports on Indigenous Peoples.

I will also use Russian and regional media sources to analyze the debates on the status of indigenous communities in Russian Federation. One of the online media sources which I found useful for my project is the Finno-Ugrian Media Center *Finugor*¹⁵ which was organized after 3rd Congress of Finno-Ugrian Peoples (2000); its aim is to create a common cyberspace for Finno-Ugrian peoples. The abstention of Russia from adopting UN Declaration on the Rights of Indigenous Peoples as well as its non-ratification of ILO Convention 169 were widely discussed in media; the position of Vepses and their indigenous status received coverage in Karelian newspapers such as *Kodima*¹⁶, *Moskovskij Komsomolets v Karelii*¹⁷ and *TVR-Panorama*.¹⁸

¹⁴ Vepsy: modeli etnicheskoy mobilizatsii (Vepses: the Models of Ethnic Mobilization). Petrozavodsk, KNC RAN, 2007

¹⁵ Info center *Finugor*, <http://finugor.ru/en/about>

¹⁶ Vepsian newspaper *Kodima*, <http://kodima.rkperiodika.ru/>

¹⁷ *Moskovskij Komsomolets v Karelii*, <http://mk.karelia.ru/>

¹⁸ *TVR Panorama Online*, <http://tvr-panorama.ru/>

Chapter 1: Indigenous peoples and international law

1.1. The history of indigenous peoples' rights recognition

The word “indigenous” has Latin origins and is derived from “indigena” meaning “native”.¹⁹ Until the mid-twentieth century it was mainly used in botanical works,²⁰ though was occasionally referred to ethnic communities. Thus, Richard Hakluyt, a XVI-century English writer, in his work *Principal Navigations, Voyages, Traffiques and Discoveries of the English Nation* mentions about the Samoyed tribes: “...they were Indigenæ , or people bred upon that very soyle that never changed their seate from one place to another, as most Nations have done”.²¹

The emergence of the concept of “indigenous peoples” was a long-term process starting from 1921, when International Labor Organization (ILO) expressed concerns on so-called “native workers” in the European overseas colonies.²² In 1926, The Committee of Experts on Native Labor was created, and its investigations were taken into account while preparing the 1930 ILO Convention against Forced Labor²³.

At that time indigenous communities were seen as backward groups of the society placed between savagery and modernity, which are doomed to disappear in future through assimilation.

¹⁹ Merriam Webster Dictionary, <http://www.merriam-webster.com/dictionary/indigenous>

²⁰ Ronald Niezen, *The Origins of Indigenism* (Berkeley and Los Angeles: University of California Press, 2003), 2

²¹ Richard Hakluyt, *Principal Navigations, Voyages, Traffiques and Discoveries of the English Nation*, <http://ebooks.adelaide.edu.au/h/hakluyt/voyages/v03/chapter16.html>

²² Niezen, *The Origins...*, 36

²³ Paul Havemann, “Twentieth-Century Public International Law and Indigenous Peoples” in *Indigenous Peoples' Rights in Australia, Canada and New Zealand*, 18

In the ILO study “Indigenous peoples” published in 1953, assimilation is presented as an inevitable future for these groups of the society.²⁴

In 1957, the Convention No. 107 of International Labor Organization “Indigenous and Tribal Population” was adopted. As Russel Barsh points out, it was the first binding document in the field of indigenous peoples’ rights protection.²⁵ It presents a rather paternalistic view on indigenous communities continuing the ILO position expressed in its previous studies. The Convention specially emphasizes the necessity of the protection of indigenous peoples and obliges states to develop the system of actions for their “progressive integration”.²⁶ Nevertheless, the Convention 107 contained important provisions on land use and inheritance, social security and health, the right for education,²⁷ which are quite similar to the Convention 169 adopted more than 30 years later. Besides, the Convention makes the first attempt to define indigenous communities specifying their “descent from the population which inhabited the country or a geographical region... at the time of conquest or colonization”.²⁸ Convention 107 was ratified by 27 countries and is still in force for 17 of them.²⁹

²⁴ Niezen, *The Origins...*, 37-38

²⁵ Barsh, “Indigenous Peoples...”, 370

²⁶ C107 Indigenous and Tribal Populations Convention, 26.06.1957, Preamble: Considering that there exist in various independent countries indigenous and other tribal and semi-tribal populations which are not yet integrated into the national community

²⁷ Ibid., Article 11: The right of ownership... over the lands which these populations traditionally occupy shall be recognized. Article 22: Governments shall assume the responsibility for providing adequate health services... Article 21: Measures shall be taken to ensure that members of the populations concerned have the opportunity to acquire education at all levels on an equal footing...

²⁸ Ibid., Article 1.b

²⁹ List of ratifications: Angola, Argentina, Bangladesh, Belgium, Plurinational State of Bolivia, Brazil, Colombia, Costa Rica, Cuba, Dominican Republic, Ecuador, Egypt, El Salvador, Ghana, Guinea-Bissau, Haiti, India, Iraq, Malawi, Mexico, Pakistan, Panama, Paraguay, Peru, Portugal, Syrian Arab Republic, Tunisia (<http://www.ilo.org/ilolex/cgi-lex/ratific.pl?C107>)

In the beginning of 1970s the United Nations began examining the issues concerning indigenous populations in a more detailed way. In 1971, Jose Martinez Cobo³⁰ was appointed as UN Special Rapporteur with the task to conduct a study on the cases of discrimination against indigenous peoples. The report of Martinez Cobo was completed in 1983 and concluded that existing human rights standards are “not fully applied” in the case of indigenous communities. It is stated in the report that self-determination must be one of the basic pre-condition for indigenous peoples’ rights,³¹ as well as the right to keep the territories they possess.³²

In the period when Martinez Cobo’s report was prepared, the theme of indigenous rights was discussed at three international conferences in Geneva. During the conference of 1977 a group of 15 experts, including indigenous representatives, recommended substantial changes to Convention 107. It was concluded that the integrative approach of the Convention is no longer valid. As the Deputy Director of ILO S.K. Jain summarized, “the world has changed since Convention 107 was adopted”.³³ Mainly due to the process of decolonization the Convention became outdated.

A year later The World Conference to Combat Racism and Racial Discrimination was held in Geneva. The Congress emphasized special attachment of indigenous communities to their land as well as their right to traditional lifestyle and language preservation. Finally, the 1981

³⁰ Jose Ricardo Martinez Cobo: born in 1920 in Ecuador. Doctor of Jurisprudence, Specialized Studies in International Law. Joined the foreign service of Ecuador and later was sent as Ambassador to the United Kingdom, Colombia, Uruguay, and Chile. Also known for his work as Secretary General of OPANAL (Agency for the Prohibition of Nuclear Weapons in Latin America and the Caribbean) in 1981-1985.

³¹ Study of the Problem of Discrimination against Indigenous Population. Final Report Submitted by Special Rapporteur Mr. Jose R. Martinez Cobo. Chapter 5.9: “...the right to define what is an indigenous person be reserved for the indigenous people themselves”.

³² Ibid., Chapter 5.39: “...persons who are regarded as indigenous are descended from the “native” inhabitants of the country”.

³³ Russel Barsh, “Revision of ILO Convention No. 107”, *The American Journal of International Law* (No. 81 (3), 1987), 758

Conference on Indigenous Peoples and Their Land proclaimed the establishment of a United Nations working group on indigenous population.³⁴

The aim of the working group was to review the existing standards on indigenous rights protection and to contribute to their development.³⁵ Its first meeting was held in 1982; the representatives of Norway, Panama, Sudan, Syria and Yugoslavia participated in it.³⁶ The working group still meets annually in Geneva and consists of five experts representing different countries.³⁷

Soon after the report of Martinez Cobo was published, in 1985, the International Labor Organization started revising Convention No. 107 as a response to the complaints on its paternalistic approach. The revisions resulted in the adoption of ILO Convention 169 Concerning Indigenous and Tribal Peoples in Independent Countries.³⁸ It is a legally binding document which has been ratified by 22 countries.³⁹ Once a country ratifies the convention, it has one year to prepare its legislative system until the document becomes legally binding. The countries which ratified the convention are subject to yearly supervision.⁴⁰

Convention 169 represents the shift in the approach towards indigenous populations from integrative way to the recognition of their right to maintain their distinct identity and to

³⁵ Havemann, "Twentieth-Century...", 20

³⁶ Barsh, *Indigenous Peoples...*, 372

³⁷ Office of UN High Commissioner for Human Rights. Working Group on Indigenous Population. <http://www2.ohchr.org/english/issues/indigenous/groups/wgip.htm>

³⁸ Havemann, "Twentieth-Century...", 21

³⁹ List of ratifications: Argentina (2000), Plurinational State of Bolivia (1991), Brazil (2002), Central African Republic (2010), Chile (2008), Colombia (1991), Costa Rica (1993), Denmark (1996), Dominica (2002), Ecuador (1998), Fiji (1998), Guatemala (1996), Honduras (1995), Mexico (1990), Nepal (2007), Netherlands (1998), Nicaragua (2010), Norway (1990), Paraguay (1993), Peru (1994), Spain (2007), Bolivarian Republic of Venezuela (2002), <http://www.ilo.org/ilolex/cgi-lex/ratifce.pl?C169>

⁴⁰ ILO Convention No. 169 Introtext, http://pro169.org/?page_id=9

participate in decision-making process in the questions directly concerning them.⁴¹ It is interesting that the concept of “populations” from the 1957 Convention 107 is replaced in Convention 169 with “peoples” to stress that indigenous communities are organized societies with a specific identity.

The next landmark in the history of indigenous rights recognition is the Draft Declaration on the Rights of Indigenous Peoples produced in 1993-1994 and based on reports to the working group in eight years of documentation.⁴² 1993 was declared by UN the International Year of Indigenous People, and, moreover, the period of 1995-2004 was proclaimed the International Decade of Indigenous People with the theme “Indigenous people: partnership in action”.⁴³

The process of drafting engaged the representatives of indigenous communities who got the possibility to promote their own views on the rights that should be granted to them.⁴⁴ The Declaration was adopted by UN General Assembly in September 2007. It establishes the rights of Indigenous Peoples to the protection of their cultural property and identity as well as the rights to education, employment, health, religion, language and more.⁴⁵ The Declaration was adopted by 143 countries, while four (Canada, the USA, New Zealand, Australia) voted against and

⁴¹ Gerard Schulting, “ILO Convention 169. Can it help?”, *Abya Yala News Online. Journal of the South and Meso American Indian Rights Center*, <http://saic.nativeweb.org/ayn/schulting.html>

⁴² Ronald Kakungulu, "The United Nations Declaration on the Rights of Indigenous Peoples: A New Dawn for Indigenous Peoples Rights?" (2009). Cornell Law School Inter-University Graduate Student Conference Papers. Paper 18. http://scholarship.law.cornell.edu/lps_clacp/18

⁴³ UN General Assembly 94th Plenary Meeting. International Decade of the World's Indigenous People. 23 December 1994, <http://www.un.org/documents/ga/res/49/a49r214.htm>

⁴⁴ Anaya, *Indigenous Peoples...* 64

⁴⁵ United Nations Declaration on the Rights of Indigenous Peoples, September 13, 2007. Article 33: “Indigenous peoples have the right to determine their own identity...” Article 14.2: “Indigenous individuals, particularly children, have the right to all levels and forms of education of the State without discrimination”. Article 21: “Indigenous peoples have the right, without discrimination, to the improvement of their economic and social conditions...” Article 13: “Indigenous peoples have the right to revitalize, use, develop and transmit to future generations their histories, languages, oral traditions, philosophies, writing systems and literatures...”

eleven (including several post-Soviet states: Azerbaijan, Georgia, Russian Federation and Ukraine) abstained.⁴⁶ The Declaration is not legally binding; however, its adoption means the decision of the state to move to certain directions regulated by the document.

The adoption of the Declaration caused controversies, especially regarding its regulations of land rights for indigenous communities. However, it represents a global instrument of indigenous peoples' rights protection.

1.2. The overview of indigenous peoples' rights guaranteed by international documents

In this sub-chapter I will review the most important international documents in the history of indigenous rights recognition: ILO Conventions no. 107 and 169 and UN Declaration on the Rights of Indigenous Peoples. These documents are divided by significant time periods: while Convention 107 was adopted in 1957, the way towards its revised version, Convention 169, took 32 years and finished only in 1989. The UN Declaration is the result of more than 25 years of work; its final version was signed in 2007. By comparison of these documents I am going to discuss the major changes in the framework of indigenous rights recognition.

Even the titles of the international documents reflect the change in the perception of indigenous identity throughout the years. In Convention 107 the subject of rights is "indigenous and tribal populations"; some communities are considered by the convention to be "semi-tribal", as they have not yet integrated.⁴⁷ Convention 169, however, is already using the term "peoples" to highlight that indigenous communities possess a distinct identity. The term "indigenous

⁴⁶ Kakungulu, "The United Nations ...", http://scholarship.law.cornell.edu/lps_clacp/18

⁴⁷ Convention 107, Preamble

peoples” is also used in the UN Declaration. At the same time, as many states objected to the usage of the term which under other international documents was strongly connected to the right to self-determination,⁴⁸ it is specifically stated in ILO Convention 169 that the term “people” does not have such implications.⁴⁹

The Convention of 1957, as it was mentioned in the previous sub-chapter, is driven by the belief that indigenous populations are temporary communities which will eventually disappear and integrate into the society after their standards of living will be raised and educational and working conditions improved. It is specifically mentioned that this integration should be natural, not artificial or forced;⁵⁰ still, it is implied that it is inevitable; the question is only in its specificities. The latter documents reflect the changed approach towards indigeneity: it is emphasized both in Convention 169 and UN Declaration that indigenous peoples are equal but distinct communities who have the right to preserve and develop their identity as well as specific cultural, religious and spiritual practices. Moreover, it is evident that the two latter documents use the approach “not just for indigenous peoples, but with them”. It is stressed that the representatives of indigenous communities should take part in decision-making on the plans and programs designed for them.⁵¹

At the same time, both ILO Convention 169 and the UN Declaration on the Rights of Indigenous Peoples were criticized for not fully embodying indigenous rights and at the same

⁴⁸ Chapter 1 of UN Charter of Human Rights (1945) states: “To develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples...”

⁴⁹ ILO Convention 169, Article 1.3: “The use of the term peoples in this Convention shall not be construed as having any implications as regards the rights which may attach to the term under international law”.

⁵⁰ Convention 107, Article 2.2 (c): “creating possibilities of national integration to the exclusion of measures tending towards the artificial assimilation of these populations”.

⁵¹ Convention 169, Preamble: “Recognizing the aspirations of these peoples to exercise control over their own institutions...”; UN Declaration, Preamble: “Convinced that control by indigenous peoples over developments affecting them and their lands, territories and resources will enable them to maintain and strengthen their institutions, cultures and traditions...”

time paying large attention to territorial integrity of states.⁵² This is, nevertheless, understandable, as while preparing the international documents it was necessary to take compromises. Besides, while working on the documents embracing so many countries it would be probably impossible to produce an all-in-one solution which fits to every country's needs; that is why both ILO Convention 169 and UN Declaration do not go too far in granting indigenous rights and recognize the right of the states to preserve their unity as well.

Indigenous peoples and land

Both the original and the revised versions of the ILO Convention, as well as the UN Declaration mention the inner connection of indigenous peoples with the land they have been inhabited for years and the special importance of the native territory for them. Convention 107 outlines that indigenous populations cannot be forcibly removed from the lands they inhabit.⁵³ Convention 169 enhances the scope of land rights: it is specified that indigenous peoples have the right to inhabit a certain territory and to possess natural resources; they can be relocated from this territory only with their free consent, and such relocation should be an exceptional measure. Moreover, in case of any loss of lands or natural resources indigenous people have the right to require compensation from the state.⁵⁴

⁵² Gerard Schulting, *ILO Convention 169...*; S James Anaya & Siegfried Wiessner, "The UN Declaration on the Rights of Indigenous Peoples: Towards re-empowerment", *Third World Resurgence*, #206 (October 2007), <http://www.twinside.org.sg/title2/resurgence/twr206.htm>

⁵³ Convention 107, Article 12: "The populations concerned shall not be removed without their free consent from their habitual territories except in accordance with national laws and regulations for reasons relating to national security, or in the interest of national economic development or of the health of the said populations."

⁵⁴ Convention 169, Articles 13-19

UN Declaration recognizes the right to lands, territories and resources as one of the inherent rights of indigenous peoples. Besides the scope of rights covered also by Convention 169 and mentioned above, special attention is paid to the demilitarization of the lands inhabited by indigenous population as well as to environment protection at these territories and prohibition of hazardous materials storage.⁵⁵ The declaration obliges states to give legal recognition and protection of the lands and natural resources possessed by indigenous peoples.⁵⁶

Rights to education and employment; language rights

The Conventions of International Labor Organization as well as UN Declaration pay significant attention to equal access of indigenous peoples to education and employment, non-discriminative salaries, special protection of the conditions of employment and non-exploitation. An interesting aspect is the education of indigenous children in their native language. The Convention adopted in 1957 guarantees the right of children to be taught to read and write in their mother tongue, but at the same time foresees progressive transition of indigenous children to the official language of the state.⁵⁷ The Convention of 1989 also provides the right to be educated in native language and then attain fluency in the official language as well.⁵⁸ At the same time, it is specifically mentioned that indigenous peoples have the right to preserve and promote their languages.⁵⁹

⁵⁵ UN Declaration, Article 29: Indigenous peoples have the right to the conservation and protection of the environment and the productive capacity of their lands or territories and resources... no storage or disposal of hazardous materials shall take place in the lands or territories of indigenous peoples without their free, prior and informed consent.

⁵⁶ Ibid, Article 26.3

⁵⁷ Convention 107, Article 23.2

⁵⁸ Convention 169, Article 28.2

⁵⁹ Ibid., Article 28.3

The provisions of Convention 169 are developed in the UN Declaration. It guarantees the right to practice language and to transmit it to future generations, be educated in mother tongue, and to have own media in their native language.⁶⁰

Cultural rights

While analyzing the texts of the three international documents I noticed that cultural rights of indigenous peoples are to a greater extent reflected in the latest of them, UN Declaration of Indigenous Peoples. It may be explained by the fact that Convention 107 and its revised version of International Labor Organization paid larger attention to equal employment opportunities and working conditions, as well as rights to education and raising the standards of living in general for indigenous communities. Nevertheless, Convention 169 outlines the right of indigenous peoples to protect their cultural, religious and spiritual values and practices.⁶¹

UN Declaration goes further in granting cultural rights and focuses, for example, on the rights to practice languages and traditions, preserve spiritual and religious practices, have diversity of cultures and possess own media.⁶² Moreover, in some articles cultural aspects are stressed in relation to other rights: thus, the article on health standards mentions also the right to practice traditional medicine, and the article on land rights stresses the spiritual relations of indigenous communities with their territories.

Cultural rights of indigenous peoples are strongly connected to self-identification. As Erica-Irene Daes, a member of United Nations Working Group on Indigenous Population states,

⁶⁰ UN Declaration, Article 16: “Indigenous peoples have the right to establish their own media in their own languages...”

⁶¹ Convention 169, Article 5 (a)

⁶² UN Declaration, Article 34: “Indigenous peoples have the right to promote, develop and maintain their institutional structures and their distinctive customs, spirituality, traditions, procedures, practices...”

a story or a song is “one of the manifestations of an ancient and continuing relationship between people and their territory”.⁶³ It is recognized that the preservation of people’s cultural heritage is fundamental for its survival over time; probably that is why with the abandonment of integrationist approach international documents start to be more focused on cultural rights of indigenous peoples.

⁶³ Michael A. Bengwayan, *Intellectual and Cultural Property Rights of Indigenous and Tribal Peoples in Asia* (Minority Rights Group International, 2003), 6

Chapter 2: Indigenous peoples' recognition in the Soviet Union and the Russian Federation

The total number of indigenous peoples living at the territory of the Russian Federation estimates at around 200,000 people. The most numerous is Nenets people (44,600 according to the 2010 census),⁶⁴ the least numerous peoples comprise of less than a hundred representatives. Indigenous populations cover a vast territory: more than 60% of the total area of Russia.⁶⁵

The chapter outlines the major changes in the understanding of indigenous peoples, the definition of the concept and its usage throughout the Soviet and post-Soviet periods of Russia. It is analyzed how from the “non-intervention” politics of the Russian Empire the state turned to paternalistic position during the Soviet period. The current situation with indigenous rights recognition and the implementation of these rights is also discussed.

2.1. The position of the Soviet Union and the Russian Federation towards international documents on the rights of indigenous peoples

In their attitude towards the problem of indigenous peoples' rights the authorities of the Soviet Union demonstrated ambiguity. On the one hand, the activities of indigenous representatives in the world found support in the USSR. Thus, for example, the case of Leonard Peltier, an American Indian who was jailed in 1975, caused a wave of protests in the Soviet Union: the campaign under the title “Freedom to Leonard Peltier!” was carried out throughout the country and Peltier even got political asylum in the USSR while still remaining imprisoned in

⁶⁴ Info centre *Finugor*, <http://finugor.ru/node/22478>

⁶⁵ *Towards a New Millennium: Ten Years of Indigenous Movement in Russia*/ ed. by Thomas Kohler, Kathrin Wessendorf (Copenhagen: International Work Group on Indigenous Affairs, 2002), 11

the United States.⁶⁶ The USSR representatives also criticized Canada and the United States for their treatment of Indians during the session of the United Nations Sub-Commission on Prevention of Discrimination and Protection of Minorities in 1985.



Text: **Freedom to L. Peltier!** On behalf of 42-million Lenin's komsomol, 20 millions of Soviet pioneers, all the youth of the country of Soviets and 13 millions of "Komsomolskaya Pravda" readers, we demand immediate release of American Indians' rights activist Leonard Peltier!

Soviet Postcard, 1975

On the other hand, at the same session of the Sub-Commission Vsevolod Sofinsky, a representative of the USSR, in his speech stated that the term "indigenous people" is justified only in colonial context which is inappropriate for Eastern Europe.⁶⁷ Thus, as Sofinsky concluded, in the Soviet Union there are no indigenous peoples in its legal implications.⁶⁸

Nevertheless, this course turned out to be unstable. Just two years later, in his speech in Murmansk in 1987, Mikhail Gorbachev referred to the necessity of defending the interests of "indigenous population" of the North, studying its ethnic peculiarities and the development of cooperation between ethnic groups of the North.⁶⁹ Such cooperation started soon: in 1989, an

⁶⁶ "U.S. Scorns Peltier Appeal for Soviet Political Asylum" in *Los Angeles Times*, August 21, 1987

⁶⁷ Barsh, "Indigenous Peoples..." 375

⁶⁸ Ibid.

⁶⁹ Speech of Mikhail Gorbachev in Murmansk, *Pravda*, No. 275, October 2, 1987

Inuit delegation of the USSR attended the general assembly of Inuit Circumpolar Conference in Greenland.⁷⁰

The Soviet Union joined the Convention 107 in 1959, but never ratified it. The revised version of the Convention was not ratified as well, and the discussions on its ratification have still not ceased. The official representatives of the Soviet Union participated in the meetings on the preparation of the Convention and were present at its official signing; after its adoption Soviet and later Russian authorities showed interest in ratifying it.⁷¹ Alexandra Xanthaki lists several milestones when Russia has been on the edge of ratifying Convention 169 under international pressure; in 1998 this process was initiated, but the procedure was not completed.⁷² Russian indigenous communities tried to influence the process as well: thus, the question on Convention 169 ratification was raised already at the 1st conference of indigenous peoples in 1990. This recommendation was later repeated at other conferences and meetings on indigeneity.

During the preparation of the UN Declaration on the Rights of Indigenous Peoples, Russia supported the document and expressed concerns on indigenous peoples' rights protection. After 1994-2004 was declared by UN the International Decade of Indigenous Peoples, Russia was the first country to create Organizational Committee on the Preparation and Realization of

⁷⁰ Douglas Sanders, "The UN Working Group on Indigenous Populations", *Human Rights Quarterly*, Vol. 11, No. 3 (Aug., 1989), p. 416

⁷¹ Indra Overland, "Indigenous Rights in the Russian North" in *Russia and the North*/ ed. Elana W. Rowe (Ottawa: University of Ottawa Press, 2009), 166

⁷² Alexandra Xanthaki, "Indigenous Rights in the Russian Federation: the Case of Numerically Small Peoples of the Russian North, Siberia and Far East", *Human Rights Quarterly*, Vol. 26, No. 1 (2004), 76

the Decade.⁷³ The Committee planned to work on the gradual inclusion of ILO Convention 169 provisions into Russian legal practice.⁷⁴

However, as Mikhail Todyshev, director of Center of Legal Resources for Indigenous Peoples, who participated in the 2006 Session of Human Rights Council in Geneva reports, during the Session in June 2006 the position of Russian state changed.⁷⁵ Deputy Minister of Foreign Affairs Alexandr Yakovenko stated at one of the Session's meeting that Russia will not support the Declaration on the Rights of Indigenous Peoples, as it cannot agree with the articles regarding the right for self-determination and land rights of indigenous peoples (the latter one, as it was stated, contradicts the Russian Constitution).⁷⁶ During the voting of Human Rights Council on June 29th 2006, 30 countries supported the Declaration, Russia and Canada voted against.⁷⁷ In 2007, Russia reaffirmed its position abstaining during the voting on UN Declaration on the Rights of Indigenous Peoples.⁷⁸

The position of Russian state towards ILO Convention 169 and UN Declaration does not go along with the Article 69 of the Constitution of the Russian Federation (1993): according to it, "The Russian Federation shall guarantee the rights of the indigenous small peoples according to the universally recognized principles and norms of international law and international treaties

⁷³ Zinaida Strogalschikova, "Korennye malochislennye narody Rossii v politike gosudarstva" (Indigenous Small-Numbered Peoples in State Politics), *Finno-Ugorskij Mir*, 1 (2008), 53 (48-63)

⁷⁴ Ibid., 55

⁷⁵ Mikhail Todyshev, "V OON Rossiya vystupaet kak dushitel prav i svobod korennyh narodov mira" ("In UN Russia is Throttling the Rights and Freedoms of World's Indigenous Peoples"), at *Informational Center of Finno-Ugrian Peoples*, <http://www.mariuver.info/rus/articles/polit/2006/07/01.html>

⁷⁶ Comments to the Constitution of the Russian Federation. Article 69/ ed. V.D. Zorkin, L.V. Lazarev, <http://kommentarii.org/konstituc/page75.html>

⁷⁷ Todyshev, "V OON Rossiya..."

⁷⁸ Kakungulu, "The United Nations ...", http://scholarship.law.cornell.edu/lps_clacp/18

and agreements of the Russian Federation”.⁷⁹ Article 72.1.1 of the Russian Constitution guarantees protection of traditional living environment for small ethnic communities; however, the same article outlines that the usage of land and natural environment is in joint jurisdiction of the Russian Federation and its subjects; indigenous peoples are not mentioned.⁸⁰ Taking into account that the majority of Russian indigenous peoples reside at the territory of Siberia, the land which is rich in natural resources, it is clear that the Russian state does not want to provide small ethnic communities with the right to control these resources.

In his article Alexandr Pika, a Russian ethnologist working on indigenous studies, discusses the problem of Convention 169 ratification. Pika stresses that on the one hand, the ratification could stimulate Russian indigenous policies and would be a positive step towards better life standards of indigenous peoples. On the other hand, the rights of indigenous peoples are still not properly defined in Russian law, so as the procedures for their implementation.⁸¹

The largest obstacle for ratification is land rights. The Russian state also does not recognize the right of indigenous populations to own land and natural resources. Article 16 of ILO Convention mentions the necessity of compensations for forced relocation of indigenous peoples; the question of compensations was never outlined in Russian legal practice.

The overview of the Soviet Union and the Russian Federation’s positions towards international documents on the rights of indigenous peoples shows that despite its participation in the work on both ILO Conventions and UN Declaration, the states did not adopt any of the mentioned documents. Therefore, both during its Soviet and post-Soviet period Russia preferred

⁷⁹ Constitution of the Russian Federation, Article 69

⁸⁰ Ibid., Article 72.1.1: “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”.

⁸¹ Alexander Pika, “Mezhdunarodnye normy politiki gosudarstv v otnoshenii aborigennykh narodov” (“International Norms of States’ Politics in Relation to Aboriginal Peoples”), *Informational Center “Zhivaya Arktika”* (1996), http://www.arctic.org.ru/1996/1_2_96.htm

to rely on its own legislation towards indigenous peoples. The development of this legislation and its implementation in the Soviet Union and the Russian Federation will be analyzed in the following parts of the chapter.

2.2. The usage of the concept and its change over time.

Pre-Soviet Years: Non-Intervention Politics

The concept of indigenous population is closely connected in Russia with the process of expansion and land reclamation. At the early stages of Siberian expansion the term “tuzemtsy” (aborigines, literally “those lands’ people”) was widely used.⁸² This concept implies that although the lands where natives reside are different, they belong to the state (if we compare it with the related terms “inozemtsy” or “chuzhezemtsy” meaning “foreigners”, or literally “other/alien lands’ people”).

In the XIX century the term “inorodtsy” (outlanders, literally “people of another origin”) becomes commonly used in administrative documents. In 1822, the Statute “On the Governing of Outlanders” was published; it was the first legal act to define the status of indigenous people as well as their traditional administration.⁸³ The statute divided all the Siberian indigenous peoples into three categories: settled, nomadic (changing places of living in accordance with seasons) and vagrant (changing places of living depending on hunting or fishing possibilities).

⁸² Sergei Sokolovsky, “Kategorija “korennye narody” v rossijskoj politike, zakonodatelstve i nauke” (“Category “Indigenous Peoples” in Russian Politics, Legal System and Science”), *Etnometodologia*, No. 5 (1999), <http://www.prof.msu.ru/publ/book3/sok.htm>

⁸³ Galina Diatchkova, “Indigenous Peoples of Russia and Political History”, *Canadian Journal of Native Studies*, 2 (2001), 219

Each of the categories received special rights; the peculiarities of their governing were specifically outlined.⁸⁴

On the whole, up to the beginning of the Soviet period, the authorities of the Russian Empire were motivated by non-intervention principle. Although they tried to organize the indigenous communities (as it is outlined in the 1822 statute), at the same time native populations were never forced to change their traditional lifestyle, to move to another territories or to learn Russian. Indigenous peoples were never subject to slavery; moreover, it is visible from the 1822 statute that Russian authorities tried to take into account the peculiarities of indigenous lifestyle⁸⁵ and made the attempt to accommodate administrative bodies to the needs of native population instead of accommodating indigenous peoples to the majority.

It seems interesting that both the terms “tuzemtsy” and “inorodtsy” stress only the “otherness” or “strangeness” of the mentioned populations, but do not imply any of the characteristics indigenous peoples possess today. Conversely, the Soviet term “korennoy narod” (“indigenous people”, literally “rooted people”), first, emphasizes the deep connection of the people with its territory, and second, unlike previous concepts, recognizes them as distinct ethnic community (“narod” means “people”).

⁸⁴ Valery Judin, “Evolutsija gosudarstvennoj politiki Rossii v otnoshenii korennyh malochislennyh narodov Severa” (“The Evolution of State Politics in Relation to Indigenous Small-Numbered Peoples of the North”), *Vlast*, 1 (2012), 29

⁸⁵ Statute of the Russian Empire “On the Governing of Outlanders”. July 22, 1822, Chapter V, § 25: “Nomadic outlanders remain at the same position... It is necessary to make them understand that... they would not have to become peasants against their will, and will not be transferred to a different social class without their consent”. Chapter VI, §68: “All vagrant and nomadic outlanders are governed according to their own prairie laws and customs”.

Early Soviet Period: Equality of Nations

The term “korennoy narod” appeared in the legal documents during the first years of Soviet period. This time could be characterized by the process of intensive word-inventing: the new epoch required new terms and concepts. Between 1924 and 1932 more than fifty normative acts on the issues concerning indigenous peoples were published, and they contained around twenty terms to define this population.⁸⁶

In 1924, the Committee on Assistance to the Peoples of Remote Northern Peripheries was created; its mission was to deal specifically with the problems of indigenous communities.⁸⁷ During 1926-1927 a large-scale Polar census was conducted among the indigenous peoples of the North. The census was at the same time an expedition aimed to record the peculiarities of indigenous lifestyle, the places and periods of nomadism, traditional occupations, healthcare and religious practices.⁸⁸ The census forms were specially adapted for indigenous communities: as many northern peoples continued using traditional names alongside with official ones, the column “nickname” was added;⁸⁹ the entry “cattle breeding” contained the options “reindeers” and “sledge dogs” (standard forms contained “cows”, “mules”, “horses”).⁹⁰ The amount of work done by Soviet recorders and interpreters was huge, especially considering the distance they had to cover in order to reach all the dispersed northern communities. Unexpected obstacles – from

⁸⁶ Sokolovsky, “Kategorija...”, <http://www.prof.msu.ru/publ/book3/sok.htm>

⁸⁷ Gred Peltzer and Heather Axner, “Formirovanie sovremennogo gosudarstva I korennye narody” (“The Formation of Modern State and Indigenous Peoples”, <http://www.uarctic.org/singleArticle.aspx?m=519&amid=3257>

⁸⁸ David G. Anderson, *The 1926/27 Soviet Polar Census Expeditions* (New York – Oxford: Berghahn Books, 2001), 10

⁸⁹ Ibid., 82

⁹⁰ Chumovaya perepis: proshloe i nastoyashee: ob istorii perepisi naseleniya v trudnodostupnyh severnyh territoriyah Krasnoyarskogo kraya (The Raw-Hide Tent Census: on the History of Census in the Remote Areas of Krasnoyarsk Territory), *Taimyr*, 9 September 2010, issue 104, 4

lack of printed materials to wolves' attacks - occurred on their way; nevertheless, in April 1926 the census was finished. It was the first attempt to record the northern population basing on unified forms and plans.⁹¹

In the special decree on October 25th 1926 "On establishment of the temporary provisions on the management of native peoples and tribes of the northern outskirts of the Russian Soviet Federative Socialist Republic" several important aspects of the "korennoy narod" concept were outlined: small number, unique traditional lifestyle (reindeer breeding, hunting, fishing, as well as nomadic or semi nomad life), low level of socio-economic development.⁹² The decree of 1926 contained the list of twenty six indigenous peoples of Russian Soviet Federative Socialistic Republic: Sami, Nenets, Khanty, Mansi, Enets, Dolgan, Nganasans, Selkup, Ket, Evenki, Yukagirs, Evens, Chukchi, Koryak, Eskimo, Aleut, Itelmen Tofalars, Ulchi, Nanai, Nivkhs, Udege, Negidals, Orok, Orochi, Chuvans.

While analyzing this list it becomes evident that some peoples which possess similar characteristics are for some reason excluded from the decree and thus are not named "native". Thus, Vepses and Karelians, as well as Komi people were not included into the list though they resided at the northern territory, were definitely small-numbered and led traditional lifestyle. The reason for that is outlined in the opening paragraph of the decree: "the aboriginal administrative

⁹¹ Ibid.

⁹² A. Gorelikov, "Transformacija pravovogo statusa korennyh narodov v XX veke" (The Transformation of the Legal Status of Indigenous Peoples of the Far East in the XXth Century"), *Vestnik Chelyabinskogo gosudarstvennogo universiteta*, No. 30 (211), 2010, 37

bodies are organized for the peoples residing at the northern territories of RSFSR... given that these peoples are not separated into special republics and regions”.⁹³

The attitude of Soviet authorities towards indigenous peoples fits well into the general framework of the country’s national politics. During the first years after the 1917 Revolution the Soviet policies towards many ethnic groups of the country were directed by the views of Lenin. According to Lenin's belief, all the nations were equal, and the “Great October” put the end to the tsarist-time ethnic discrimination. In his “Critical Remarks on National Question” Lenin outlined the opposition of “prison house of peoples” of tsarist regime and “international culture” of new proletarian society, where nations will no more be oppressed.⁹⁴ In 1914 Lenin published the essay “Nations’ Right to Self-Determination” where he outlined that Russian proletariat should recognize the equality of all the nations and their right to self-determination (up to secession).⁹⁵ At the same time, this equal development of nationalities was seen by Lenin as a necessary prerequisite for his main goal: the unification of peoples under the Communist state.⁹⁶ Here Lenin followed the conception of Marx and Engels who believed that the “national question” can be solved through people’s unification irrespectively of their national belonging in their common struggle against oppression.⁹⁷

⁹³ Decree of RSFSR “On establishment of the temporary provisions on the management of native peoples and tribes of the northern outskirts of the Russian Soviet Federative Socialist Republic”, 25.10.1926

⁹⁴ Vladimir Lenin, “Critical Remarks on National Question”, *Prosvescheniye*, November-December 1913, <http://www.marx2mao.com/Lenin/CRNQ13.html>

⁹⁵ Vladimir Lenin, “The Right of Nations to Self-Determination”, *Prosvescheniye*, April-June 1914, <http://www.marxists.org/archive/lenin/works/1914/self-det/index.htm>

⁹⁶ Lenore Grenoble, *Language Policy in the Soviet Union* (Dordrecht: Kluwer Academic Publishers, 2003), 35

⁹⁷ Karl Marx and Friedrich Engels, *Manifesto of the Communist Party*, 1848: “The workers have no country. We cannot take from them what they have not got. Since the proletariat must first of all acquire political supremacy, must rise to be the leading class of the nation, must constitute

Stalin in his 1913 essay “Marxism and the National Question” held a similar opinion: national equality in all its forms (languages, education etc.) is necessary, but it is the way of future merging of the nationalities into “proletarian culture”. Stalin criticized the concept of national-cultural autonomy, stating that it does not help to unify the nation; at the same time, he believes that territorial autonomy strengthens the nation and fastens its development.⁹⁸

The idea of all the Soviet nations' equality resulted in granting territorial autonomy to many national subjects of the Soviet Union in 1920-1921, and later in 1924.⁹⁹ The course of 1920s was titled “nativisation campaign” (*korenizatsija*) which, as Evan Mawdsley points out, implied three main elements: encouragement of territorial identity, recruitment of ethnic minorities to administrative posts, and promotion of primary and secondary education in minority languages. As a result, the authorities hoped to increase educated and urbanized elements within minority groups.¹⁰⁰

The Republic of Karelia was granted autonomy in 1920. The reason for gaining territorial autonomy for the region was that it was the place of residence of several Finno-Ugrian peoples: Karelians (37, 4% according to the census of 1926), Vepses (3, 2%) and Finns (0,9%).¹⁰¹ In 1925, Komi-Permyak autonomous Region was created, also with the mission to encourage the

itself **the** nation, it is, so far, itself national, though not in the bourgeois sense of the word”, <http://www.anu.edu.au/polsci/marx/classics/manifesto.html>

⁹⁸ Joseph Stalin, “Marxism and the National Question”, *Prosvescheniye*, March-May 1913, <http://www.marxists.org/reference/archive/stalin/works/1913/03.htm>

⁹⁹ I. Dolutsky, “Obrazovanie SSSR. 1922-1924” (“The Formation of the USSR. 1922-1924”), http://cccp.narod.ru/work/book/hist_sssr1.html

¹⁰⁰ Evan Mawdsley, *The Stalin years: the Soviet Union 1929-1953* (Manchester: Manchester University Press, 1998), 75

¹⁰¹ Paul M. Austin, “Soviet Karelian: the Language that Failed” in *Slavic Review*, 1 (1992), 16

development of Komi people.¹⁰² Among other autonomous republics created in the 1920s there are Yakut Soviet Socialist Republic (1922) and Mari Autonomous Region (1920).¹⁰³ All these northern peoples were not included into the list of aboriginal northern populations of 1926.

The right of all the constituent peoples of the Russian Soviet Federative Republic to create national autonomous Regions was stated in the Constitution of RSFSR adopted in 1918 (Article 11).¹⁰⁴ In Article 22 of the Constitution it is declared that any discrimination of national minorities contradicts the Constitution principles.¹⁰⁵ However, although the principle of territorial autonomies is outlined later in the USSR Constitution of 1936¹⁰⁶ and RSFSR Constitution of 1937¹⁰⁷, the notion on non-discrimination of national minorities disappears. Such a change goes alongside with Stalin's conception of strengthening the nation through territorial autonomy, so in the USSR Constitution of 1936 most of the rights (excluding the right for education in native language) are guaranteed to national minorities through their autonomy.

¹⁰² Nadezhda Volokitina, "Komi-Permyaks, Victims of Putin's Regional Amalgamation Plan, Want Autonomy Back" at Info Centre *Finugor*, <http://finugor.ru/en/node/22691>

¹⁰³ *Soviet Nationalities Policy in Practice*/ ed. by Robert Conquest (New York – Washington: Frederick A. Praeger Publishers, 1967), 31-32

¹⁰⁴ Constitution of RSFSR, July 10th, 1918, Article 11: "The soviets of those regions which differentiate themselves by a special form of existence and national character may unite in autonomous regional unions, ruled by the local congress of the soviets and their executive organs", <http://www.marxists.org/history/ussr/government/constitution/1918/article2.htm>

¹⁰⁵ *Ibid.*, Article 22: "The Russian Socialist Federated Soviet Republic, recognizing the equal rights of all citizens, irrespective of their racial or national connections, proclaims all privileges on this ground, as well as oppression of national minorities, to be contrary to the fundamental laws of the Republic".

¹⁰⁶ Constitution of the USSR, December 5th, 1936, Article 22 "On the autonomous republics of the RSFSR"

¹⁰⁷ Constitution of the RSFSR, adopted on January 21st, 1937, Article 14

Stalin's Years and after: Industrialization and Assimilation

Already in the early Soviet period the features of paternalistic approach of the authorities towards indigenous peoples were evident. The primary aim of the state politics was to overcome cultural and economic backwardness of northern populations. Indigenous peoples received special privileges: they were not obliged to pay taxes and were released from compulsory military service.¹⁰⁸ The observation that alcohol had a stronger effect on the organisms of indigenous peoples resulted in prohibition of selling it in the northern regions of the country.¹⁰⁹

The course of 1930s continued and even strengthened the paternalistic position of the state. Now the primary goal of the USSR was rapid industrialization, and most of the resources were invested into the exploitation of natural resources, building of plants and factories, development of science and education. Indigenous communities which in many cases resided at territories rich with natural resources were viewed in the context of industrialization: as the object of economic changes.¹¹⁰ Between 1937 and 1957 no legislative acts aimed at the small-numbered peoples of the North were published.¹¹¹ Most probably, indigenous peoples were viewed by Soviet authorities in the similar way as the one reflected in ILO Convention 107: as temporarily backward communities which will (and should) inevitably assimilate to the majority.

¹⁰⁸ K. Ivanov, S. Khrushev. Zhachenie teorii Gumileva dlya izuchenija malochislennyh narodov severa Rossii ("The Significance of Gumilev's Theory for Studying of Small Peoples of the North of Russia"), Theses Collection of 2nd Gumilev's Readings, 1998. <http://gumilevica.kulichki.net/GW/gw228.htm>

¹⁰⁹ Nikolai Vakhtin, *Korennoe naselenie Krainego Severa Rossijskoj Federatsii* (Native Population of the Russian Federation's Far North" (Saint Petersburg: Izd. Evropejskogo doma, 1992), 35

¹¹⁰ Ivanov, Khrushev, "Zhachenie teorii...", <http://gumilevica.kulichki.net/GW/gw228.htm>

¹¹¹ Gorelikov, "Transformacija...", <http://www.lib.csu.ru/vch/211/006.pdf>

Starting from 1930s, the concept of “indigenous people” is almost never used; it was replaced with the term “small-numbered people”. As it was officially declared by Vsevolod Sofinsky, this term was related to colonization and thus was not appropriate for Soviet context.¹¹² I assume that due to rapid exploitation of the North the term “korennoy narod” with its connotation of rootedness did not suit the aims of Soviet authorities: the usage of the term would imply that Russians and other peoples moving to these territories are “aliens”, or even “occupiers” there. Conversely, the campaign of resettlement to northern territories used slogans like “Arctic Region is our common home” and tried to show that new settlers are not moving to alien territory but discover new parts of their country.

At that period the national politics of the Soviet Union changed radically. In 1934 Stalin officially declared the end of “nativisation campaign”.¹¹³ The idea of “world revolution” became no longer valid, and instead of it Stalin was developing the project of “building socialism in a single country”.¹¹⁴

Starting from 1930s, the concept of “bourgeois nationalism” started being widely used as an accusation against national minorities’ representatives.¹¹⁵ This term remained rather vague throughout the years of Stalin’s rule, but in most cases it meant anti-Soviet beliefs and dissemination of these beliefs, as well as the connection with the pre-Soviet bourgeois system or the support of capitalist Western countries. In the Republic of Karelia this shift in politics

¹¹² Barsh, “Indigenous peoples...” 375

¹¹³ Greboble, “Language Policy...”, 54

¹¹⁴ Sergei Zubatov, “Sotsializm v otdelno vzyatoj strane” (“Socialism in a Single Country”), *Proryv*, No. 1 (2002), http://proriv.ru/articles.shtml/zubatov?socialism_in_a_single_country

¹¹⁵ *Soviet Nationalities Policy in Practice*/ ed. Robert Conquest (New York: Praeger, 1967), 92

resulted in mass arrests of ethnic Finns who were now declared traitors and western collaborators.¹¹⁶

Alongside with the notion of “bourgeois nationalism” the idea of “Russian Elder Brother” was becoming more and more popular under Stalin’s rule. According to this ideology, the leading role of Russian people in building socialism and the development of the USSR were continuously emphasized.¹¹⁷ In 1945, celebrating the end of the Second World War in the Kremlin, Stalin raised a toast to the health of the Russian people, proclaiming it “the most outstanding nation of the Soviet Union”.¹¹⁸ The politics of Soviet nations’ equality postulated by Lenin was replaced with the course towards assimilation.

For indigenous peoples of the North the beginning of the 1930s was marked with the creation of several national Regions in Siberia and Far East. Nikolai Vakhtin views this process as the last attempt of Soviet authorities to balance the preservation of small-numbered peoples and the inevitable commercial exploitation of the North.¹¹⁹ The aim of indigenous peoples’ preservation, however, was hard to reach, as in this period, following the natural resources exploitation at the North, many Russians resettled to the territories which were traditionally inhabited by indigenous communities. The industrial enterprises which were formed at that period in the North did not take into account the peculiarities of indigenous lifestyle: thus, a newly formed fishing trust could occupy all the traditional fishing places, and locals had

¹¹⁶ Arvo Kostiainen, “The Finns of Soviet Karelia as a Target of Stalin's Terror”, Paper presented at ICCEES World Congress, August 6-11, 1995, <http://www.genealogia.fi/emi/art/article226e.htm>

¹¹⁷ *Soviet Nationalities Policy in Practice*, 90

¹¹⁸ Vladimir Nevezhin, “Tost Stalina za russkij narod (24 maja 1945): novaya interpretacija” (“Stalin’s Toast to Russian People (May 24th, 1945): New Interpretation”), *Prepodavanie Istorii v Shkole*, 4 (2005), 23-28, <http://vvov.shpl.ru/pish7.html>

¹¹⁹ Vakhtin, *Korennoye naselenie...*, 32

basically to serve as working force for large companies.¹²⁰ By 1950s more than 50% of the northern residents consisted of recent migrants; by that time most of the population could speak Russian well.¹²¹ Russian inevitably influenced the smaller languages of the North; in many cases it was the language of education (at least secondary one) and the *lingua franca* for communication with migrants from other regions.¹²² The new course was based on the idea of the Soviet patriotism through all the small peoples merging with the Russian people and forming “a single brotherly family”¹²³

The 1930s brought one more remarkable change into the life of indigenous communities. These years were marked with the beginning of forced collectivization which began in 1929. The aim of the process was the creation of co-operative farming (*kolkhoz*) through abolition of individual peasantry. As other Soviet peasants, northern populations were forced to join the collective farming enterprises; during this process the traditional lifestyle of indigenous peoples was not taken into account. The other side of the collectivization was the process of the so-called *raskulachivaniye* (*dekulakization*) which aimed at relatively well-to-do peasant households. Again, as in the case of collectivization, the peculiarities of indigenous lifestyle did not play any role in the process: as Nikolai Vakhtin points out, whereas 6 cows and horses are enough to ensure the living of a family, an indigenous household needs around 200-250 reindeers.¹²⁴ It means that for northern population dekulakization had an extremely crucial effect.

¹²⁰ Ibid., 34

¹²¹ Ibid., 44

¹²² Bernard Comrie, *The Languages of the Soviet Union* (Cambridge: Cambridge University Press, 1981), 35

¹²³ *Soviet Nationalities Policy in Practice*, 89

¹²⁴ Vakhtin, *Korennoye naselenie...*, 27

After the war, starting from late 1940s, state interventions to the life of indigenous communities were continued and even strengthened. It was decided “from above” that the nomadic lifestyle prevents the development of native northern population and enlarges the gap between them and the Russians residing at the same territory. Thus, the process called *politika poselkovanija* (the politics of settlement) aimed at the change for small-numbered peoples from nomadic to settled lifestyle started.¹²⁵ The process included building of larger housing complexes designed for indigenous communities and then ensuring their resettlement from smaller villages. The resettlement in many cases was forced: first the inhabitants of the villages received an offer to move; in case they did not agree, after several months the local shop and school were closed; if even these measures did not work, the *kolkhoz* was closed as well, so many people remained without work and had basically no other option than to move to a larger settlement.¹²⁶

Attempts to transfer reindeer-breeders and their families to settled lifestyle were also made, though this aim was harder to reach. The article published in 1966 in the journal “Soviet Ethnography” describes this process in rather positive way: though the drawbacks of the settlement politics are mentioned, overall it is recognized as a successful one. The authors claim that the new politics leads to the improvement in northern peoples’ lifestyle and increases their educational and cultural development, so that “their cultural lifestyle is in many cases not different from the life of Russian population in the same villages”.¹²⁷ At the same time, there are

¹²⁵ Valery Yudin, “Evolutsija gosudarstvennoj politiki v otnoshenii korennyh malochislennyh narodov Severa” (“The Evolution of State Policies in Relation to Indigenous Small-Numbered Peoples of the North”), *Vlast*, 1 (2012), 31

¹²⁶ Vakhtin, *Korennoye naselenie...*, 51

¹²⁷ V. Vasiljev, Ju. Simchenko, and Z. Sokolova, “Problemy rekonstrukcii byta malykh narodov Krajnego Severa” (“The Problems of Everyday Life Reconstruction for the Small-Numbered Peoples of the Far North”), *Sovetskaya Etnographija*, 1 (1966), 19

no references to the opinion of local population, so it is clearly visible from the article that the decision on resettlement was made for them, but not with them.

Besides, the negative effects of resettlement listed in the article undermine the effectiveness of the method: it is stated, thus, that the newly-build villages are in many cases far away from the fishing and hunting places, so workers have to spend up to several weeks apart from their families. In some cases the area around the villages is heavy-going, so the fishermen and hunters have to use either motor boats or even planes to reach the destination.¹²⁸ Nikolai Vakhtin also notices that while building the new large villages the needs of indigenous population were rarely taken into account: it was considered more important to build the village close to the railway station or one of the main roads.¹²⁹

Only in 1957 with the decree on the economic and cultural development of indigenous peoples the state again turned attention to its northern communities. It opened a whole epoch of similar decrees devoted to different aspects of indigenous life which were adopted in 1960, 1967, 1973, 1980, 1987, 1989 and 1991.¹³⁰ Up to mid-eighties the term “small peoples of the North” remained being used in documents and legal acts. In the period of late 1980s and early 1990s it becomes slightly modified: “small-numbered peoples”. I suppose that this shift symbolizes the change in the attitude towards indigenous peoples: the term “small peoples” (*mal'ye narody*) implies a certain degree of paternalism, as a contradiction between Russian “elder brother” and its smaller “satellites”. The term “small-numbered peoples” (*malochislennyye narody*), on the other hand, stresses only the difference in number, but does not imply any hierarchical relations.

¹²⁸ Vasiljev, Simchenko and Sokolova, “Problemy rekonsruktsii...”, 19

¹²⁹ Vakhtin, *Korennoye naselenie...*, 51-52

¹³⁰ Ivanov, Khrushchev, “Zhachenie teorii...”, <http://gumilevica.kulichki.net/GW/gw228.htm>

1980s – Present: Contradictory Approach

In late 1980s it became clear that the attitude towards indigenous peoples started changing. Most probably such a shift was a result of the general politics of *glasnost* when censorship in mass media lessened, as well as the course to better relations with Western countries.

The regime relaxation led to several national uprisings in different parts of the country: many national groups felt that now they got the chance to influence the authorities. The wave started with the December 1986 actions of protest in Kazakhstan: protesters demanded the Soviet authorities to change the national politics in the republic, to ensure more rights to its Kazakh population and to assist in the development of Kazakh language.¹³¹ The revolt became the precedent which soon motivated the elites of other Soviet nations to stand up defending their rights. In the end of 1987, mass protests of Armenians in Nagorno-Karabakh started.¹³² In 1988 and 1989 the so-called “Singing revolution” took place in the Baltic countries: gathering for protests, people used old folk songs of their countries as the symbols of their claims for independence.¹³³

Following the Kazakh protest, in January 1987 the General Secretary of the Communist Party Mikhail Gorbachev delivered a program speech where he declared that the issues of national politics are not examined well. Gorbachev criticized the existing investigations of national politics stating that they do not deal with real problems and contradictions and present the ideal positive picture instead. Gorbachev reminded about the famous appeal of Lenin to be

¹³¹ Kazakh radio Azzatyk website, http://rus.azattyq.org/section/December_1986/677.html

¹³² Nagorno-Karabakh: Historical Overview, <http://www.karabah88.ru/history/karabah/34.html>

¹³³ “Singing Revolution” of Lithuania – BBC material, http://www.bbc.co.uk/russian/international/2009/07/090707_lithuania_singing_revolution.shtml

“internationalist in one's actions” and claims that from now on the authorities should pay more attention to all the nations which are represented in the USSR and to make sure that the interests of every nation are taken into account.¹³⁴ The speech had a large influence on local authorities in autonomous Regions: in many regions, including the Republic of Karelia, the programs of revitalization of minority languages and cultures were initiated.¹³⁵

After the break-up of the USSR, the Russian Federation declared itself the main successor of the Soviet Union. The new state, as the Soviet Union, was highly ethnically diverse: the 2002 census recognized 198 ethnic groups in the Russian Federation.¹³⁶

In the first Constitution of the Russian Federation adopted in 1993 the term *korennoy narod* (indigenous people) appeared again. Article 69 of the Constitution states: “The Russian Federation guarantees the rights of small indigenous peoples in accordance with the generally accepted principles and standards of international law and international treaties of the Russian Federation”.¹³⁷

As Sergei Sokolovsky views the current Russian legislative system on indigenous peoples, it represents a mixture of liberal rhetoric and paternalistic approach meaning support for “backward northern minorities” left as a legacy from the Soviet period.¹³⁸ The contradictions of the current Russian legislation are visible even in the text of Article 69 of the Constitution:

¹³⁴ The Speech of Mikhail Gorbachev, January 27, 198; text available at <http://soveticus5.narod.ru/88/od1987.htm>

¹³⁵ Nadezhda Ermolaeva, “Zinaida Strogalschikova: Natsionalnie yazyki Rossii pod ugrozoi” (“Zinaida Strogalschikova: The National Languages of Russia are in Danger”), *Rossiiskie Vesti*, May 4, 2009

¹³⁶ Anna Stammeler-Gossmann, “Who is Indigenous? Construction of “Indigenusness” in Russian Legislation”, *International Community Law Review*, 11 (2009), 87 (69-102)

¹³⁷ Constitution of the Russian Federation, December 12, 1993, Article 69

¹³⁸ Sokolovsky, “Kategorija...”, 69

whereas it is stated that indigenous peoples' rights will be guaranteed in accordance with the existing international norms, the Russian Federation has not ratified either ILO Convention 169 or UN Declaration on the Rights of Indigenous Peoples (although the latter one is not legally binding, the adoption of the Declaration would symbolize that the state agrees with internationally recognized norms on indigenous rights protection.

In the beginning of 1990s the representatives of Russian minorities which were not included in the list of indigenous peoples formed in 1926 started lobbying in order to be added to the list. The government faced the ambiguous situation: taking into account that all the criteria used for the definition of indigenous peoples remained rather vague, it was not clear whether it is better to stick to the established list or to enlarge it freely.¹³⁹ It was finally decided that the initial list would be enlarged; in the 1990s four peoples – Teleuts, Kumandins, Shorians and Todzhins.¹⁴⁰ In 2000, the list of indigenous peoples was enlarged almost twice and now consists of 45 peoples (see Appendix 2).¹⁴¹ A special list defining the indigenous peoples of North, Siberia and Far East was adopted in 2006; it consists of 40 peoples.¹⁴²

In the Federal law “On the Guarantees of the Rights of Small-Numbered Indigenous Peoples of the Russian Federation” adopted in 1999, the numerical ceiling in 50 thousand people is set up for indigenous peoples. The official definition which is outlined in every legislative act related to indigenous communities is: “indigenous peoples are peoples residing at the territories of traditional settlement of their ancestors, preserving traditional lifestyle and occupations, consisting of less than 50 thousand people in the Russian Federation and perceiving themselves

¹³⁹ Overland, “Indigenous...”, 169

¹⁴⁰ Yudin, “Evolutsija...”, 32

¹⁴¹ Unified List of Indigenous Peoples of the Russian Federation, March 24, 2000

¹⁴² List of Small-Numbered Indigenous Peoples of North, Siberia and Far East of the Russian Federation, April 17, 2006

as self-sustaining ethnic communities”.¹⁴³ The numerical requirement is quite unique: the international documents dealing with indigenous people mostly concentrate on their self-perception as well as the existence at a certain territory prior to the invasion. In the legislative system of Canada the ties to a certain territory and the existence of special practices are considered important when defining indigenous peoples.¹⁴⁴ Australian legislation to a large extent focuses on self-identification of Aboriginal communities.¹⁴⁵

Indra Overland suggests that the “ceiling” of 50 thousand is used in the Russian Federation as its expansion was carried out gradually, and thus the distinction between the original population of the territory and the newcomers is less evident.¹⁴⁶ Indeed, it is not hard to draw the line between the native American’s existence at the territory and its later colonization, as well as the indigenous population of Latin America and Spanish conquistadors, but it is impossible to create a common model for Russia taking into account that indigenous peoples take more than a half of the country’s territory which was acquired at different stages of history and in some cases took many years. So the focus is made on the number of indigenous peoples to stress their distinction from the dominant group as well as the necessity of “saving” their languages and cultures, as small number imply the danger of extinction. To justify the numerical

¹⁴³ Federal law “On the Guarantees of the Rights of Small-Numbered Indigenous Peoples of the Russian Federation”, April 22, 1999

¹⁴⁴ Cora J. Voyageur, Various Shades of Red: Diversity within Canada’s Indigenous Community. *London Journal of Canadian Studies*, 16: 2000/2001, 115

¹⁴⁵ *Tasmania v Commonwealth* (1984), the definition by Justice Deane: “By “Australian Aboriginal” I mean, in accordance with what I understand to be the conventional meaning of that term, a person of Aboriginal descent, albeit mixed, who identifies himself as such and who is recognised by the Aboriginal community as an Aboriginal”.; Loretta de Plevitz and Larry Croft, “Aboriginality under the microscope : the biological descent test in Australian law”, *QUT Law and Justice Journal*, 3(1) 2003, 106

¹⁴⁶ Overland, *Indigenous...*, 168-169

“ceiling”, the official name of native populations in Russian legal system is “small-numbered indigenous peoples”.

The evident drawback of the numerical approach is that it inevitably excludes the peoples who possess similar characteristics as the ones included into the “indigenous” list but their number exceeds 50,000. It seems then not logical that the peoples residing at the same territory, possessing similar occupations and features of traditional lifestyle receive different status just because the number of one of them is 40 thousand people whereas the number of the other one is 60 thousand. A similar situation applies to the Republic of Karelia where Vepses and Karelians traditionally reside; both of them existed at the territory long before Russians acquired it, both have traditional lifestyle and similar occupations. Nevertheless, the number of Karelians according to the 2010 census is 65,000 people; the number, thus, is the only reason for them to be denied indigenous status.

In 2005, a group of Karelians with the support of the regional branch of the political party “Yabloko” appealed to the State Duma (Russian Parliament) suggesting raising the maximum number of an indigenous people stated in federal laws from 50 to 70 thousands.¹⁴⁷ It would allow Karelians to be finally included into the list of indigenous peoples. Nevertheless, the appeal was not admitted; besides, the party “Yabloko” takes only several seats in the Parliament, so its voice is not strong enough to influence the decisions of the Duma as well as to gain attention to the problem. Even if the claim was taken into consideration, though, the problem would remain, as the primary issue is the mere existence of the numerical border.

¹⁴⁷ Overland, *Indigenous...*, 168

One more ambiguous situation with the list of indigenous peoples is that although it is called “The unified list of small-numbered indigenous peoples of the Russian Federation”, it mostly includes the peoples residing in the North and Far East of the country. At the same time, the various ethnic minorities of Dagestan, the number of which does not exceed the threshold of 50,000 representatives, are not included to the list. In the preamble to the Federal law it is stated that the government of Dagestan should prepare the register of indigenous peoples so that later they would be included into the unified all-Russian list.¹⁴⁸ According to the official state position, it was made in order to respect the unique position of Dagestan in the amount of small-numbered peoples residing there.¹⁴⁹ The problem is that the thirteen peoples recognized as small-numbered by the Republic of Dagestan are not accepted as separate ethnic groups at the federal level. In the census of 2010 they are listed as sub-groups of the Avar people.¹⁵⁰ The dispute still continues: whereas the activists of Dagestan claim that the small-numbered ethnic groups should be included into the list of indigenous peoples, the state does not recognize them. The leader of one of the most influential civic organization of Dagestan Magomed Ahmednabiev has several times accused the Russian state in neocolonial politics in relation to the mentioned small-numbered peoples and continues the politics of their “Avarisation”, i.e. the building of the unified Dagestani nation on the base of the Avar language which was conducted in the Soviet Union.¹⁵¹

¹⁴⁸ Unified List of Indigenous Peoples of the Russian Federation, Preamble

¹⁴⁹ Magomed Ahmednabiev, Resolution of the NGO Conference “Otechestvo” , http://lezghins.com/index.php?option=com_idoblog&task=viewpost&id=586&Itemid=61

¹⁵⁰ All-Russian census 2010 results, National composition of the Russian Federation, http://demoscope.ru/weekly/ssp/rus_nac_10.php

¹⁵¹ M. Ahmednabiev, “Obrashenie k jamaatam korennyh malochislennyh narodov Dagestana” (“Appeal to the Jamaats of of Small-Numbered Indigenous Peoples of Dagestan”), <http://www.tsumada.ru/ru/text/1035>

A similar movement was initiated by the Pomors of the Arkhangelsk region who are not officially recognized by Russian state as a separate ethnic group. According to the census of 2010, 3113 people declared themselves as Pomors; Pomor leaders have several times appealed to the government to be included into the Unified list of indigenous peoples; however, the position of the state has not changed.¹⁵²

The analysis of the cases discussed above shows that the existing criteria of “indigenouness” lead to the exclusion of several national minorities. Although it seems important to set up a certain number to distinguish easier between “small-numbered” and “large numbered”, I assume that it would be more efficient if the problem of indigenous status recognition was reviewed at case-by-case basis in relation to a specific people, its history, lifestyle, territory and traditions. It does not seem logical or justified that the national minority of 65,000 representatives does not get the status of indigenous people only on the base of its number.

Besides, the long-term denial of the term “korennoy narod” (indigenous people) and its recent appearance in legal documents led to the ambiguous situation when this term is also sometimes referred to all the non-migrant population of the country including Russians. Such situations occur even in scholarly sphere; thus, I assume that a terminological clarification is necessary. It is not clear why it was necessary to adopt two separate lists of indigenous peoples: an all-Russian one and the second one defining the peoples of the North, Siberia and Far East, especially taking into account that these two lists do not differ significantly. It also seems important to review the current situation with indigenous status in Dagestan and other southern

¹⁵² Andrey Shalyov, “Pomors Press for the Status of Indigenous People”, *The Norwegian Barents Secretariat*, <http://www.barents.no/pomors-press-for-the-status-of-indigenous-people-.299420-41098.html>

Republic, as it seems that the current legislation mostly concentrates on the northern territories of the Russian Federation.

The Soviet and Russian legislation concerning indigenous peoples reflected several major changes in state attitude towards its native populations: from non-intervention politics of the XIX century through the paternalistic and integrationist Soviet approach, to the unclearness of the post-Soviet era, when the Russian Federation, on the one hand, adopts some internationally recognized liberal policies, and on the other hand, cannot abandon the Soviet legacy completely.

2.3. The implementation of indigenous rights in the Russian Federation

Indra Overland in her work devoted to indigenous rights in contemporary Russia states: “On paper, the Russian Federation provides relatively good protection for its small northern indigenous peoples... As in many fields of governance in Russia, the problem is not theory or principles but practice and implementation”.¹⁵³ Indeed, in order to understand the substance of indigenesness in Russia it is not enough to analyze the existing legal acts guaranteeing indigenous peoples’ rights; it is also necessary to track how these legal provisions were implemented in practice. This chapter is devoted to the problem of indigenous rights’ practical application the actual gap between *de jure* and *de facto* provisions in Russian context.

¹⁵³ Overland, *Indigenous...*, 178

Overview of legal documents on indigenous rights

Over the years since the break-up of the Soviet Union the Russian state has developed several legal provisions aimed specifically at indigenous peoples. Apart from the article 69 in the Constitution which symbolized the return to the concept of “indigenous people” and stated the obligation of Russia to ensure indigenous rights in accordance with international documents, three legal documents are especially important in this field. The Federal law “On Guarantees of Rights of Small-numbered Indigenous peoples of the Russian Federation” adopted in 1999 outlined the rights of small-numbered indigenous peoples for the protection of their habitat, economy, traditional lifestyle and fields of occupation. According to the law, small-numbered people have the right to use the land necessary for their traditional occupations freely, to control these lands’ use, and to get reparations in case their habitat was damaged. They also got the right to protect and develop their national cultures, languages and religions.¹⁵⁴

In 2001, Russian Duma adopted the law dealing specifically with the legal base of traditional natural resource use. The law was aimed at the indigenous small-numbered peoples of the North, Siberia and Far East (40 peoples out of 45 included into the unified list). The term of *traditional natural resource use* was specially added to Russian legal system in order to protect the lands of indigenous peoples in 1992, but only in 2001 the Federal law was finally formed.¹⁵⁵ According to the law, specific areas where indigenous people reside could be recognized as traditional natural resource use lands of local, regional and federal level. In case of land

¹⁵⁴ The Federal law “On Guarantees of Rights of Small-numbered Indigenous peoples of the Russian Federation” , April 22, 1999

¹⁵⁵ Olga Murashko, “Territorii tradicionnogo prirodopolzovanija korennyh malochislennyh narodov Severa v sisteme ohranyaenyh territorij v Rossii” (“Traditional Natural Use Territories of Small-Numbered Indigenous Peoples in the System of Protected Territories in Russia”), *Prava Narodov*, April 16, 2010

expropriation indigenous communities could demand reparations in the form of lands of the same value.¹⁵⁶ The Federal Law on Indigenous Peoples' Communities Organization guaranteed for the indigenous peoples of the North, Siberia and Far East the right to form communities based on traditional occupations and traditional lifestyle.¹⁵⁷

In 2009 the Concept of Sustainable Development of Indigenous Small-Numbered Peoples of North, Siberia and Far East for 2009-2025 (in three stages: 2009-2011, 2012-2015, 2016-2025) was adopted. According to the preamble, the conception is a set of principles and priorities for the ensured sustainable development of Russian small-numbered peoples. It is repeated after the Constitution that indigenous rights are guaranteed in accordance with international norms and standards. The aim of the Concept is to raise economic and social potential of indigenous peoples while preserving their traditional habitat, lifestyle and cultural values.¹⁵⁸

The first part of the document outlines the current situation of indigenous peoples in the Russian Federation and concludes that despite the specifically-aimed legal base created in the state and the development of economy and indigenous cultures, the social problems of small-numbered communities remain unsolved. Their unemployment rate is 1, 5-2 times higher than the average one in the Russian Federation, and their living standards are generally lower.

The Concept mostly concentrates on the land rights of indigenous peoples. It is stated that the importance of land and natural resources for indigenous communities' sustainability should

¹⁵⁶ Federal Law on Traditional Natural Resources Territories of Small-Numbered Indigenous Peoples of North, Siberia and Far East of the Russian Federation, May 7, 2001

¹⁵⁷ Federal Law on the Principles of Communities Organization for Indigenous Peoples of North, Siberia and Far East of the Russian Federation, July 6, 2000

¹⁵⁸ Concept of Sustainable Development of Indigenous Small-Numbered Peoples of North, Siberia and Far East, February 4, 2009

be recognized. Indigenous peoples should receive priority right to have access to fishery and hunting places. They also have the right for reimbursement in case of any misuse of land and natural resources which affected their traditional lifestyle or health. Further important provisions include the improvement of legal documents aimed at indigenous peoples; simplifying of the procedure of land granting for hunting and fishery; state support of reindeer breeding; development of eco- and ethno-tourism at indigenous peoples' territories; improving of living conditions, medicine and education; creation of new working places; preservation of cultural heritage.¹⁵⁹

The first stage of the Concept finished in 2011, and its actual results turned out to be far behind the planned ones. As Andrei Krivoschapkin, Head of Standing Committee of State Assembly of the Republic of Sakha (Yakutia) on the Problems of Arctic and Northern Indigenous Peoples states, many initial tasks of the Concept remained unsolved.¹⁶⁰

Land rights

Article 14 of ILO Convention 169 assures indigenous peoples' rights for ownership and possession of their traditional territories.¹⁶¹ Many countries have developed their own legal provisions concerning native communities: thus, Canada, which has not ratified Convention 169, bases aboriginal land rights on agreements of indigenous communities with state. Aboriginal rights to possess land and natural resources (not just use it for fishing and hunting) was stated by

¹⁵⁹ Concept of Sustainable Development...

¹⁶⁰ Andrey Krivoschapkin, Opening speech at the conference "Legal and Socio-Economic Problems of Arctic Peoples' Development", *Prava Narodov*, October 3, 2011

¹⁶¹ ILO Convention 169, Article 14.1: The rights of ownership and possession of the peoples concerned over the lands which they traditionally occupy shall be recognized.

Supreme Court in 1997 as a decision on the case *Delgamuukw v. British Columbia*.¹⁶² Now aboriginal groups may receive a certain territory and a part of its natural resources (in some cases, also the compensation for state-owned part of natural resources) on the condition that they refuse from further land claims.¹⁶³ In Norway, after Finnmark act was adopted in 2005, 95% of the land in Finnmark region (traditional territory of Sami residence) was transferred to Finnmark estate agency. In other words, state stopped being the owner of the Finnmark land, and indigenous representatives received the rights to possess and manage the territory.¹⁶⁴

The overview of Russian legal documents dealing with indigenous peoples shows that special attention is paid there to land rights. Such a focus is understandable, as one of the primary features of indigenous community, according to the Constitution and Federal Law “On Guarantees of Rights of Small-Numbered Indigenous Peoples of the Russian Federation”, is their ties to the land of their ancestors.¹⁶⁵ Land rights are also the key element which distinguishes indigenous peoples from ethnic minorities in general. However, land rights of indigenous peoples are understood in Russian state differently from Canadian or Norwegian legislation: whereas similar provisions on land ownership appeared in the early 1990s’ legal documents, they were taken out of later redactions, so nowadays indigenous communities have the right to *use* their traditional territories which should be *protected* by the state; at the same time, they cannot

¹⁶² The Supreme Court of Canada Decision in *Delgamuukw v. British Columbia*. January 1988. <http://www.parl.gc.ca/Content/LOP/ResearchPublications/bp459-e.htm#COMMENTARYtxt>

¹⁶³ e.g. Comprehensive Land Claim Agreement between Her Majesty the Queen in Right of Canada and the Gwich’in as Represented by Gwich’in Tribal Council, 1992; Agreement between the Inuit of the Nunavut Settlement Area and Her Majesty the Queen in Right of Canada, 1993

¹⁶⁴ Eva Josefsen, “Norwegian Legislation and Administration – Saami Land Rights”, *Journal of Indigenous Peoples’ Rights*, 1 (2007), 17-18

¹⁶⁵ Federal Law “On Guarantees of Rights of Small-Numbered Indigenous Peoples of the Russian Federation”, Article 1.

own this land. Similar legal provisions exist in Finland for Sami population, and for the country it is the primary case for non-ratifying ILO Convention 169.¹⁶⁶

In Russian case, the issue of land and natural resources ownership is also one the key reasons for non-ratification of Convention 169.¹⁶⁷ Most probably such a position of Russian state is caused by the fact that the majority of indigenous peoples reside in the territories rich with oil and gas, and the authorities of many Russian regions, as well as the State, do not want to lose the control over natural resources,¹⁶⁸ especially taking into account that they provide one-fifth of Russian gross national product.¹⁶⁹

Besides the above-mentioned Federal Law on traditional natural resource use (2001) there are articles on indigenous land rights in Land Code, where the lands inhabited by small-numbered peoples are included into the list of specially protected territories.¹⁷⁰ Article 30 of Forest Code (1997) guarantees indigenous communities of North, Siberia and Far East (leading traditional lifestyle) the right to procure timber for their own needs for free.¹⁷¹ In 1992 the Federal Law “On Mineral Resources” was adopted; in its initial redaction it was stated: “In cases of mineral resources use on the lands where small-numbered peoples and ethnic groups reside, a part of the payments received into the budgets the Russian Federation’s subjects should be used

¹⁶⁶ Camille Hamn, “Finland’s Sami Minority: New Cultural Centre but No Land Rights”, *Cafebabel.com Online Magazine*, January 6, 2012, <http://www.cafebabel.co.uk/article/37908/sami-finland-indigenous-property-rights.html>

¹⁶⁷ Alexander Pika, “Mezhdunarodnye pravovye normy...”

¹⁶⁸ Natalia Novikova, “Legal Anthropology of the Interaction of Russia’s Numerically Small Indigenous Peoples of the North with Oil Companies”, *Anthropology and Archaeology of Eurasia*, Vol. 47, No. 2 (2008), 20

¹⁶⁹ Xanthaki, “Indigenous Rights...”, 98

¹⁷⁰ Land Code of the Russian Federation, October 10, 2001, Article 95

¹⁷¹ Forest Code of the Russian Federation, December 4, 2006, Article 30

for socio- economic development of these groups”.¹⁷² However, in later redactions this provision was omitted and replaced by a definitely vaguer formulation: “State shall protect the interests of small-numbered peoples... on the issues of mineral resources use”.¹⁷³ The procedure of this protection is not outlined, so the article takes declarative form but does not imply any concrete actions.

The changes in the Federal Law “On Mineral Resources” are not a unique case. Thus, the project of the law “On the territories of traditional natural resource use” adopted was prepared already in 1998; at that time it contained the provision granting the representatives of indigenous communities the right to obtain *uncompensated descendible* land and to possess it *for the life term*.¹⁷⁴ These provisions were taken out in the final redaction of the law.

The evident drawback of the Federal law on traditional territories is that it is not specified in the law which areas in the state can be recognized as *traditional natural resource use* lands. This problem is basically left to regional and local governments to decide on, and without any doubts such a decision causes subjectivity: the similar territories may be in one case recognized as traditional lands, in other case not, depending on the regional authorities. Today most of Russian indigenous peoples still cannot enjoy the right to control their traditional territories, as no lands were assigned to them by regional governments.

Andrei Krivoschapkin brings an example of regional treatment of indigenous land rights. Indigenous communities in the Republic of Sakha (Yakutia), according to the law, can receive the land which would be specifically aimed for their traditional occupations (50 billion hectares

¹⁷² Federal Law “On Mineral Resources”, February 21, 1992, Article 42

¹⁷³ Federal Law “On Mineral Resources”, 30.11.2011, Article 4.10

¹⁷⁴ Project of Federal Law On the territories of traditional natural resource use of Small-Numbered Indigenous Peoples of North, Siberia and Far East”, 2008, Article 6.

are planned for traditional usage), but they have to pay for it. In many cases the land is put out to tender, and then indigenous communities have to compete over it with commercial organizations being often unable to overbid the latter ones.¹⁷⁵ However, Yakutia is still ahead of many other republics on the issues of indigenous rights: article 42 of Yakutian Constitution guarantees the rights of indigenous peoples to possess and use land and natural resources including fishing and hunting places of traditional use.¹⁷⁶

On the whole, the current land legislation for indigenous peoples has three considerable disadvantages. First, in many cases its vague formulations (such as the non-defined traditional natural resource use territory) do not facilitate the implementation of the law. Second, the peculiarities of indigenous lifestyle are not fully reflected in federal legal documents: for example, there are no federal laws “On reindeer breeding in the North”; whereas many indigenous communities directly depend on this occupation, its provisions vary from region to region. The nomadic lifestyle of some indigenous peoples is also not taken into account in land legislation.

Moreover, there is no coherence between law implementation in different subjects of the Russian Federation. According to the current Federal laws, each subject defines concrete provisions on indigenous land use. However, such a situation leads to unequal treatment of indigenous communities residing in the same state. Besides, as Russian regions can adopt their own legislation and taking into account the vagueness of definitions in federal legislation, there is a high risk that regional legal acts on indigenous peoples’ rights may contradict federal ones.

¹⁷⁵ Krivoshapkin, Opening speech..., *Prava Narodov*, October 3, 2011

¹⁷⁶ Constitution of the Republic of Sakha (Yakutia), April 1, 1992, Article 42.1

Cultural rights

In comparison to land rights, cultural rights of Russian indigenous peoples are considerably better protected, especially taking into account a long history of integrationist approach towards native populations during Soviet period. Cultural rights legislation of Russia in many cases reflects the provisions of ILO Convention 169. The discussions on cultural revival of indigenous peoples started in the late 1980s within the general framework of *glasnost* and attention towards human rights.

Article 68 of the Constitution guarantees all peoples of Russia the right for preservation of their languages and creation of the conditions favorable for their study and development.¹⁷⁷ The Concept of State National Policy adopted in 1996 sets the development of languages and cultures of the Russian Federation's peoples as one of state's main goals.¹⁷⁸ The Federal Law on Education (1992) guarantees the right of every citizen to have secondary education (up to high school) in native language.¹⁷⁹ Cultural rights are also in focus of the Concept of Sustainable Development of indigenous peoples 2009-2025.

In 1996 the Federal Law on National-Cultural Autonomy, was adopted. The law defines national-cultural autonomy as a public association of the citizens of the Russian Federation belonging to certain ethnic groups based on their voluntary self-organization with the purpose of independent dealing with the questions of saving national distinctiveness, development of language, education, and national culture.¹⁸⁰ In 2003 the law was implemented with several

¹⁷⁷ Constitution of the Russian Federation, December 12, 1993. Article 68

¹⁷⁸ Concept of State National Policy, June 15, 1996. Part I.

¹⁷⁹ Federal Law of the Russian Federation on Education, July 10, 1992. Article 6.

¹⁸⁰ Federal Law of the Russian Federation on National-Cultural Autonomy, June 17, 1996, Article 1.

amendments: according to them, national-cultural autonomy is a non-governmental organization.¹⁸¹ According to the law, national-cultural autonomies can receive necessary support for saving national distinctiveness, create mass-media on national language, follow national traditions, revive national crafts, create educational and cultural institutions, and participate in the activities of international NGOs.

However, it is debatable whether the law brings to national minorities and indigenous peoples more than a pompous title, as Article 30 of the Constitution adopted three years earlier states: Everyone shall have the right to association, including the right to create trade unions for the protection of his or her interests. The freedom of activity of public association shall be guaranteed.¹⁸² The right to promote one's culture and language is also a constitutional right; in this case, the real use of the Federal law seems unclear. Nevertheless, its positive consequence is that the law motivated ethnic groups of the Russian Federation to unite into associations and NGOs promoting the rights of national minorities.

According to the 2010 Report of Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, James Anaya, the implementation of the legal acts providing cultural rights for indigenous peoples has considerable drawbacks. Indigenous peoples are still below average level of education in Russia: according to the 2002 census, 48% of them have only elementary education and 17% are illiterate (comparing with 8% and 0.5% respectively for all Russian citizens). Libraries and culture centers in small settlements are being

¹⁸¹ Ibid.

¹⁸² Constitution of the Russian Federation, December 12, 1993. Article 30

closed because of lack of financing.¹⁸³ However, Anaya also marks positive changes: there are attempts in most of the regions where indigenous peoples reside to have classes of native language at schools, to publish books and newspapers in indigenous languages, to establish departments of native languages at universities.¹⁸⁴

The problem of lack of financing is also stated in the analysis of the Federal program “Economic and social development of indigenous peoples until 2000”. As it is concluded, despite the taken efforts a considerable positive change in the life conditions and cultural development of indigenous communities has not happened.¹⁸⁵ A second problem of cultural rights implementation is that indigenous peoples in most cases do not have the possibility to participate in the design of cultural programs prepared for them.¹⁸⁶ Educational programs for small-numbered peoples are developed without consultations with indigenous communities and thus there is a risk that the needs and wishes of the target group will not be taken into account.

Cultural rights of indigenous peoples are outlined in many legal documents of the Russian Federation. Still, in many cases the problem of vague formulations (such as “national-cultural autonomy”) remains in this field as well as in the area of land rights. Perhaps there is a need in a Federal law devoted specifically to linguistic and educational rights of indigenous peoples in order to create a unified base of indigenous cultural rights protection which does not depend on the will of regional administration.

¹⁸³ Report of Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, James Anaya. Situation of Indigenous Peoples in the Russian Federation. June 23 (2010), 17

¹⁸⁴ Ibid, 18

¹⁸⁵ The Outcomes of the Federal program “Economic and social development of indigenous peoples until 2000”. Federal Programs of Russia. http://www.programs-gov.ru/2_1.php

¹⁸⁶ Xanthaki, “Indigenous Rights...”, 104

Chapter 3: Vepses as the Indigenous People of the Russian Federation

3.1. The history of Vepsian indigenous status recognition

Vepses are a small people residing mainly in the north-west of the Russian Federation. The total number of Vepses, according to the 2010 census, is 5936 people.¹⁸⁷ The history of this small northern people reflected all the major changes in Soviet and Russian national politics discussed in the previous chapter.

Vepses in Karelia: Historical Overview

The majority of Vepses resides nowadays in the Republic of Karelia which is situated at the border with Finland, between the Baltic and the White seas. Finno-Ugrian peoples (Karelians, Vepses, and Sami) were residing on the territory of the modern Karelia long before Slavic tribes started to digest the territory.¹⁸⁸ For more than a thousand years the region has been the place of coexistence of Slavic and Finno-Ugrian cultures.

In the beginning of 1920s, when Karelia received territorial autonomy, Finnish became the second official language alongside with Russian. Finnish expatriates who moved to Karelia after the Revolution played the important role in the regional politics.¹⁸⁹

According to the plan of Edward Gylling, ethnic Finn and the first leader of the Republic, Karelia would soon become an ideal model of a socialist state for the neighboring Finland and Scandinavia. As a result, later it would merge with Finland, as the Finno-Ugrian peoples of

¹⁸⁷ All-Russian census 2010 results, National composition of the Russian Federation, http://demoscope.ru/weekly/ssp/rus_nac_10.php

¹⁸⁸ Greater Soviet Encyclopedia, <http://dic.academic.ru/dic.nsf/bse/93625>

¹⁸⁹ Paul M. Austin, "Soviet Karelian: the Language that Failed" in *Slavic Review*, 1 (1992), 16

Karelia are ethnically related to Finns, and construct a common state with socialist ideology, alongside with the general prospect of *world revolution*.¹⁹⁰ So, the changes in Karelian national politics were seen as a step towards one of the main goals of the whole Soviet course of 1920s.

As a lot of the leading positions in the Karelian authorities were held by Finns, in the 1920s it was decided that Finnish will be used as the language of education for Karelians and Vepses. Later, in the 1930s, when during the Stalinist era the attitude towards Finns changed (they were now suspected in collaboration with Finland), for a short period of time Karelians and Vepses were educated in their languages. At that period, alphabets for both languages (on the base of Cyrillic alphabet) were created and first books were published.¹⁹¹

Nevertheless, already in 1938 the course changed again. Now national schools became considered by Soviet authorities as “propagating frame for *bourgeois nationalism*” and thus were closed. Starting from 1938, Karelians and Vepses were educated in Russian. After this period the assimilation of Finno-Ugrian people accelerated, and already by 1959 the number of Vepses registered during the census was twice less than in 1930s.¹⁹² The assimilation continued until the next change of the political situation in the region in late 1980s and the beginning of the revitalization campaign for Karelian and Vepsian languages and cultures and the escalation of public interest towards the situation of Finno-Ugrian minorities in Karelia.¹⁹³

¹⁹⁰ A. Levkoev, “Karelskaya avtonomija v sisteme sovetsko-finlandskih otnoshenij 1930 gg”. (“Karelian Autonomy in the System of Soviet-Finnish Relations of 1930s”) in *Novoe v izuchenii istorii Karelii*/ ed. Nikolay Korablev, Vasily Makurov and Juri Savvateev (Petrozavodsk, 1994), 104

¹⁹¹ *Vepsy: modeli etnicheskoj mobilizatsii* (Vepses: the Models of Ethnic Mobilization). (Petrozavodsk: KNC RAN, 2007), 13

¹⁹² *Ibid.*, 14

¹⁹³ Info centre *Finugor*, www.finugor.ru

In May 1987 the discussion on the future of the Vepsian language which started in the local Karelian newspaper “*Kommunist Prionezhja*”, led to the conference on the current position of Vepses,¹⁹⁴ during which it was decided to create Vepsian alphabet and to teach the language at school. During that time, a sociological survey among Vepses was also conducted, showing that the majority of young Vepses support the measures for language revitalization.¹⁹⁵ The program on Vepsian language revival which started in the early 1990s included the creation of unified Latin alphabets for the language, the establishment of a Finno-Ugrian school in the capital of Karelia Petrozavodsk in 1994 and organizing language classes in the villages where Vepses reside. The Departments of Finno-Ugrian languages were established in the two universities of Petrozavodsk. The authorities of the Republic support press in Vepsian (*Kodima*, monthly), radio- and TV-broadcasts.¹⁹⁶

Vepses as Indigenous People: the Way towards Recognition

The history of state recognition of Vepses as indigenous people is a series of paradoxes: there were several stages both in Soviet and post-Soviet periods when the people had all the chances to be included into the list of indigenous peoples but did not receive status, and the reasons for such denials are still not clear even to the scholars dealing with Finno-Ugrian history. Thus, in 1926 when the first list of indigenous peoples appeared, Karelia already possessed an autonomous status; however, unlike Karelians and Finns who were declared the titular nations of the newly formed republic and received wide linguistic and cultural rights, Vepses had unclear

¹⁹⁴ *Vepsy: modeli...*, 16

¹⁹⁵ *Ibid.*, 18

¹⁹⁶ *Ibid.*, 18-19

status. On the one hand, they received territorial autonomy in 1927, when Sheltozersky national district was formed, and this autonomy existed up to 1956.¹⁹⁷ On the other hand, it was stated in the legal acts of Karelian Autonomous Republic that three languages receive equal rights there: Finnish, Karelian and Russian.¹⁹⁸ Karelians were recognized as the titular nation of the republic. Vepses then were probably considered a minority within autonomous republic, i.e. possessed a similar status as the Nenets people in Komi Republic. However, in 1926 Nenets were granted indigenous status, whereas Vepses did not receive it.

It is possible to suggest that the reason for non-granting indigenous status to Vepses is related to their territorial autonomy. However, this point of view may be contested. First, Sheltozersky Region was formed one year after the 1926 list of indigenous peoples was adopted, and thus could not be the reason of status denial. Besides, Vepses historically resided not only in the Republic of Karelia but also in Leningrad and Vologda Regions, and the latter two regions did not receive territorial autonomy in 1920s. It means that the Vepses residing in Leningrad and Vologda Region did not receive any state protection either as a minority within autonomous republic or as indigenous people.

In 1993, when the list of native peoples was slightly expanded for the first time since 1926, Vepses did not receive indigenous status again. Zinaida Strogalschikova, the leader of the Society of Vepsian Culture formed in 1989, supposes that the reason for it is in the general situation of 1993 with the coup in October and unstable position of the government. In her interview to the newspaper *Nashe Vremya* Strogalschikova even claims that Vepses were present in the original plan of the law on indigenous peoples which was being prepared in August 1993,

¹⁹⁷ *Vepsy: modeli...*, 12-13

¹⁹⁸ Constitution of Karelian Autonomous Soviet Socialist Republic, June 17, 1937, Articles 24, 78, 111, 112

but when the law was finished after the autumn coup Vepses were already not there, as if they were forgotten in rush.¹⁹⁹ It is possible that while preparing the Constitution of the Russian Federation adopted in December 1993 the recent UN initiatives on declaring 1993 the World's Year of Indigenous Peoples were taken into account; at the same time, at that period Russia did not have a legal base for indigenous people and had even not developed clear criteria for their recognition. Thus, many peoples who could potentially be included into the list (and among them Vepses) were left outside of it in order to review their status later.

It is interesting that Vepses received international recognition as indigenous people prior to their country's recognition. Starting from 1996 Vepsian representatives were taking part in the meetings of Barents Euro-Arctic Council (BEAC) and were recognized as indigenous peoples of the Barents region;²⁰⁰ the programs of indigenous peoples' prepared by BEAC include Vepses as one of the target groups.²⁰¹ Alongside with Vepses, Nenets people in Nenets Autonomous Region and the Republic of Komi and Sami of the Murmansk region were granted this status. At the same time, Karelians and Komi were not recognized by the Barents region as indigenous and instead are declared "other minority peoples living in the region". The reasoning of such a decision seems unclear: it could be motivated by the fact that Karelians and Komi are titular nations of autonomous republics and thus do not need special protection (on the other hand, Nenets people also have autonomous Region and this fact did not prevent their recognition by

¹⁹⁹ Andrey Karacharov, "Vepsey varyagov na Rus ne prیزیvali" ("Vepses Did Not Call Varyags to Rus"), *Nashe Vremya*, 2006 <http://www.gazetanv.ru/article/?id=95>

²⁰⁰ Barents Region as a political concept exists since 1993. Its members are the administrative regions Nordland, Troms, Finnmark in Norway, Västerbotten County, Norrbotten County in Sweden, Lapland Province, Northern Ostrobothnia, Kainuu in Finland, and Murmansk Oblast, Arkhangelsk Oblast, Komi Republic, Republic of Karelia, Nenets Autonomous Okrug in Russia.

²⁰¹ Action Plan of Indigenous Peoples 2005-2008, Preface: "These proposals are aimed to the Nenets, Vepsian and Saami regions located on the Russian side of the Barents Euro-Arctic Region", http://www.barentsinfo.fi/beac/docs/11934_doc_IPActionPlan2005-2008_English.pdf

BEAC). Besides, the lack of lobbying from Karelian and Komi representatives could affect the position of BEAC; as Vepsian representative in the Council Zinaida Strogalschikova states, the recognition of Vepsian indigenous status is the result of active lobbying from the Society of Vepsian Culture.²⁰²

Only in 2000, together with 14 other ethnic groups, Vepses finally got the long-expected indigenous status. Six years later they were also recognized as one of 40 indigenous peoples of the North, Siberia and Far East. The new status gave Vepses the right to become subject of all the special legislation of the Russian Federation aimed at indigenous peoples, including the right to use natural resources and to receive quotas for fishing. Only the indigenous peoples of the North, Siberia and Far East became participants of the federal program “Economic and Social Development of Small-Numbered Indigenous Peoples of the Russian Federation before 2011”.²⁰³

However, it is questionable whether the rights indigenous peoples received mostly after 2000 were applied to their current situation or remained mostly on paper. The next chapter analyzes the existing legislation of the Russian Federation aimed at indigenous peoples and draws the conclusion on their applicability and implementation.

²⁰² “Sotrudnichestvo korennyh narodov v Barents-regione: novye vozmozhnosti. Interview with Zinaida Strogalschikova”. *Kodima*, 2 (2012)

²⁰³ Federal program “Economic and Social Development of Small-Numbered Indigenous Peoples of the Russian Federation before 2011”, http://www.programs-gov.ru/2_1.php

3.2. The analysis of the indigenous rights of Vepses and their enforcement

The Russian Federation is comprised of 83 subjects; among them 21 are autonomous republics. In March 1992, soon after the break-up of the USSR, the Federal Treaty on the division of powers between federal and republican authorities was prepared in Moscow. According to the Treaty, autonomous republics had broad legislative, executive, and judicial powers. Their territory and status could not be modified without their agreement. The republics could engage into international relations and external economic relations, possess and use natural resources. They also were guaranteed presence in the federal authorities of the Russian Federation.²⁰⁴

However, in the Constitution of the Russian Federation of 1993, all the subjects of the state were declared equal in relation to federal centre.²⁰⁵ It meant that the Constitution eliminated all the special rights guaranteed to the republics by the Federal Treaty. Still, the republics are characterized in the Constitution of the Russian Federation as “states” (article 5, part 2).²⁰⁶ They have own constitutions and legal system (which should not contradict federal legislation).

Vepsian people reside in three regions of the Russian Federation: the Republic of Karelia, Leningrad Region and Vologda Region. All three regions border each other and are situated in the North-West of Russia (see Appendix 3). The majority of the people (3,423 according to 2010 census) reside in Karelia; in Leningrad and Vologda Regions there are 1,380 and 412 people

²⁰⁴ Federal Treaty on the Division of Powers, <http://constitution.garant.ru/act/federative/170280>

²⁰⁵ Constitution of the Russian Federation, Article 5.1: The Russian Federation consists of Republics, territories, regions, cities of federal importance, an autonomous region and autonomous areas - equal subjects of the Russian Federation.

²⁰⁶ Constitution of the Russian Federation, Article 5.2: The Republic (State) shall have its own constitution and legislation.

respectively.²⁰⁷ However, the Unified List of Small-Numbered Indigenous Peoples of the Russian Federation states only Karelia and the Leningrad Region as places of residence for Vepses: it means that only the Vepses who live in these two regions can benefit from the legal provisions for small-numbered indigenous peoples. As Zinaida Strogalschikova, an expert of UN Permanent Forum of Indigenous Issues, explains, it happened because the Unified List was being compiled on the base of regions' reports. The Republic of Karelia and the Leningrad Region's authorities reported on Vepses as the indigenous peoples of their regions, whereas Vologda Region's government did not prepare such a report.²⁰⁸ In the news at Finno-Ugrian portal *Finugor* it was stated in June 2011 that soon the Vologda Region would be added to the Unified List; however, it has not happened yet.

Article 21 of Karelian Constitution states: "In the Republic of Karelia the measures on the revival, preservation and free development of Karelians, Vepses and Finns are being taken".²⁰⁹ In 2004, the regional law "On state support for Karelian, Vepsian and Finnish languages" was adopted.²¹⁰ In 2007, the project of the law "On the rights of Vepses in the Republic of Karelia" was prepared; however, the law is still not adopted. However, even on the base of the existing legal provisions it is clear that the republic takes the responsibilities to secure its small-numbered peoples. The inclusion of Vepses into the Unified List of Indigenous Peoples in 2000, and six years later into the List of Small-Numbered Indigenous Peoples of the North

²⁰⁷ All-Russian census 2010 results, National composition of the Russian Federation, http://demoscope.ru/weekly/ssp/rus_nac_10.php

²⁰⁸ Dobro pozhalovat v OON! (Welcome to UN!). Interview with Zinaida Strogalschikova. *Kodima*, June-July 2002.

²⁰⁹ Constitution of the Republic of Karelia, 12.02.2001, Article 21

²¹⁰ Law on of the Republic of Karelia on the governmental support of Karelian, Vepsian and Finnish languages in the Republic of Karelia, March 17, 2004

meant that special financing from federal budget would support the development of Vepses in Karelia (with regional co-financing).

In 2003, Karelian government initiated the session of Russian Organizational Committee on Preparation and Implementation of World's Decade of Indigenous Peoples in Petrozavodsk, the capital of the Republic of Karelia. The session was entirely devoted to Vepses as indigenous people of the Russian Federation. It was recommended to establish closer cooperation between Vepses in the three regions of their residence. However, this cooperation is still quite weak. At the official website of the Leningrad Region it is still stated: "This [Vepsian] language is practically non-literate. The attempts to create its writing form on the base of Cyrillic and Latin alphabets in the 1930s and 1980s were not developed further".²¹¹ Hopefully this statement does not reflect the level of Leningrad Region's authorities' awareness of their minorities (taking into account that Vepsian alphabet was fully established already in the beginning of the 1990s). Nevertheless, it reflects the degree of attention paid to the indigenous people in the Region.

The implementation of indigenous rights of Vepses will be further analyzed using the same scheme as while discussing the general Russian framework: with special focus on land rights and cultural rights of the people.

Land rights of Vepses

According to Federal legal provisions concerning land rights of indigenous peoples, the lands where they reside are recognized by the state as specially protected territories, and native inhabitants' interest should be taken into account in the cases of land or mineral resources use. Moreover, indigenous communities have the right to control the land use. The recent wave of

²¹¹ The website of the Leningrad Region, <http://www.lenobl.ru/guide/general/national>

Vepsian representatives' appeals to Federal government and even to United Nations show that these provisions are not properly implemented in the Republic of Karelia.

Traditional area of the residence of Vepses in Karelia is the territory on the south-western shore of the Onega Lake, close to the border with the Leningrad Region (see Appendix 3); the villages of Sheltozero (centre of the district), Shoksha, Rybreka, Kaskesruchei etc. Following the Federal legal provisions, they should get priority in using the land for their traditional occupations. They should also have control on the land usage in the places of traditional residence. However, during 2011-2012 Vepses made several claims stating that their land rights are not enforced.

In the end of 2011 a group of Vepses from Kaskesruchei²¹² appealed to the Civic Chamber of the Russian Federation claiming that the administration of the Prionezhsky district is planning to sell the lands around several Vepsian villages to a private company. Besides, the authors of the appeal state that the majority of the companies exploiting natural resources on Vepsian land are registered in the Leningrad Region or even abroad, i.e. local population not only does not get any profit from resource exploitation but cannot control the process as well. The results of the appeal are still unknown.²¹³

A similar situation occurred in other Vepsian villages, Sheltozero and Rybreka. In 2011 the traditional hunting places of Vepses, as the newspaper "MK Karelia" reports, were sold to a private enterprise "Sever". In 2002, just a year after the adoption of the Federal law on *traditional resources use* territories, Vepsian hunters signed the contract with "The society of

²¹² Kaskesruchei – a village in Prionezhsky Region of Karelia, on the border with Leningrad Region. Recognized as a part of traditional territory of Vepses.

²¹³ Text of the appeal (in Russian): http://kroo-soglasie.ru/1329824983/vepsi_hotyat_stat_hozyaevami_na_svoei_zemle.html

fishermen and hunters” according to which they received 41 thousand hectares of land for the period of 10 years. However, in 2011 the contract was halfway canceled, the lands were sold, and the local population was not even informed of it. When the hunters appealed to Karelian administration, they received the answer that no breaches of the law were exposed; however, “The society of fishermen and hunters” received recommendations to take the interests of indigenous people into consideration in future while entering into contracts on land use.²¹⁴

In February 2012, Nikolai Ahushenkov, a resident of a Vepsian village Sheltozero, sent an appeal to UN Secretary-General Ban Ki-Moon stating similar problems: the lands that should belong to Vepses as the indigenous people specially protected by law, are sold out to private companies without consulting the Vepsian people.

All these claims disclose the obvious problem of the land rights of Vepses in the Republic of Karelia. It seems that indigenous land rights so far represent a lacuna in Karelian regional law. Whereas the Republic of Karelia took the responsibility to ensure indigenous rights of Vepses in accordance with Federal laws, even the moderate provisions on land rights expresses in Russian legal acts are not implemented on the regional level. Another example of non-implementation is that whereas in the Forestry Code of the Russian Federation the right of indigenous peoples for free timber procurement is guaranteed, in Karelian law “On the order and norms of timber procurement for individual needs” adopted in 2007, this provision is not

²¹⁴ Sergei Kuttuev, “Ohota pushe zakona” (“Hunting is Stronger than Law”), *Molodezhnyi Komsomolets v Karelii*, February 2012

mentioned.²¹⁵ It is evident that Karelian regional laws need revision in order to bring them into accordance with the Federal legal provisions concerning indigenous peoples' rights.

Cultural rights of Vepses

On paper, cultural rights of Vepses are well protected in accordance with federal laws. In the 1990s Vepsian language classes started in the newly-established Finno-Ugrian school of Petrozavodsk and in the villages in Prionezhsky district where Vepses reside. The Departments of Finno-Ugrian languages were established in the two universities of Petrozavodsk. The authorities of the Republic support press in Vepsian (*Kodima*, monthly), radio- and TV-broadcasts.²¹⁶ Books and textbooks in Vepsian are published in Karelia every year, and the yearly award "Book of the Year – the Republic of Karelia" includes a special category "Best book in Karelian, Vepsian or Finnish languages".²¹⁷

However, after the wave of public interest in Karelian and Vepsian language and their revival in 1990s, the attitude of Karelian authorities towards small-numbered peoples changed. In the school in Vepsian village Shoksha the teaching of Vepsian stopped; in other schools where it was taught the number of hours lessened from 5-6 a week to 1-2 a week, and this is of course insufficient for language learning.²¹⁸ Starting from 2009, Vepsian is not taught at the Department

²¹⁵ Law of the Republic of Karelia On the order and norms of timber procurement for individual needs", November 12, 2007

²¹⁶ Ibid.

²¹⁷ Information of the Republican Award "Book of the Year", http://gov.karelia.ru/News/2012/03/0330_22.html

²¹⁸ Yevgenia Veleva, "Mozhno li zabyt yazyk materi?" (Is It Possible to Forget One's Mother Tongue?), *TVR- Panorama*, April 2012

of Finno-Ugrian languages at Karelian Pedagogical Academy;²¹⁹ in the second Karelian higher educational institution, Petrozavodsk State University, in 2001 there were no applications for Vepsian and Karelian specialization.²²⁰ The lack of interest towards minority languages is caused by the current employment situation: work opportunities for the specialists in the field of Karelian and Vepsian philology are limited. The only Vepsian newspaper *Kodima* consists of only 8 pages and is written halfway in Russian; the amount of TV and radio- programs in Vepsian is around 40 minutes a week, which is evidently not a lot.

One of significant problems of Vepses' cultural rights implementation is the lack of funding from federal budget. Within the framework of Federal program for socio- economic support of indigenous peoples of North, Siberia and Far East, the target regions receive funding which they should use for indigenous peoples' support. However, while in 2009 690 billion rubles were designated for the regions, the year after this sum was shortened up to 240 billion, as Zinaida Strogalschikova states in her open letter to Russian government in February 2012.²²¹

However, the lack of funding only partially explains the current situation with the cultural rights of Vepses. I suppose that there is a twofold reason for it: from the one hand, it is easier for Karelian regional government to work on the “outer image” of indigenous people’s cultural rights protection: formally, there is school and university education, media and publications in Vepsian; regional contests and festivals are also held regularly. The deeper problems - limited job opportunities for young language bearers, dissemination of literature in Finno-Ugrian language, lack of cooperation between regions – are not that easy to solve and require time and

²¹⁹ Info portal *Finugor*, <http://finugor.ru/node/21524>

²²⁰ Kristina Korto, “Na kafedru karelskogo i vepsskogo yazyka ne zapisalos ni odnogo abiturienta” (“There Were No Applicants for Karelian and Vepsian Languages Department”), *Prava Narodov*, September 2011

²²¹ Info portal *Finugor*, <http://finugor.ru/node/22750>

financial contribution. A clear example of such “formal support”, which remains on paper, is the Law on State Support for Karelian, Vepsian and Finnish languages. The law states that it is possible to use Karelian, Vepsian and Finnish as the main language of education in the schools where is the need for it; this right seems to me simply utopian, as it is hard to imagine that any school in Karelia would sacrifice Russian as the main language of education in order to get teaching in a Finno-Ugrian language.²²² The other statements (laws, normative acts and other official documents may be translated into the mentioned languages; Finno-Ugrian languages can be used when dubbing video production, etc) seem far from the reality as well.²²³

On the other hand, the majority of Vepses are nowadays almost fully assimilated, know Russian better than Vepsian, do not lead traditional lifestyle and have little interest and enthusiasm in linguistic and cultural revitalization prospects. It seems today that the tasks of the preservation and revival of Vepses is relevant only for a group of activists but does not find support within the majority of the people, as they see little practical usage in knowledge of Vepsian and in many cases are already too assimilated into Russian society.

²²² Law of the Republic of Karelia on State Support for Karelian, Vepsian and Finnish languages, March 19, 2004. Article 5.2

²²³ Ibid., Article 10.2

Conclusion

In my work I have focused on two related issues: the changes in the indigenous peoples treatment in the Soviet Union and the Russian Federation and the current discrepancy between Russian legal provisions addressing indigenous peoples' rights and their practical implementation, i.e. indigenous rights in the Russian Federation *de jure* and *de facto*. I especially concentrated on the case study of Vepses in the north-west of the Russian Federation, primarily in the Republic of Karelia. The conducted analysis of legal documents, media sources, interviews with Vepsian activists brought me to the following conclusions.

The present understanding of “indigenoussness” in the Russian Federation reflects several historical patterns in the relations between native population and the state. In the course of Soviet and Russian history indigenous communities experienced all the major changes in state's national politics: from the non-intervention politics of the Russian Empire to Lenin's concept on the equality and support of all the Soviet nations through development, and then Stalin's course towards the assimilation of minorities. It is necessary to outline that the Soviet politics towards indigenous communities reflects the international approach, as the authors of ILO Convention 107 also believed that indigenous peoples are temporary backward communities who will inevitably disappear in future. On the other hand, the Convention 107 specifically outlines that indigenous peoples' assimilation should not be forced, whereas the Soviet politics of “settlement”, the fight with indigenous nomadic lifestyle, their “Russification” have all the features of forced assimilation.

Starting from the 1980s, within the general framework of larger attention to human rights and national minorities, Soviet authorities expressed the will to follow the principles of

international legal documents (first and foremost, ILO Convention 169) concerning indigenous peoples. However, the Convention 169 is still not ratified, despite continuous discussions in press and numerous appeals to Federal government from indigenous peoples' activists. The Russian Federation also abstained from the voting for the UN Declaration on the Rights of Indigenous Peoples. Whereas the latter document is not legally binding, the Russia's abstention represents the state's disagreement with the provisions of the Declaration.

Starting from the beginning of 1990s, several important Federal laws concerning indigenous peoples' rights were adopted in the Russian Federation. Still, one of the main contemporary problems is the concept of "indigenusness" itself. The official name of native communities in Russia is "*small-numbered indigenous communities*"; in other word, the country adopted the internationally recognized indigenous concept while still adhering to the Soviet term of "small-numbered people". The orientation towards Soviet terminology is visible through state's special attention to Northern, Siberian and Far Eastern minorities which reminds of the Soviet legislation towards "small-numbered peoples of northern faraway territories". The concept "korennoy narod" ("indigenous people") is still understood differently: in its international meaning of the native population of a certain territory, and in the meaning of all the population of the country excluding recent migrants. As a result, the government of the Republic Karelia in some cases addresses "the indigenous peoples of the Republic – Karelians, Vepses and Finns" (in some cases Russians are also added), and in other situations talks specifically about Vepses as "the indigenous people of the Russian Federation".

However, the main problem of the contemporary term is its "numerical ceiling" of 50,000 people which means that the communities which possess all the other characteristic of native population but consists of more than 50,000 representatives, are automatically excluded from all

the legal provisions aimed at indigenous peoples. The numerical barrier is a clear example of the legacy from the Soviet discourse of “small-numbered populations”. Besides, it reflects the remnants of the paternalistic approach towards minorities common in the Soviet Union and the policy of “assistance” and “protection” without which the indigenous communities are doomed to disappear.

Equally questionable element of Russian legal system is the adoption of two different lists of indigenous peoples: the Unified List (2000) and the List of Indigenous Peoples of North, Siberia and Far East (2006). There are a number of federal legal provisions aimed specifically to the peoples included into 2006 list but not covering the peoples from the Unified list. At the same time, the criteria according to which five peoples from the Unified list are not included into the North, Siberia and Far East list and thus deprived of certain privileges are not clarified, and it makes the 2006 list look discriminatory.

The most problematic issue of Russian Federal laws’ implementation is the enforcement of indigenous land rights, which in my opinion are the most vital category of indigenous rights. The laws granting land rights to Russian indigenous peoples are formulated vaguely, so the regions can modify them according to their needs. In reality it results in the subjectivity of regional authorities, as the ambiguous formulations leave room for interpretations. Specific occupations of indigenous peoples, such as reindeer-breeding, are not outlined in Federal laws. Moreover, the lack of coherence between Federal and regional law systems leads to different treatment of indigenous peoples depending on the subject of the Russian Federation where they reside and the willingness of regional authorities to facilitate indigenous peoples’ rights implementation.

Whereas indigenous cultural rights are generally better implemented, their enforcement is negatively influenced with the lack of funding from federal and regional budgets. Besides, in most of the cases federal laws concerning cultural rights are prepared and implemented without consultation with indigenous communities, and thus do not always cover the specific needs of the target group.

The current problems of federal legislation addressing indigenous peoples are reflected in the case study of Vepses, the small-numbered people of the north-west of Russia. Despite the general rhetoric on the necessity of the protection and development of Vepses, regional authorities do not take into account even the moderate federal legal provisions concerning land rights, and the traditional territories of Vepses are being sold to private companies and enterprises without consultation to indigenous people's representatives. As for indigenous cultural rights enforcement, they resemble a bright cover of a poorly written book. While on the surface the rights of Vepses to be educated in native language and to develop and promote their language and culture are implemented, the enthusiasm of 1990s turned into the stagnation of 2000s: the shortages of language classes, and the unemployment of youth with the knowledge of Vepsian. It is necessary to note, though, that the existing problems are the result of not only the government's policies towards the indigenous people, but the attitude of the target population: many of them are already too assimilated into Russian society to become enthusiastic about Vepsian revival.

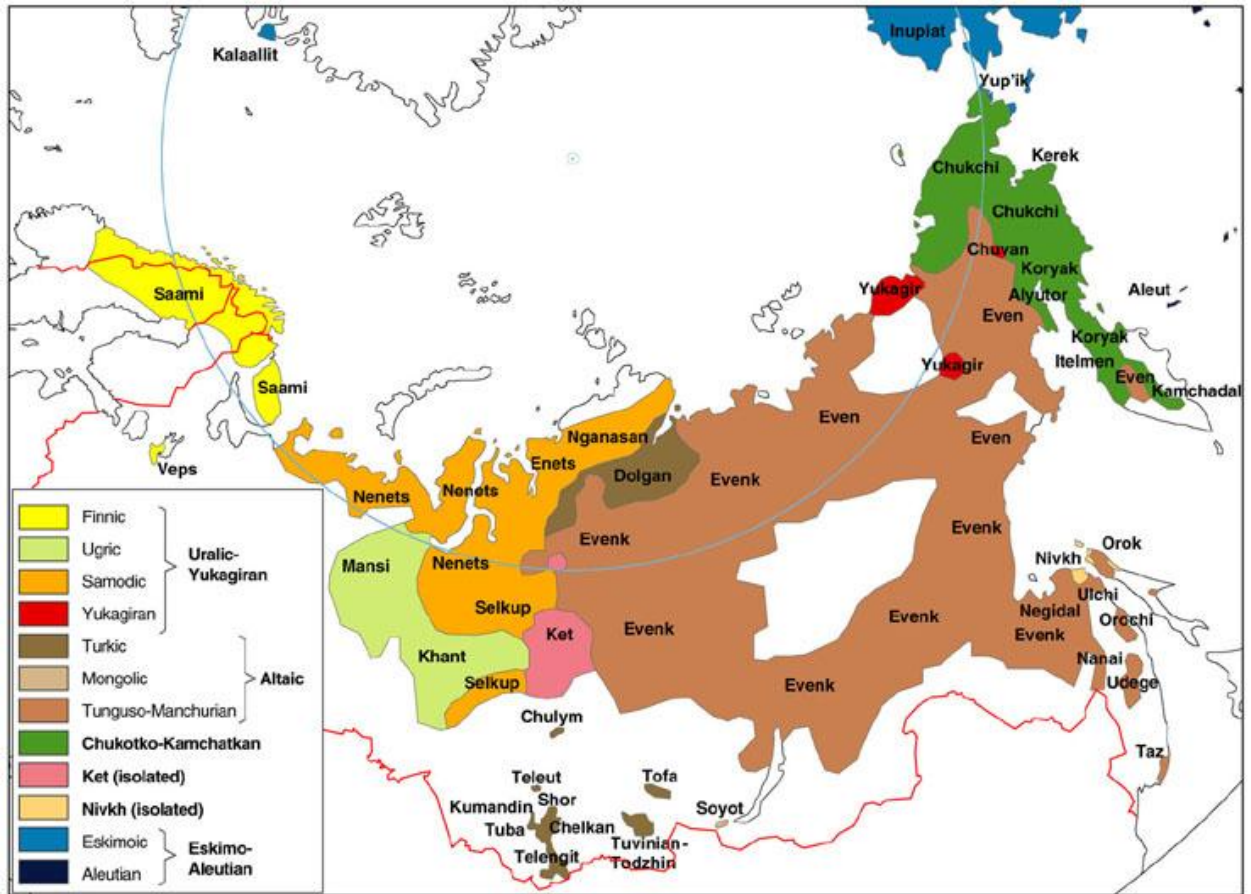
The analysis of Russian legal system concerning indigenous peoples shows that it is hardly possible to the state to continue balancing between Soviet legacy and international norms. If Russian authorities prefer to follow international provisions aimed at indigenous peoples, it seems important to revise the current definition of the concept and to question the necessity of

“numerical ceiling” which clearly prevents many ethnic groups, such as Karelians, to receive the status. Besides, the current federal legal provisions should become more concrete, and specific legal acts aimed at indigenous peoples’ lifestyle and occupations should be adopted. To avoid different treatment of indigenous peoples’ in the regions, federal legal acts should clearly state what is meant by the vague formulations of “taking indigenous interests into account” or “protection of indigenous culture”.

The period of late 1980s – 1990s represents a huge endeavor of the Russian Federation in the field of indigenous rights protection. It is thus very important for the state not to stop halfway and to continue developing and editing the existing legal provisions, discussions on indigenous peoples’ rights, attempts to go in pace with international documents, to eliminate the gap between legal documents or federal programs and reality. Moreover, it is vital to involve indigenous communities at all the stages of preparation and implementation of legal acts, so that they would become not just the object of special policies, but the full participants of decision making process.

CEU eTD Collection

Appendix 1. Indigenous Peoples of the map of the Russian Federation



Source: The Arctic Portal, <http://portlets.arcticportal.org/russia>

Appendix 2. Unified List of Indigenous Peoples of the Russian Federation (March 24, 2000).

The peoples marked in bold are not included into the List of Small-Numbered Indigenous Peoples of the North, Siberia and Far East (2006).

	Name	Places of residence
1	Abazins	Karachevo-Cherkes Republic
2	Aleuts	Kamchatka Territory
3	Alyutors	Kamchatka Territory
4	Besermians	Udmurt Republic
5	Vepses	Republic of Karelia, Leningrad Region
6	Dolgans	Krasnoyarsk Territory, Yakutia
7	Izhors	Leningrad Region
8	Itelmens	Koryak Autonomous Region
9	Kamchadals	Kamchatka Territory
10	Kereks	Chukotka Autonomous Region
11	Kets	Krasnoyarsk Territory
12	Koryaks	Koryak Autonomous Region, Kamchatka Territory, Chukotka autonomous Region, Magadan Region
13	Kumandins	Altai territory, Altai Republic, Kemerovo Region
14	Mansi	Khanty-Mansy Autonomous Region, Tyumen Region, Sverdlovsk Region, Komi Republic
15	Nagaibaks	Chelyabinsk Region
16	Nanais	Khabarovsk Territory, Primorsk Territory, Sakhalin Region
17	Nganasans	Dolgano-Nenets Autonomous Region, Krasnoyarsk Territory
18	Negidals	Khabarovsk Region
19	Nenets	Yamalo-Nenets Autonomous Region, Nenets Autonomous Region, Arkhangelsk Region, Khanty-Mansy Autonomous Region, Komi Republic
20	Nivkhs	Khabarovsk Territory, Sakhalin Region
21	Oroks	Sakhalin Region
22	Orochs	Khabarovsk Territory

23	Sami	Murmansk Region
24	Selkups	Yamalo-Nenets Autonomous Region, Tyumen Region, Tomsk Region, Krasnoyarsk Territory
25	Soyots	Buryatia Republic
26	Tazs	Primorsk Territory
27	Telengits	Altai Republic
28	Teleuts	Kemerovo Region
29	Tofalars	Irkutsk Region
30	Tubalars	Altai Republic
31	Tuvans - Todzhins	Tyva Republic
32	Udege	Primorsk Territory, Khabarovsk Territory
33	Ulchs	Khabarovsk Territory
34	Khanty	Khanty-Mansy Autonomous Region , Yamalo-Nenets Autonomous Region, Tyumen Region, Tomsk Region, Komi Republic
35	Chelkans	Altai Republic
36	Chuvans	Chukotka Autonomous Region, Magadan Region
37	Chukchi	Chukotka Autonomous Region, Koryak Autonomous Region
38	Chulymys	Tomsk Region, Krasnoyarsk Territory
39	Shapsugs	Krasnodar Territory
40	Shorians	Kemerovo Region, Khakassia Republic, Altai Republic
41	Evenks	Yakutia, Evenk Autonomous Region, Krasnoyarsk Territory, Khabarovsk Territory, Amur Region, Sakhalin Region, Buryatia Republic, Irkutsk Region, Chita Region, Tomsk Region, Tyumen Region
42	Evens	Yakutia, Khabarovsk Territory, Magadan Region, Chukotka Autonomous Region, Koryak Autonomous Region, Kamchatka Region
43	Enets	Dolgano-Nenets Autonomous Region
44	Eskimo	Chukotka Autonomous Region, Koryak Autonomous Region
45	Yukagirs	Yakutia, Magadan Region

Appendix 3. Map of the Republic of Karelia



Source: Petrozavodsk State University, Portal for foreign students, www.studyinrussia.karelia.ru

Bibliography

Books and articles

Anaya, James S. *Indigenous Peoples in International Law*. Oxford; New York: Oxford University Press, 2004

Anaya, James S. and Siegfried Wiessner, “The UN Declaration on the Rights of Indigenous Peoples: Towards re-empowerment”, *Third World Resurgence*, #206 (October 2007), <http://www.twinside.org.sg/title2/resurgence/twr206.htm>

Anderson, David G. *The 1926/27 Soviet Polar Census Expeditions*. New York – Oxford: Berghahn Books, 2001)

Austin, Paul M. “Soviet Karelian: the Language that Failed” in *Slavic Review*, 1 (1992), 16-35

Barsh, Russel. “Indigenous Peoples: An Emerging Object of International Law”, *The American Journal of International Law*, Vol. 80, No. 2 (Apr. 1986), 369-385

Barsh, Russel. “Revision of ILO Convention No. 107”, *The American Journal of International Law* (No. 81 (3), 1987), 756-762

Bengwayan, Michael A. Intellectual and Cultural Property Rights of Indigenous and Tribal Peoples in Asia. Minority Rights Group International, 2003

Bowen, John R. “Should We Have a Universal Concept of 'Indigenous Peoples' Rights?: Ethnicity and Essentialism in the Twenty-First Century”, *Anthropology Today*, Vol. 16, No. 4 (2000), 12-16

Chumovaya perepis: proshloe i nastoyashee: ob istorii perepisi naseleniya v trudnodostupnyh severnyh territoriyah Krasnoyarskogo kraya (The Raw-Hide Tent Census: on the History of Census in the Remote Areas of Krasnoyarsk Territory), Taimyr, 9 September 2010, issue 104

Comrie, Bernard. *The Languages of the Soviet Union*. Cambridge: Cambridge University Press, 1981

Galina Diatchkova, “Indigenous Peoples of Russia and Political History”, *The Canadian Journal of Native Studies XXI*, 2 (2001), 217-233

Dolutsky, I. “Obrazovanie SSSR. 1922-1924” (“The Formation of the USSR. 1922-1924”), http://cccp.narod.ru/work/book/hist_sssr1.html

Ermolaeva, Nadezhda. “Zinaida Strogalschikova: Natsionalnie yazyki Rossii pod ugrozoi” (“Zinaida Strogalschikova: The National Languages of Russia are in Danger”), *Rossiiskie Vesti*, May 4, 2009

Gorelikov, A. "Transformacija pravovogo statusa korennyh narodov v XX veke" (The Transformation of the Legal Status of Indigenous Peoples of the Far East in the XXth Century"), *Vestnik Chelyabinskogo gosudarstvennogo universiteta*, No. 30 (211), 2010, 36-40

Grenoble, Lenore. *Language Policy in the Soviet Union*. Dordrecht: Kluwer Academic Publishers, 2003

Hakluyt, Richard. *Principal Navigations, Voyages, Traffiques and Discoveries of the English Nation*, <http://ebooks.adelaide.edu.au/h/hakluyt/voyages/v03/chapter16.html>

Hamn, Camille. "Finland's Sami Minority: New Cultural Centre but No Land Rights", *Cafebabel.com Online Magazine*, January 6, 2012, <http://www.cafebabel.co.uk/article/37908/sami-finland-indigenous-property-rights.html>

Hannum, Hurst. "Self-Determination in the Twenty-First Century" in *Negotiating Self-Determination*/ed. Hurst Hannum and Eileen F. Babbitt. Lanham: Lexington, 2006

Havemann, Paul. "Twentieth-Century Public International Law and Indigenous Peoples" in *Indigenous Peoples' Rights in Australia, Canada and New Zealand*/ed. Paul Havemann. Oxford: Oxford University Press, 2001

Josefsen, Eva. "Norwegian Legislation and Administration – Saami Land Rights", *Journal of Indigenous Peoples' Rights*, 1 (2007), 4-33

Judin, Valery. "Evolutsija gosudarstvennoj politiki Rossii v otnoshenii korennyh malochislennyh narodov Severa" ("The Evolution of State Politics in Relation to Indigenous Small-Numbered Peoples of the North"), *Vlast*, 1 (2012), 29-33

Karacharov, Andrei. "Vepsy varyagov na Rus ne prizyvali" ("Vepses Did Not Call Varyags to Rus"), *Nashe Vremya*, 2006, <http://www.gazetanv.ru/article/?id=95>

Korto, Kristina. "Na kafedru karelskogo i vepsskogo yazyka ne zapisalos ni odnogo abiturienta" ("There Were No Applicants for Karelian and Vepsian Languages Department"), *Prava Narodov*, September 2011

Kuttuev, Sergei. "Ohota pushe zakona" ("Hunting is Stronger than Law"), *Molodezhnyi Komsomolets v Karelii*, February 2012

Levkoev, A. "Karelskaya avtonomija v sisteme sovetsko-finlandskih otnoshenij 1930 gg". ("Karelian Autonomy in the System of Soviet-Finnish Relations of 1930s") in *Novoe v izuchenii istorii Karelii*/ed. Nikolay Korablev, Vasily Makurov and Juri Savvateev (Petrozavodsk, 1994), 101-121

Mawdsley, Evan. *The Stalin years: the Soviet Union 1929-1953*. Manchester: Manchester University Press, 1998

Murashko, Olga. "Territorii tradicionnogo prirodopolzovanija korennyh malochislennyh narodov Severa v sisteme ohranyaenyh territorij v Rossii", *Prava Narodov*, April 16, 2010

Nevezhin, Vladimir. "Tost Stalina za russkij narod (24 maja 1945): novaya interpretacija" ("Stalin's Toast to Russian People (May 24th, 1945): New Interpretation"), *Prepodavanie Istorii v Shkole*, 4 (2005), 23-28

Niezen, Ronald. *The Origins of Indigenism*. Berkeley and Los Angeles: University of California Press, 2003

Nikitin, Dmitry. "O korennykh i malochislennykh narodakh" ("On Indigenous Small-Numbered Peoples"), *Evrasia*, No. 8 (2006)

Novikova, Natalia. "Legal Anthropology of the Interaction of Russia's Numerically Small Indigenous Peoples of the North with Oil Companies", *Anthropology and Archaeology of Eurasia*, Vol. 47, No. 2 (2008), 12-38

Øverland, Indra. 'Indigenous Rights in the Russian North', in *Russia and the North*/ edited by Elana Wilson Rowe, 165-185. Ottawa: University of Ottawa Press, 2009

Peltzer, Greg, and Heather Axner, "Formirovanie sovremennogo gosudarstva i korennye narody" ("The Formation of Modern State and Indigenous Peoples", <http://www.uarctic.org/singleArticle.aspx?m=519&amid=3257>

Pika, Alexander. "Mezhdunarodnye normy politiki gosudarstv v otnoshenii aborigennykh narodov" ("International Norms of States' Politics in Relation to Aboriginal Peoples"), *Informational Center "Zhivaya Arktika"* (1996), http://www.arctic.org.ru/1996/1_2_96.htm

de Plevitz, Loretta, and Larry Croft, "Aboriginality under the microscope : the biological descent test in Australian law", *QUT Law and Justice Journal*, 3(1) 2003, 104-120

Sanders, Douglas. "The UN Working Group on Indigenous Populations", *Human Rights Quarterly*, Vol. 11, No. 3 (Aug., 1989), 406-433

Schulting, Gerard. "ILO Convention 169. Can it help?", *Abya Yala News Online. Journal of the South and Meso American Indian Rights Center*, <http://saic.nativeweb.org/ayn/schulting.html>

Shalyov, Andrey. "Pomors Press for the Status of Indigenous People", The Norwegian Barents Secretariat, <http://www.barents.no/pomors-press-for-the-status-of-indigenous-people-.299420-41098.html>

Sokolovsky, Sergei. "Kategorija "korennye narody" v rossijskoj politike, zakonodatelstve i nauke" ("Category "Indigenous Peoples" in Russian Politics, Legal System and Science"), *Etnometodologia*, No. 5 (1999), <http://www.prof.msu.ru/publ/book3/sok.htm>

Soviet Nationalities Policy in Practice/ edited by Robert Conquest. New York: Praeger, 1967.

Stammler-Gossmann, Anna. "Who is Indigenous? Construction of "Indigenusness" in Russian Legislation", *International Community Law Review*, 11 (2009), 69-102

Strogalschikova, Zinaida. "Korennye malochislennye narody Rossii v politike gosudarstva: formirovanie zakonodatelstva i ego realizatsija v postsovetskij period" ("Indigenous Small-Numbered Peoples of Russia in State Politics: Formation of Legal System and Its Realization in Post-Soviet Period"), *Finno-Ugorskij Mir*, No. 1 (2008), 48-63

Todyshev, Mikhail. "V OON Rossiya vystupaet kak dushitel prav i svobod korennyh narodov mira" ("In UN Russia is Throttling the Rights and Freedoms of World's Indigenous Peoples") , at *Informational Center of Finno-Ugrian Peoples*, <http://www.mariuver.info/rus/articles/polit/2006/07/01.html>

Towards a New Millennium: Ten Years of Indigenous Movement in Russia/ edited by Thomas Kohler and Kathrin Wessendorf. Copenhagen: International Work Group on Indigenous Affairs, 2002

"U.S. Scorns Peltier Appeal for Soviet Political Asylum" in *Los Angeles Times*, August 21, 1987

Vahktin, Nikolai. *Korennoe naselenie Krainego Severa Rossijskoj Federatsii* (Native Population of the Russian Federation's Far North). Saint Petersburg: Izd. Evropejskogo doma, 1992

Vasiljev, V., Ju. Simchenko, and Z. Sokolova, "Problemy rekonstrukcii byta malykh narodov Krajnego Severa" ("The Problems of Everyday Life Reconstruction for the Small-Numbered Peoples of the Far North"), *Sovetskaya Etnographija*, 1 (1966), 9-22

Veleva, Yevgenia. "Mozhno li zabyt yazyk materi?" (Is It Possible to Forget One's Mother Tongue?), *TVR- Panorama*, April 2012

Vepsy: modeli etnicheskoj mobilizatsii (Vepses: the Models of Ethnic Mobilization). Petrozavodsk, KNC RAN, 2007

Volokitina, Nadezhda. "Komi-Permyaks, Victims of Putin's Regional Amalgamation Plan, Want Autonomy Back" at Info Centre *Finugor*, <http://finugor.ru/en/node/22691>

Voyageur, Cora J. "Various Shades of Red: Diversity within Canada's Indigenous Community". *London Journal of Canadian Studies*, 16: 2000/2001, 109-124

Xanthaki, Alexandra. "Indigenous Rights in the Russian Federation: the Case of Numerically Small Peoples of the Russian North, Siberia and Far East", *Human Rights Quarterly*, Vol. 26, No. 1 (2004), 74-105

Yudin, Valery. "Evolutsija gosudarstvennoj politiki v otnoshenii korennyh malochislennyh narodov Severa" ("The Evolution of State Policies in Relation to Indigenous Small-Numbered Peoples of the North"), *Vlast*, 1 (2012), 29-33

Zubotov, Sergei. "Sotsializm v otdelno vzyatoj strane" ("Socialism in a Single Country"), *Proryv*, No. 1 (2002), http://proriv.ru/articles.shtml/zubotov?socialism_in_a_single_country

Working Papers and Conference Papers

Action Plan of Indigenous Peoples 2005-2008, http://www.barentsinfo.fi/beac/docs/11934_doc_IPActionPlan2005-2008_English.pdf

Ahmednabiev, Magomed. Resolution of the NGO Conference "Otechestvo", http://lezghins.com/index.php?option=com_idoblog&task=viewpost&id=586&Itemid=61

First Meeting of Permanent Forum High Point of UN Decade. Backgrounder. May 12, 2002. <http://www.un.org/rights/indigenous/backgrounder1.htm>

Ivanov, K. and S. Khrushchev. "Zhachenie teorii Gumileva dlya izuchenija malochislennyh narodov severa Rossii" ("The Significance of Gumilev's Theory for Studying of Small Peoples of the North of Russia"), Theses Collection of 2nd Gumilev's Readings, 1998. <http://gumilevica.kulichki.net/GW/gw228.htm>

Kakungulu, Ronald. "The United Nations Declaration on the Rights of Indigenous Peoples: A New Dawn for Indigenous Peoples Rights?" (2009). Cornell Law School Inter-University Graduate Student Conference Papers. Paper 18. http://scholarship.law.cornell.edu/lps_clacp/18

Kostiainen, Arvo. "The Finns of Soviet Karelia as a Target of Stalin's Terror", Paper presented at ICCEES World Congress, August 6-11, 1995, <http://www.genealogia.fi/emi/art/article226e.htm>

Report of Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, James Anaya. Situation of Indigenous Peoples in the Russian Federation. June 23 (2010)

Study of the Problem of Discrimination against Indigenous Population. Final Report Submitted by Special Rapporteur Mr. Jose R. Martinez Cobo. 5 August 1983E/CN.4/Sub.2/1983/21

Documents

C107 Indigenous and Tribal Populations Convention, June 26, 1957

C169 Indigenous and Tribal Peoples Convention, June 27, 1989

UN Declaration on the Rights of Indigenous Peoples, September 13, 2007

UN General Assembly 94th Plenary Meeting. International Decade of the World's Indigenous People. 23 December 1994, <http://www.un.org/documents/ga/res/49/a49r214.htm>

All-Russian census 2010 results, National composition of the Russian Federation, http://demoscope.ru/weekly/ssp/rus_nac_10.php

Comments to the Constitution of the Russian Federation. Article 69/ ed. V.D. Zorkin, L.V. Lazarev, <http://kommentarii.org/konstitutc/page75.html>

Concept of State National Policy of the Russian Federation, June 15, 1996

Concept of Sustainable Development of Indigenous Small-Numbered Peoples of North, Siberia and Far East of the Russian Federation, February 4, 2009

Constitution of Karelian Autonomous Soviet Socialist Republic, June 17, 1937

Constitution of the Republic of Karelia, February 12, 2001

Constitution of the Republic of Sakha (Yakutia), April 1, 1992

Constitution of the Russian Federation, December 12, 1993

Constitution of RSFSR, July 10, 1918

Constitution of the RSFSR, January 21, 1937

Constitution of the USSR, December 5, 1936

Federal Law of the Russian Federation on Education, July 10, 1992

Federal Law “On the Guarantees of the Rights of Small-Numbered Indigenous Peoples of the Russian Federation”, April 22, 1999

Federal Law of the Russian Federation “On Mineral Resources”, February 21, 1992

Federal Law of the Russian Federation on National-Cultural Autonomy, June 17, 1996

Federal Law of the Russian Federation on National-Cultural Autonomy, November 10, 2003

Federal Law “On the Principles of Communities Organization for Indigenous Peoples of North, Siberia and Far East of the Russian Federation”, July 6, 2000

Federal Law “On Traditional Natural Resources Territories of Small-Numbered Indigenous Peoples of North, Siberia and Far East of the Russian Federation”, May 7, 2001

Federal Program “Economic and Social Development of Small-Numbered Indigenous Peoples of the Russian Federation before 2011”, http://www.programs-gov.ru/2_1.php

Federal Treaty on the Division of Powers, <http://constitution.garant.ru/act/federative/170280>

Forest Code of the Russian Federation, December 4, 2006

Land Code of the Russian Federation, October 10, 2001

Law on of the Republic of Karelia on the governmental support of Karelian, Vepsian and Finnish languages in the Republic of Karelia, March 17, 2004

Law of the Republic of Karelia On the order and norms of timber procurement for individual needs”, November 12, 2007

List of Small-Numbered Indigenous Peoples of North, Siberia and Far East of the Russian Federation, April 17, 2006

Project of Federal Law On the territories of traditional natural resource use of Small-Numbered Indigenous Peoples of North, Siberia and Far East”, 2008

The Outcomes of the Federal program “Economic and social development of indigenous peoples until 2000”. Federal Programs of Russia. http://www.programs-gov.ru/2_1.php

Unified List of Indigenous Peoples of the Russian Federation, March 24, 2000

Program statements and speeches

Ahmednabiev, Magomed. “Obrashenie k jamaatam korennyh malochislennyh narodov Dagestana” (Appeal to the Jamaats of of Small-Numbered Indigenous Peoples of Dagestan, <http://www.tsumada.ru/ru/text/1035>

Gorbachev, Mikhail. Speech in Murmansk. *Pravda*, No. 275, October 2, 1987

Gorbachev Mikhail. Speech on January 27, 1987. <http://soveticus5.narod.ru/88/od1987.htm>

Krivoshapkin, Andrei. Opening speech at the conference “Legal and Socio-Economic Problems of Arctic Peoples’ Development”, *Prava Narodov*, October 3, 2011

Lenin, Vladimir. “Critical Remarks on National Question”, *Prosvescheniye*, November-December 1913, <http://www.marx2mao.com/Lenin/CRNQ13.html>

Lenin, Vladimir. “The Right of Nations to Self-Determination”, *Prosvescheniye*, April-June 1914, <http://www.marxists.org/archive/lenin/works/1914/self-det/index.htm>

Marx, Karl, and Friedrich Engels, *Manifesto of the Communist Party*, 1848, <http://www.anu.edu.au/polsci/marx/classics/manifesto.html>

Stalin, Joseph. “Marxism and the National Question”, *Prosvescheniye*, March-May 1913, <http://www.marxists.org/reference/archive/stalin/works/1913/03.htm>

Court cases

Commonwealth v. Tasmania, July 1983,
http://www.austlii.edu.au/au/cases/cth/high_ct/158clr1.html

Delgamuukw v. British Columbia, January 1988.
<http://www.parl.gc.ca/Content/LOP/ResearchPublications/bp459-e.htm#COMMENTARYtxt>

Interviews

Dobro pozhalovat v OON! (Welcome to UN!). Interview with Zinaida Strogalschikova. *Kodima*, June-July 2002.

“Sotrudnichestvo korennyh narodov v Barents-regione: novye vozmozhnosti. Interview with Zinaida Strogalschikova”. *Kodima*, 2 (2012)

Web pages

The Arctic Portal, <http://portlets.arcticportal.org/russia>

Info center Finugor, <http://finugor.ru>

Kazakh radio Azzatyk website, http://rus.azattyq.org/section/December_1986/677.html

Nagorno-Karabakh: Historical Overview, <http://www.karabah88.ru/history/karabah/34.html>

Office of UN High Commissioner for Human Rights. Working Group on Indigenous Population. <http://www2.ohchr.org/english/issues/indigenous/groups/wgip.htm>

Permanent Forum on Indigenous Issues. Eleventh Session, 11 May 2012, <http://www.un.org/News/Press/docs/2012/hr5091.doc.htm>

“Singing Revolution” of Lithuania – BBC material, http://www.bbc.co.uk/russian/international/2009/07/090707_lithuania_singing_revolution.shtml