



**Input for the Report to 80th Session of the UN General Assembly  
of the UN Special Rapporteur on the rights of Indigenous Peoples**

**"Identification, Documentation, Demarcation, Registration, and Titling of Indigenous Peoples'  
Lands: Practices and Lessons Learned"**

**The case of the Russian Federation**

**By Anti-Discrimination Centre Memorial Brussels  
and International Committee of Indigenous Peoples of Russia**

March 2025

**Response to a number of Key questions**

**1. What are the legal criteria for recognition of Indigenous Peoples' rights to lands, territories and resources in your country? Do these criteria reflect Indigenous Peoples' customary tenure systems? Do they address potential historical injustices?**

An acute problem for Indigenous peoples, whose economies are tied to their traditional places of residence, remains the uncertainty of the right to lands and the resources located on these lands. Russian legislation on small Indigenous peoples does not recognize their ownership rights in relation to traditional territories. The Federal Law "On Guarantees of the Rights of Indigenous Small-numbered Peoples in the Russian Federation" (Article 8) establishes only the right to use lands of various categories free of charge in places of traditional residence and traditional economic activity, necessary for carrying out their traditional economic activities and engaging in traditional crafts, and the right to participate in monitoring the use of lands of various categories. The Land Code (art.39.10, paragraph 13) sets the term for such gratuitous use of land – 10 years. Land rights and property rights are generally protected as individual rights by civil and land legislation. Some additional guarantees unrelated to the special status of Indigenous peoples are provided by environmental protection legislation. Federal Law No. 49-FZ "On Territories of Traditional Nature Use of Indigenous Peoples of the North, Siberia and the Far East of the Russian Federation" (dated 05/07/2001) creates certain, albeit limited opportunities for securing the rights of Indigenous peoples to land. However, in the absence of a specific mechanism for its application, the authorities act arbitrarily. The legal status of sacred sites has not been determined, and their alienation in favor of mining companies harms not only the environment, but also the spiritual culture of Indigenous peoples.

Federal Law No. 209-FZ "On Hunting and Conservation of Hunting Resources" (Article 19) allows Indigenous peoples to hunt freely (without permits) in order to carry out traditional economic activities in the amounts necessary for personal consumption. However, Article 25 of the Law states that land and forest plots are leased solely based on the results of auctions for the right to conclude hunting agreements. There are no exceptions to this procedure for tribal communities of small Indigenous peoples.

**2. What are the legal and policy frameworks that govern the identification, documentation, demarcation, registration, or titling of Indigenous Peoples' lands, territories and resources in your country?**

Special guarantees of the right to traditional economic activity of Indigenous minorities of the Russian Federation are provided in the relevant laws: "On Guarantees of the Rights of Indigenous

Minorities of the Russian Federation" (since 1999), "On general principles of organizing communities of Indigenous minorities of the North, Siberia and the Far East of the Russian Federation" (since 2000), "On territories of traditional nature use of Indigenous peoples of North, Siberia and the Far East of the Russian Federation" (since 2001). At the strategic national level, the draft Concept for the Sustainable Development of the Indigenous small-numbered peoples of the North, Siberia and the Far East of the Russian Federation for the period up to 2036 (2024) states the goal of "**Supporting traditional economic activities and crafts of the small-numbered peoples of the North**", namely:

- a) creation and development of industrial and technological infrastructure of traditional economic activities of small-numbered peoples of the North;
- b) promotion in the domestic and foreign markets of goods, works and services produced within the framework of traditional economic activities of the small-numbered peoples of the North;
- c) development of the tourism industry in places of traditional economic activity of the small-numbered peoples of the North;
- d) training of personnel for the implementation of traditional economic activities of the small-numbered peoples of the North;
- e) modernization of local generation facilities, expansion of the use of renewable energy sources, liquefied natural gas and local fuels in places where traditional economic activities are carried out by the Indigenous peoples of the North;
- f) providing grant and other financial support to small and medium-sized businesses engaged in traditional economic activities of the small-numbered peoples of the North, developing interregional cooperation, lending and leasing;
- g) state support for the development of reindeer husbandry, veterinary measures and breeding work to improve reindeer breeds;
- h) implementation of economic measures aimed at stimulating creation of new jobs in the places of traditional residence of the Indigenous peoples of the North.

Russia has approved the state program "Socio-economic development of the Arctic zone of the Russian Federation" (2021) and the Program of state support for traditional economic activities of Indigenous small-numbered peoples of the Russian Federation carried out in the Arctic zone of the Russian Federation (2021). Various regional documents are also in force: laws (such as, for example, the Law of the Kamchatka Krai dated 06/22/2010 No. 477 "On State support for reindeer husbandry in the Kamchatka Krai"); programs such as "Young Reindeer Breeder" (from 2020) in the Republic of Sakha; strategic documents such as the "Concept of Sustainable Development of the Indigenous small-numbered peoples of the North of the Sakha Republic for the period up to 2035", and others.

The priorities and tasks outlined in these documents include the development of international cooperation, investment projects with foreign participation, and the development of ties between the Indigenous peoples of the Russian Federation and the Indigenous peoples of other Arctic countries – all this is currently not possible in the context of Russia's military aggression against Ukraine, sanctions, and state propaganda of hostility to other countries.

#### **4. What are the main legal or procedural barriers in implementing the procedures of recognition, identification, documentation, demarcation, registration, and titling of Indigenous Peoples' Lands, territories and resources? How are these barriers being addressed?**

Sociologists define Russia's state policy towards Indigenous peoples as "paternalistic", aimed at "conservation" of traditional culture, including in the aspect of the traditional economy, which to a certain extent seeks this "conservation" (at least in some regions and for some types of traditional economy). This means that the state plays a major role in shaping this policy, subsidizes the traditional economy (in particular, unprofitable types such as reindeer husbandry) and at the same time does not grant Indigenous peoples broad autonomy, restricts Indigenous peoples' participation in decision-making on issues that directly concern them, and restricts their rights to use land. It does not give broad powers to institutions and self-government bodies of Indigenous peoples. Indigenous activists often say that this approach turns Indigenous peoples into a "folklore nation" and exotists them, while the traditional economy and, consequently, the identity of Indigenous peoples is in crisis. At the same time, some expert reports suggest that the paternalistic policy of the authorities creates a "dependent attitude" towards

government support among Indigenous peoples, and that they prefer not to take the initiative, including seeking new ways to develop the traditional economy.

Meanwhile, in the post-Soviet period, the state suppressed the entrepreneurial potential of Indigenous peoples in those industries that could be profitable (unlike, for instance, reindeer husbandry, which is subsidized in all countries where it exists). This can be seen in the example of changes in legislation and practices related to fishing. As a result, large enterprises that are not related to Indigenous peoples receive super profits in the Russian Far East; the priority right of Indigenous peoples to plots and quotas covers only the so called "traditional fishing" for personal needs, while economic associations of Indigenous peoples are deprived of preferences and cannot compete with major players; huge formal obstacles are created to apply for plots and quotas; there are examples of raider intrusion into fishing communities in order to take advantage of the benefits of Indigenous peoples. Experts note that Indigenous communities, being in fact a special sector of the regional economy, are not classified in the legislation as either agricultural producers or small businesses, which limits their access to participate in economic activities.

It can be concluded that Russia's state approach to the rights of Indigenous peoples lacks an understanding that without delegating broad rights and independence to Indigenous structures, without developing their self-government and respecting sovereignty, one cannot expect either initiative or fair relations between Indigenous peoples and extractive businesses with incomparable economic power. In fact, Indigenous communities leading traditional lifestyles find themselves completely dependent on government subsidies and unstable compensations from businesses, which may be enough only to survive, but not enough to invest in the development of the traditional economy and its transition to a qualitatively different level.

Objective statistical indicators show that the standard of living of Indigenous minorities who lead a traditional lifestyle and/or live in the territories of traditional residence remains significantly lower than the average for the region of residence or the country as a whole.

**Examples:**

There are about 47.5 thousand Indigenous persons in the Yamalo-Nenets Autonomous Okrug (8.8% of the Okrug's population; among them, the Nenets are the most numerous - 29 thousand people, or almost 6% of the total population of the Okrug). More than 19 thousand people (41.0% of the total Indigenous population, or 3.6% of the total population of the Okrug) are engaged in traditional nature management - reindeer husbandry, fishing, hunting (data from the Government of the Yamalo-Nenets Autonomous Okrug, 2021). The total income of members of reindeer herding families is on average 33% lower than the subsistence minimum in Russia. Only about 25% of nomad families have housing in villages (2017 data). [Source:](#) E. F. Gladun, S. Nisten-Haarala, S. A. Tulaeva, O. V. Zakharova. The economy of Indigenous peoples in the Arctic regions: Traditions and Transformations (on the example of Russia, Finland, and the USA) // Economic Sociology. Vol. 23. No. 3. May 2022.

Reindeer husbandry in the Krasnoyarsk Krai is unprofitable, and in reality, government subsidies for current expenses and loss coverage are becoming a key source of income for reindeer farms. The percentage of the Indigenous population engaged in reindeer husbandry in the north of the Krasnoyarsk Krai is insignificant (in the Taimyr municipal district -7.5%, in Evenk municipal district – 6.8%, in Turukhansk municipal district – 6.2%). Official statistics (Krasnoyarsk Statistics Service, 2020 data) show that the average salary in agriculture (where reindeer husbandry is taken into account) in the northern macro-region was only about 30% (31.7 thousand rubles) from the average for the macro-region (approx. 102 thousand rubles) ([Source:](#) Nataliia P. Koptseva and Olga S. Nagaeva. Traditional Economy of Indigenous Peoples of the North in the Krasnoyarsk krai. 2023).

**5. Are there mechanisms put in place or measure taken to secure Indigenous Peoples' titled lands against encroachments or dispossessions?**

**6. Are there mechanisms put in place for meaningful consultation and effective participation of Indigenous Peoples in these identification and recognition process?**

Formally, many executive bodies of the regions of the Russian Federation have established structural divisions for Indigenous peoples, coordinating the implementation of regional programs. Councils of representatives of small Indigenous peoples have been formed under the heads and governments of the regions. Independent institutions of ombudsmen for the rights of Indigenous peoples have been established in the Kamchatka and Krasnoyarsk Krays, the Sakhalin Region, the Republic of Sakha (Yakutia) and Buryatia. However, the actual participation of Indigenous peoples in matters directly related to them is limited for the following reasons.

Firstly, the activities of independent activists and defenders of the rights of Indigenous peoples are criminalized. The Russian authorities' repression against civil society has escalated over the past decade, and such forms of persecution as recognition as a "foreign agent" have also affected Indigenous organizations. After the outbreak of Russia's war against Ukraine, the persecution intensified and in 2024 it reached the point that the leading formal and informal groups of Indigenous activists were first listed as "extremist" organizations (Aborigen Forum, International Committee of Indigenous Peoples of Russia, Indigenous Russia), and then as "terrorist" ones (Aborigen Forum, International Committee of Indigenous Peoples of Russia).

Secondly, independent activists are being replaced by loyal representatives of Indigenous NGOs, which are in fact funded by the state and mining companies. At the international level, representatives of Indigenous GONGOs (state-dependent NGOs) promote the positions of the Russian authorities and lobby for the lifting of sanctions against Russian businesses. See for more details the [report](#) of the Inter-National Committee of the Indigenous Peoples of Russia "RAIPON: transformation from an independent agent of change into a tool of state propaganda." The control upon the RAIPON is ensured not only through government pressure and the introduction of loyal leaders there, but also through the financing of the association by large mining companies, in particular Norilsk Nickel. See also the [investigation](#) by Arctida, Verstka Layout and 7x7 "They work for the benefit of the elite." How the Association of Small Indigenous Peoples became an instrument of enrichment and lobbying", highlighting the dependence on business structures and lobbying in favor of large companies, affiliation with the United Russia party and government agencies, corrupt ties of officials who make money on the topic of Indigenous peoples. The report emphasizes that through the public statements of loyal representatives of Indigenous peoples at the UN, the lifting sanctions against Russian companies is being lobbied.

In these circumstances, any participation in public, human rights, and political activities in the field of Indigenous peoples' rights, including those related to the right to a traditional economy, can be outlawed, which opens up a huge field for manipulation by business structures and state authorities.

Apart from the problem of criminalization, Russian legislation, although not formally enshrining the principle of FPIC, provides some opportunities for Indigenous communities to participate in decision-making processes and manage their territories and resources. However, in practice, land is seized in favor of mining companies without the required approvals or through their falsification.

**Example:**

Near the settlements of the Indigenous small-numbered Shor people in the Republic of Khakasia, on the legally recognized territory of traditional residence, the development of gold mining sites began without any information and permission from local residents. Suddenly, heavy machinery began to work, deforestation began, access to hunting grounds, berry and mushroom picking sites, and a checkpoint was blocked. For more information, see the [ADC Memorial report](#) "Indigenous peoples of the Taiga are suffering from river gold mining" (2021).

Ethnological expertise, a comprehensive scientific study of the potential impact of the planned activities of mining companies on Indigenous peoples and their traditional territories, can become part of the dialogue between Indigenous peoples, business structures and government authorities. At the moment, such an examination is not mandatory at the federal level, although it is mentioned in [Law No. 82-FZ](#) "On Guarantees of the Rights of Small-Numbered Indigenous Peoples of the Russian Federation." The draft federal law on the ethnological expertise (2018) is at the initial stage of discussion. At the regional level, there is a [law on ethnological expertise](#) adopted in the Republic of Sakha (Yakutia) (2010), and in the Khanty-Mansiysk – Yugra Autonomous Okrug – a Model agreement is in place between extracting actors and subjects of traditional nature management law on the use of land for extracting business within the boundaries of the territories of traditional nature management of Indigenous peoples of the North of regional significance.

The Norilsk Nickel Industrial giant considers ethnological expertise as a positive aspect of its activities. It should be noted, however, that the first comprehensive expertise was ordered by the NorNickel after it caused an environmental disaster that led to enormous damage to the Indigenous peoples of Taimyr - the Nganasans and Dolgans. In 2020, a leakage of more than 21 thousand tons of diesel fuel happened, of about 6 thousand tons of which got into the ground, and 15 thousand tons of diesel fuel appeared in the Daldykan River, a right tributary of the Ambarnaya River, and along it they first entered the large Pyasino lake (with an area of 735 km<sup>2</sup>), from which they reached the Kara Sea along the Pyasina River. Immediately after the accident, which became an extremely serious situation

on a federal scale, the NorNickel tried to hide information and obstructed the work of investigative journalists.

Critically assessing the 15-year experience of conducting state ethnological expertise in the Republic of Sakha (Yakutia), experts conclude that in its current form, ethnological expertise cannot be considered a full-fledged form of participation of Indigenous peoples in decision-making that directly concerns them. It is noted that, in the end, the expertise is quite formal and gives the industrial company a standard set of recommendations (to employ Indigenous people, allocate funds for cultural events, provide roads, etc.) and translates the complex issues of resource conflict between Indigenous communities and industrialists into a simple practical scheme: an assessment of losses and the amount of compensation. The payment of compensation, in turn, as well as the rather formal monitoring of the impact of a business project as it is implemented, in fact removes responsibility from the company for the processes that will occur with Indigenous communities in the future, and stops the dialogue between Indigenous peoples and industrialists (see А.С.Басов. Диалог и бюрократические процедуры: этнологическая экспертиза в Республике Саха (Якутия) // Сибирские исторические исследования. [A.S.Basov. Dialogue and bureaucratic procedures: ethnological expertise in the Republic of Sakha (Yakutia) // Сибирские исторические исследования (Siberian Historical Studies).] 2018. № 2).

### **7. How is gender taken into account in the process of identification, documentation, demarcation, registration and titling of Indigenous Peoples' lands, territories and resources in your country?**

Experts acknowledge that there is currently very little gender mainstreaming in the context of land and resource rights. Nevertheless, some studies show that Indigenous women are more strongly opposed to the industrial development of traditional territories and prioritize in their concerns such issues as the deterioration of the environmental situation and living conditions of Indigenous peoples due to industrial activities. Men, on the other hand, are more flexible and perceive the industrial activities of mining companies rather as an inevitable situation. Consequently, since men are more likely to make decisions in patriarchal Indigenous communities, women's opinions are not fully taken into account. (See Потравная Е. В. Гендерные особенности восприятия экологических проблем коренными народами Севера России // Народонаселение. [Potravnaia E. V. Gender-specific perception of environmental problems by the Indigenous peoples of the North of Russia // Population.] — 2020. — Vol. 23. — No. 2. — pp. 72-84.)

### **8. Are there cases where Indigenous Peoples' lands overlap with other claims or uses of lands, territories and resources (e.g., individual titles, conservation areas, businesses and extractive industries, as well as other Indigenous Peoples' claims)? How are such conflicts addressed in identification, documentation, demarcation, registration and titling of Indigenous Peoples' lands?**

The Land Code provides for the seizure of land plots from individuals to further public interests (Article 49). To implement large-scale projects, on April 1, 2015 an addition was made to the Land Code under which federal, regional, and local government bodies may decide to seize land not just at their own initiative, but also at the petition of agents of natural monopolies, subsoil users, and other organizations (Paragraph 4 of Article 56.3 of the Land Code). During the seizure process, the grounds, terms, and procedure for adopting a decision on seizure must be closely complied with, including advanced compensation for damages and losses; in case of coal mining, an ecological expertise should be provided, together with the change of the status of the land which should be agreed at public discussion.

However, in practice, land is seized in favor of mining companies without necessary approvals or as a result of falsification.

**Example:** In Khakasia, coal companies, with the full support of the authorities, obtain permission to conduct industrial activities and seize agricultural land for the industrial purposes.

For the first time, residents of Khakas villages faced their property and land rights violated in 2013, when two large coal companies in the Koibal steppe — LLC "Coal Company "Mayrykhsy Open Mine" and LLC "Arshanovsky Open Mine" — started coal mining, despite the lack of permits and protests of the locals.

In 2018, the Mayrykhsy Mine obtained a license to excavate mineral resources at the new Beisky-Zapadny site, where the farms used to be located, with pastures and hay fields, as well as reclamation channels that supply water to the lakes of the Koibal steppe.

In order to legitimize the construction of new mines, from October 2018 to March 2019, representatives of coal companies organized public hearings, as it is required by law. The locals voted almost unanimously against the construction. Being supported by the republican authorities, the miners falsified the votes and managed to obtain permission for construction. Later, the Department of Land Management of the Central Siberian Okrug issued 14 orders on the seizure of more than 50 land plots from 44 owners in favor of coal mines. Besides, the Government of the Republic of Khakasia issued a decree and changed the status of 17 land plots in the Beyski district from agricultural to industrial.

The owners of the land plots have repeatedly appealed to the court and achieved invalidation of the decree of the Government of the Republic of Khakasia (rulings of March 12, 2020, the Fifth Appellation Court of General Jurisdiction). Nevertheless, despite the ruling, coal miners continued to illegally conduct geological work on the 17 expropriated plots.

Similarly, Indigenous communities are practically excluded from the decision-making process on issuing licenses for gold mining in their traditional territories.

Thus, the mining began without consent of the locals at of the “Magyzinskaya Ploshchad” and “Balyksinsky” plots owned by the LLC “Artel Starateley Khakasii” and located nearby a Shor settlement in Khakasia. Both sites belong to the territories of traditional residence and nature management of the Shors and must be protected from any industrial intervention.

The situation became clear for the villagers when heavy machinery appeared near the settlement and for the purpose of the excavation works the forest was exterminated. Many residents of the Neozhidanny village had their agricultural land destroyed, while the only road connecting the village with the forest (the traditional sites for hunting, berries and mushrooms collecting), as well as with the local cemetery, was blocked by a checkpoint accessible for the workers of the artel only.

Similar violation of the principle of Free, Prior and Informed Consent (FPIC) happens in the Kemerovo Province, where, unlike in the Republic of Khakasia, no territories of traditional land management of Indigenous minorities has been ever created on the federal level, although representatives of Indigenous communities have been asking the authorities about that over the past five years.

Not being protected under the territories of traditional land management, the Shor settlements affected by gold mining are included in the Federal List of Places of Traditional Residence and Economic Activity of Indigenous Small-numbered Peoples, approved by the governmental Decree No.631-r of 8.05.2009. Nevertheless, in recent years, the Department of Land Management (Sibnedra) has issued at least three licenses for alluvial gold mining in the area of the Shor settlements ignoring the absence of public hearings.

There are very few examples of successful litigation against land seizures for coal mines. An important court [decision](#) was issued in 2018; the Belovsky District Court (Kemerovo Province) declared illegal the orders of the Department of Land Management (Sibnedra in the Siberian Federal Okrug) on the seizure of four private plots of land for open mines in the village of Mencherep of the Belovsky district and found no "state need" for the planned expropriation in favor of a private company LLC “StroyPozhService”.

## **10. Do the processes of identification, documentation, demarcation, registration and titling of Indigenous Peoples' lands, territories and resources in your country take into account coastal areas as well as marine territories and resources?**

Indigenous peoples have some preferences in the use of water resources. They are regulated by [Federal Law No. 166-FZ](#) "On Fishing and Conservation of Aquatic Biological Resources" (2004); Article 25. Fishing in order to ensure the traditional way of life and carry out traditional economic activities of the Indigenous small-numbered peoples of the North, Siberia and the Far East of the Russian Federation.

The procedure for fishing by Indigenous peoples is regulated by Order No. 522 of the Ministry of Agriculture of the Russian Federation dated 09/01/2020 "On Approval of the Procedure for fishing in order to ensure the traditional way of life and carry out traditional economic activities of the Indigenous small-numbered peoples of the North, Siberia and the Far East of the Russian Federation."

## **11. How have you prevented and addressed the cases of intimidation and reprisals against Indigenous lands rights defenders?**

Indigenous representatives have to defend themselves in court against criminal prosecution related to their traditional lifestyle (accusations of illegal hunting or fishing due to inadequate quotas) and opposition to mining companies.

In September 2021, a criminal case was opened in the Khanty-Mansiysk Autonomous Okrug against Sergey Kechimov, a representative of Khanty Indigenous people, after a conflict with employees of Surgutneftegaz. He protested against logging and oil production on the traditional lands of the Khanty community. In December 2021, Kechimov was sentenced to restriction of liberty under the article "threat to kill or cause serious harm to health." In 2017, Kechimov was already sentenced to community service under the same article. In December 2022, Kechimov had a conflict with the police, after which a criminal case was opened against him for the use of violence. In 2024, Kechimov died of cancer.

The reaction of international human rights organizations, including the United Nations, helped protect the defenders of the rights of the Shor people, Yana and Vladislav Tannagashev, from persecution, who were forced to emigrate and seek political asylum out of Russia. After speaking at the 15th session of the Expert Mechanism on the Rights of Indigenous Peoples in July 2022 on behalf of the International Committee of Indigenous Peoples of Russia, Yana Tannagasheva was verbally attacked and intimidated by a diplomat from the Permanent Mission of Russia to the United Nations. Four UN Special Rapporteurs responded to this incident (Ref.: AL RUS 15/2022, October 6, 2022).