

# Security of Indigenous peoples in Russia's Arctic policy: Exposing the oxymoron of state-determined self-determination

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*Since the late 1980s, international law as well as academic scholarship have been devoting increasing attention to the security of Indigenous peoples. The international community has accepted Indigenous peoples as collective actors with distinct rights under international law. Similarly, academic scholarship has recognised them as both referent objects of security and, to an extent, security actors. Post-Cold War transformations in the Arctic exemplify the special role of Indigenous peoples in the field of security. However, their security still largely depends on the policy of states under whose jurisdiction they live. Russia's domestic policy developments, particularly amid the increased suppression of civil society since 2011, have deviated from the course of international law and scholarship. While policy-makers have persistently referred to the protection of Indigenous peoples as one of the primary objectives of Russia's Arctic policy, human rights bodies have repeatedly noted the government's violations of Indigenous rights, especially in the context of the 'foreign agent' legislation and gas infrastructure development in the Yamal peninsula. Instead of treating this discordance as merely a case of dishonest political rhetoric, this article aims to explain it by exposing the government's paternalistic relation to society, which underlies Russia's policy. It thereby reveals a paradox of state-determined self-determination – a rejection of this right as inherent in peoples. The article concludes that Russia's denial of this right compromises Indigenous security, because the government alone cannot ensure its protection. Such findings could facilitate a critical assessment of the protection of Indigenous security in states whose regimes dominate society.*

## Introduction

Since the late 1980s, both international law and academic scholarship have been devoting increasing attention to Indigenous peoples and their security. International legal documents, most notably the 1989 Indigenous and Tribal Peoples Convention (ILO 169) and the 2007 UN Declaration on the Rights of Indigenous Peoples (UNDRIP), enshrine a body of Indigenous rights and impose on state governments the responsibility to guarantee the free enjoyment of these rights. UNDRIP explicitly recognises the collective right of Indigenous peoples to live in freedom, peace and security (Articles 7, 20). Even though over 160 states have not ratified the ILO 169 Convention, and UNDRIP is a legally non-binding resolution of the UN General Assembly, the core provisions of these documents reflect customary international law, with which states are required to comply (ILA, 2010: 6, 43; ILA, 2012: 28).

In 2010, the International Law Association (ILA) concluded that ‘the international community has come to a consensus that Indigenous peoples are a concern of international law’, and customary rules on Indigenous rights constitute a part of the contemporary international legal order. The crystallisation of the fundamental norms concerning Indigenous peoples as customary international law signifies the development of state practice (both at the domestic and international, jurisdictional and legislative levels) and affirms the responsibility of states to ensure the protection of the fundamental rights and security of Indigenous communities (ILA, 2010: 43-52). Even those states that initially voted against the UNDRIP, namely Australia, Canada, New Zealand and the United States, have subsequently changed their position and endorsed the declaration.<sup>1</sup> Thus, the international community has come to accept Indigenous peoples as collective actors with distinct rights and status under international law.

Similarly, academic scholarship has recognised Indigenous peoples as both referent objects of security and, to an extent, security actors. Following the end of the Cold War, scholars have challenged the traditional state-centric military-focused view of security and redefined it as a concept, encompassing multiple dimensions and engaging various actors, including Indigenous peoples. The Copenhagen School of Security Studies has introduced the notion of societal security as one of the five sectors of security. Societal security concerns threats to the collective identity of ‘large, self-sustaining identity groups’, such as Indigenous peoples, and refers to sustainability of their ‘traditional patterns of language, culture and religious and national identity and custom’ (Buzan, 2007: 112, Buzan, Wæver & de Wilde, 1998: 119-121). Security of Indigenous peoples is also linked to human security – a concept, which derives from the 1994 UN Human Development Report and aims to protect the survival, livelihood and dignity of people.

Post-Cold War transformations in the Arctic provide an example by which to explain the increased international legal and scholarly attention to the security of Indigenous peoples. Even though some Arctic Indigenous peoples, such as the Nordic Sámi and the Canadian Inuit, began mobilising decades before the end of the Cold War, their engagement in Arctic security matters has increased since the 1990s, as the dominance of nuclear and military deterrence faded from the Arctic policy of the circumpolar states. In 1994, under the auspices of the Arctic Environmental Protection Strategy (AEPS), the Arctic states assigned three organisations representing the Arctic Indigenous peoples (the Inuit Circumpolar Council, ICC, the Russian Association of Indigenous Peoples of the North, RAIPON, and the Saami Council) the special status of Permanent Participants (PP).

As the AEPS evolved into the Arctic Council in 1996, the three organisations retained their PP status, which allowed them to participate and be consulted in the intergovernmental decision-making processes. Within the next few years, the Arctic Council granted three other Indigenous peoples’ organisations (the Aleut International Association, AIA, the Arctic Athabaskan Council, AAC, and the Gwich’in International Council, GIC) the PP status. The three organisations joined ICC, RAIPON and the Saami Council at the Arctic Council Indigenous Peoples Secretariat. Furthermore, three groups of Indigenous peoples in the Barents region – Sámi, Nenets and Veps – take part in the Barents Regional Council, which was set up in 1993.

These regional political institutions have integrated Indigenous peoples within the framework of the Arctic transnational political structure, allowing them to contribute to countering security threats posed to their collective identity by socio-cultural, environmental and other transformations in the region (Hossain, 2016: 420). However, even though the Arctic Indigenous

peoples engage in political consultations within such bodies as the Arctic Council and the Barents Regional Council, they do not have international legal standing to defend their collective rights and identity on their own. Consequently, the security of Indigenous peoples largely depends on the national policy of states under whose jurisdiction they live.

In most Arctic states, Indigenous peoples have made significant progress toward achieving a greater recognition of their rights through engagement in domestic political processes. The Sámi people in Finland, Norway and Sweden represent themselves in the Sámi parliaments, which provide an avenue for Indigenous participation in political decision-making (Josefsen, 2010). In Canada, the Inuit Tapiriit Kanatami (ITK), a national representational organisation, advocates the rights and promotes unified interests of the Inuit people. Even though challenges for the Nordic Sámi and the Inuit in preserving their identity and traditional ways of life still persist, overall, Canada, Finland, Norway and Sweden have made positive steps forward in accommodating Indigenous rights (Anaya, 2011; Anaya, 2014; Carstens, 2016; Wilson & Selle, 2019).

By contrast, Russia's domestic policy concerning Indigenous rights has been regressive. It has deviated from the course of international law and scholarship that, as observed above, demonstrates an attempt to overcome the state-centric view of security by strengthening the agency of Indigenous peoples. The Russian government, particularly amid the increased suppression of civil society since 2011, has been restricting the exercise of Indigenous rights. While Russia's policy-makers have embellished political discourse with references to the protection of Indigenous peoples as one of the primary objectives of the state's Arctic policy, domestic and international non-governmental organisations as well as supervisory bodies of human rights treaties have repeatedly drawn attention to the Russian government's violations of Indigenous rights.

Instead of treating this discordance as merely a case of dishonest political rhetoric, the present article aims to explain it by exposing the state's relation to society, which underlies and rationalises Russia's policy towards Indigenous peoples in the Arctic. Relying on Barry Buzan's arguments concerning the socio-political origins of a state's national security policy, it proposes that the government's policy towards the Arctic Indigenous peoples and their security is constructed on the backbone of the idea of the state, which underscores the conceptual link between the Russian state and the nation (i.e. between the governing institutions and society). This article thereby questions the possibility of a universal definition of Indigenous security in the Arctic. It suggests that the understanding of it and consequently its protection ultimately depend on the socio-political strands of the state in question.

The article begins by revealing the socio-political underpinnings of Russia's policy towards Indigenous peoples and their security. It then discusses the policy concerning the protection of Indigenous peoples in the context of Russia's 'foreign agent' legislation and gas infrastructure development in the Yamal peninsula. The article concludes by exposing the paradoxical phenomenon of state-determined self-determination, which stems from the socio-political relation between the Russian government and society and underlies the policy towards Indigenous peoples, and considers the implications for Indigenous security.

## The socio-political underpinnings of Indigenous security policy

There is no universally accepted definition of Indigenous security. However, it concerns security of communities and as such is closely related to the concept of human security. The concept complements the traditional state-centric view of security by centring on individuals as well as communities and by acknowledging interdependencies between human rights and national security. The empowerment of individuals and communities to withstand and counter non-military threats is a crucial part of the human security framework (CHS, 2003, UNGA 64/701). In the case of Indigenous peoples, international law guarantees such empowerment through the right to self-determination, which entitles them to ‘freely determine their political status and freely pursue their economic, social and cultural development’ (ICCPR; ICESCR, Article 1.1; UNDRIP, Article 3).

The right to self-determination inherently belongs to Indigenous peoples. While the right is not granted by the state, the exercise of it cannot jeopardise the territorial integrity or political unity of states, i.e. it cannot violate state sovereignty (UNDRIP, Article 46(1)). However, the human security approach suggests that human rights and state sovereignty complement rather than compete with one another. The empowerment of individuals and communities in protecting their rights and ensuring security does not undermine state sovereignty but enhances it, because human and national security are inseparable (UNGA 64/701: 6). Such an argument is based on the assumption that sovereignty derives from the nation and thus the protection of state sovereignty, which is at the core of national security policy, fails if people are insecure. Nonetheless, in some states, such as those with non-democratic regimes, sovereignty rests with the government rather than people. Consequently, national security policy of these states is likely to be based on the state-centric instead of the human rights approach.

This article argues that a state’s Indigenous security policy has socio-political underpinnings. It derives from the conceptual relation between the government and society. This argument relies on Barry Buzan’s reasoning that national security fundamentally concerns the relation between nation and state, which is captured in the ‘idea of the state’ (Buzan, 2007: 70-83). The article distinguishes between two ideas of the state: a nation-state where the nation legitimises the state and a state-nation where the government dominates the nation. It proposes that that national policy concerning groups of people, such as Indigenous communities, reflects the relationship between the government and society: the more the government dominates society, the more its security policy is shaped by state interests and *vice versa*. Accordingly, state-nations are unlikely to adopt the human rights-based approach to security, especially if that conflicts with the perceived interests of the state.

Mostafa Rejai and Cynthia Enloe, who introduced the state-nation concept in 1969, differentiated between states where chronologically the nation preceded the formation of political institutions (nation-states) and those where the state played an active role in mobilising and creating the nation (state-nations). In the former case, the national identity usually developed upward and towards certain common goals, whilst in the latter case, it was often officially sponsored, generated at the top and then filtered downward. In state-nations, political authorities usually suppress bottom-up identities, because the government perceives them as potentially undermining rather than consolidating the state’s authority (Rejai & Enloe, 1969: 144, 152-153).

Thus, in state-nations, the government's relation to society is constructed from above and the source of sovereignty is the government rather than the nation. According to Barry Buzan, state-nations often incorporate a multitude of nationalities as well as Indigenous communities. However, even in such cases, state-nations tend to absorb or subordinate Indigenous peoples by either obliterating their identities or adding a new layer of collective identity (Buzan, 2007: 76-77). In this sense, Buzan agrees with Rejai and Enloe's argument that state-nations seek to prevent the empowerment of bottom-up identities, particularly if they could potentially compromise the government's authority.

Putin's Russia fits the definition of a state-nation: it is a strong authoritative political structure, where the government is envisioned as the sole protector of its people's rights and liberties. In post-Soviet Russia, the communist ideology, the one common denominator that society had known for decades, was abruptly discarded. There was no uniform and uniting idea of the Russian state in the 1990s. Russia's imperial tradition of a strong monarch, reinforced by the immediate necessity to uphold a strong indivisible state authority to prevent the fragmentation of the nation and of the government itself, determined that post-communist Russia would ultimately derive its legitimacy from the sovereign. Boris Yeltsin's policies were leading up to this idea of the state in an intermittent manner, but it has been consolidated during Putin's rule.

The Putin government's idea of the state has been developed around the narrative of a strong central government and a subordinate civil society, which would be protected by the authoritative state – an idea consistent with that of a state-nation. Such an idea of the state is meant to strengthen people's attachment to the state and the government rather than encourage the growth of a self-dependent nation. Just before Yeltsin stepped down, Putin published the so-called 'Millennium Manifesto'. A great part of this document was devoted to explaining what state Putin aspired to create and how the nation should be unified. He continued Yeltsin's approach by making it clear that Russia needed a 'strong state power'. Putin indicated state centredness (*gosudarstvennichestvo*) as one of the traditional Russian values and advocated the creation of a great power state with centralised authority and a submissive society. In his first annual address to the Federal Assembly, the new president declared:

But our position is very clear: only a strong, or effective if someone dislikes the word 'strong', an effective state and a democratic state is capable of protecting civil, political and economic freedoms, capable of creating conditions for people to lead happy lives and for our country to flourish ... (Putin, 2000).

Over the last two decades, the Russian government has strengthened its authoritative power and curtailed the freedom of civil society. Already in 2005, Freedom House re-categorised Russia from 'partly free' to 'not free', noting 'an increase in state power over civil society', and this has remained to be the case to date. The idea of a strong centralised state that is the sole guarantor and protector of the rights and security of its people underlies Russia's policy towards Indigenous peoples. Such an idea conflicts with the right to self-determination, which seeks to strengthen the agency of Indigenous peoples by empowering them to freely determine their political status and pursue economic, social and cultural development. The next section demonstrates how this conflict manifests itself in two case studies: the enforcement of Russia's 'foreign agent' legislation against Indigenous peoples and the implications of gas infrastructure development in the Yamal peninsula for the security of the Nenets Indigenous community.

## Foreign agents, gas and protection of Indigenous peoples

### Indigenous peoples of the North in post-Soviet Russia

Indigenous peoples of (Soviet) Russia began mobilising in the late 1980s. In 1990, they held their first congress and established the Association of Small Peoples of the Soviet North (the predecessor of RAIPON).<sup>2</sup> Around the same time, a number of regional Indigenous organisations, most of them based on the principle of territorial representation, emerged and eventually started functioning as RAIPON's regional branches. Following the appointment of Sergey Kharyuchi, an experienced politician from Yamalo-Nenets Autonomous Okrug (district), in 1997, RAIPON started acting as an active advocate for Indigenous rights both domestically and internationally (IWGIA, 2014: 23-25).

Between 1999 and 2001, largely due to the successful advocacy of RAIPON, Russian legislators passed three laws ('On Guarantees of the Rights of Indigenous Peoples', 'On Territories of Traditional Nature Use' and 'On General Principles of the Organisation of Obshchinas [village communes]'), which aimed to create a legal framework, consistent with international legal standards, for protecting the rights of Indigenous peoples. Despite subsequent challenges in their implementation, the mere adoption of these laws was a milestone achievement for Russia's Indigenous peoples. The three documents specified the state's commitment, enshrined in the 1993 Constitution of the Russian Federation, to 'guarantee the rights of Indigenous small peoples in accordance with the universally-recognised principles and norms of international law and international treaties of the Russian Federation' (Article 69).

However, from the early 2000s, the government started to limit the political space for Indigenous activism by constraining foreign support for civil society organisations. It also weakened legislative restrictions protecting Indigenous rights to land, forests and waters (IWGIA, 2014: 26). Fundamentally, this policy was a result of Vladimir Putin's government's determination to centralise political power and prevent a potential disintegration of the state (Gosart, 2017: 203-204). During his first two presidential terms, Putin strengthened the central government's authority and, in his own words, built 'an effective state system' (Putin, 2005). Maria Lipman (2006: 7) has described Putin's 'effective state system' as 'the growing centralization of government and the weakening of all centers, branches and institutions of power except for the president and his administration'.

Despite the deteriorating protection of indigenous rights, the government's document on the 'Foundations of the State Policy of the Russian Federation in the Arctic for the Period until 2020 and beyond', adopted in 2008, stated that the 'improvement of quality of life of the Indigenous population and social conditions of economic activities in the Arctic' was one of the state's strategic priorities (Provision III.7.h). A year later, the government elaborated a plan for the achievement of this goal in the 'Concept of Sustainable Development of Indigenous Small-Numbered Peoples of the North, Siberia and the Far East of the Russian Federation'. The concept affirmed a number of tasks and measures aimed at strengthening the 'socio-economic potential while preserving the original habitat, traditional lifestyle and cultural values' of Indigenous peoples in the North (Section I).

Two months after the Concept's adoption, RAIPON published a resolution in which it outlined numerous unresolved problems in the government's policy towards Indigenous peoples. They

included the ineffective management of sustainable development, the failure to involve Indigenous peoples in decision-making processes, the absence of legislation necessary to guarantee Indigenous rights and the lack of opportunities to use land and natural resources for the preservation and maintenance of traditional lifestyle and industries (Yarovoy, Sergunin & Heininen, 2014: 84).

The government reiterated its responsibilities towards Indigenous peoples in the 2013 Development Strategy of the Arctic Zone. President Putin has also continuously declared the state's 'special responsibility' to improve the quality of life for Indigenous peoples in the Arctic, and to protect their interests, environment, culture and tradition (Putin, 2014a; Putin, 2014b; Putin 2017a; Putin, 2017b). However, international human rights bodies have repeatedly expressed concerns over Russia's regressive legislation and ineffective policy concerning the protection of the rights and security of indigenous populations (CERD, 2013b: 5-6; CERD, 2017b: 2-3, 6-8; IWGIA, 2014; IWGIA & INFOE, 2015: 14-15, 19-22; IWGIA et al, 2017: 3). The remainder of this section discusses the discrepancy between the Russian government's proclaimed policy on the protection of Indigenous peoples in the North and its practical implementation (or the lack thereof) in the context of Russia's legislative and infrastructural developments.

### **Indigenous peoples as 'foreign agents'**

In 2012, following protests by NGOs against an alleged voter fraud in the presidential election, the Russian State Duma adopted a federal law 'On Amendments to Certain Legislative Acts of the Russian Federation Regarding the Regulation of the Activities of Non-Commercial Organisations Performing the Functions of a Foreign Agent', commonly referred to as the 'foreign agent' law. The law requires that all civil society organisations, which a) receive funding from abroad and b) are engaged in political activity in Russia, register as 'foreign agents' (Article 1.1). Both of these points are interpreted extremely broadly: no difference is made between financial support from foreign state budgets, international organisations, scientific foundations or private persons, while political activity can be anything aimed at influencing state policies or public opinion (Vedomosti, 2012: 3). The controversial term 'foreign agent' (*inostranniy agent*), which in the Soviet Union was associated with a 'foreign spy' and a 'traitor', has a connotation of stigma or ostracism (CommDH, 2013: 16). It implies allegiance to foreign government(s) and thereby refutes the independence of civil society organisations.

Following the law's adoption, RAIPON warned that the Russian government would likely consider the protection and promotion of Indigenous rights as 'political activity'. Thus, such organisations would have to either lose their international funding or register as 'foreign agents'. Being labelled a 'foreign agent' would stigmatise them and compromise their relationship with regional authorities and other partners. In RAIPON's view, the 'foreign agent' law violates the freedom of association and the internationally-recognised Indigenous right to have access to financial and technical assistance from states and through international cooperation (ICCPR, Article 22; UNDRIP, Article 39; RAIPON et al 2013: 15-16; IWGIA & INFOE, 2015: 14-15).

Less than a half year after the adoption of the 'foreign agent' law, Russia's Justice Ministry suspended RAIPON's activities, citing inconsistency between the organisation's statutes and federal laws (Digges, 2012). Following the required revision of RAIPON's statutes and the mounting international pressure against such government's actions, Russian authorities allowed the organisation to reopen in 2013. Nonetheless, shortly afterwards, the government exerted pressure on Indigenous representatives at the RAIPON Congress to elect the government's

favoured candidate, Gregory Ledkov, a member of Putin's United Russia Party and the State Duma, as a new president of RAIPON. Pavel Sulyandziga, an ardent activist of Indigenous rights in Russia and a long-time vice president of RAIPON, who won the first two rounds of the election with clear majorities, was forced to step down (IWGIA, 2013). In 2016, the Ministry of Justice declared the Indigenous organisation that Sulyandziga chaired, the Batani foundation, as a 'foreign agent' and liquidated it a year later (Berezhkov & Sulyandziga, 2019).

The UN Committee on the Elimination of Racial Discrimination (CERD) has repeatedly expressed concerns over the 'foreign agent' law and urged the Russian government to review it in order to ensure that the work of Indigenous peoples and ethnic minority NGOs is not unduly interfered with or subjected to onerous obligations (CERD, 2013b: 5-6; CERD, 2017b: 2-3). Yet despite CERD's recommendations, defenders of Indigenous rights in Russia have continued to face harassment. Their political activity has been severely limited by such means as increased surveillance, seizure of passports, threats of imprisonment and the preclusion of Indigenous activists from participating in international forums (IWGIA et al, 2017: 3, 6-8; Berezhkov & Sulyandziga, 2019). Multiple Indigenous organisations have been declared as 'foreign agents'. They have received fines or have been forced to cease their activities (Pettersen, 2015; Pettersen, 2016a; Pettersen 2016b; YLE, 2015).

In 2015, the legislators adopted a follow-up law, 'On Amendments to Certain Legislative Acts of the Russian Federation', also referred to as the 'undesirable organisations' law. It granted prosecutors the right to extra-judicially categorise a foreign or international NGO as 'undesirable' and close it down. Freedom House has stated that '[t]his designation, in combination with Russia's "foreign agents" legislation, continues a pattern in which the Russian state is attacking the very institutions it needs in order to be a modern, democratic society. Using the "undesirable" label ... reveals the Russian government's disregard for the broader interests of its people' (Freedom House, 2019). Meanwhile, Russian authorities have explained the restrictions imposed on civil society organisations, including the organisations of indigenous peoples, by the 'foreign agent' and 'undesirable organisations' laws as a necessary measure to increase transparency of non-profit organisations in order to prevent foreign states from interfering with Russia's domestic affairs by using financial resources (CERD, 2013a: 5; CERD, 2017a: 9, Putin, 2014c; Putin, 2015; Russian Federation, 2016: 31-32).

### **The Nenets and gas in the Yamal peninsula**

The first indigenous peoples' organisation that was declared a 'foreign agent' in the Barents region was Yasavey Manzara, an NGO representing the Nenets indigenous people (Pettersen, 2015). The Nenets comprise around 70 per cent of the population in the Yamalo-Nenets Autonomous Okrug. The district contains some 20 per cent of the world's known natural gas. It is Russia's main gas reserve, accounting for approximately 80 per cent of the state's total natural gas production. At least half of around 10,000 Nenets practice nomadic reindeer herding, which makes them the largest fully nomadic reindeer herding community in the world. Reindeer herding is also a cornerstone of the Nenets culture. Climate change and rapid industrial development of the region have already disrupted indigenous migration routes, reduced the grazing land and interfered with traditional Nenets economies, culture and way of life.

The multi-billion Yamal liquefied natural gas project (Yamal LNG), which was launched at the end of 2017 and is operated by Russia's second-largest gas producer, Novatek, in cooperation with

French and Chinese companies, is particularly concerning in this respect. According to international NGOs, the locals in the Yamal region have reported that development and shipping activity associated with the Yamal LNG project have severely reduced fish stocks in the rivers and lakes and destroyed the swathes of dry elevated land, which the Nenets had previously used for pasture and migration. As fishing and reindeer herding are vital sources of food and income for the Nenets, such damage has gravely affected their way of life by, for instance, forcing them to abandon their nomadic lifestyle – a change which has had a considerable negative impact on their lives (IWGIA et al, 2016: 11; IWGIA et al, 2017: 12; Cultural Survival, 2017: 5; IFIP, 2018: 7).

Furthermore, despite Yamal LNG's claims that it has obtained the free, prior and informed consent (FPIC) of the indigenous people, a number of international NGOs have referred to their local sources and raised concerns that the Nenets have not been adequately consulted on the project, nor have they granted their FPIC (IWGIA et al, 2016: 3-4, 11-12; IWGIA et al, 2017: 3-4, 12-13; IFIP, 2018: 7). It is virtually impossible to verify whether good-faith consultations have indeed taken place and whether the consent to the project has been informed and obtained free from any external pressure, as Yamal LNG has not provided the minutes of the meetings or any other evidence to support its statements. It is also noteworthy that the Russian government has categorised the region as a border zone. Consequently, civic oversight is not permitted in the Yamal peninsula: non-residents cannot access the region without a permission of governmental security services (IWGIA et al, 2016: 11; IWGIA et al, 2017: 12; Cultural Survival, 2017: 5).

International concerns about potential violations of indigenous rights in the Yamal peninsula are at odds with persistent assurances regarding the protection of indigenous peoples provided in Russia's political discourse. President Putin has underlined on multiple occasions that the well-being and stable development of indigenous peoples in the North are among Russia's fundamental socio-economic tasks in the region, and the protection of the interests and traditional indigenous lifestyles is a key priority. Putin has noted Russia's 'special responsibility' in the Arctic territory to create a modern infrastructure, develop natural resources and strengthen the industrial potential, but to do so in a sustainable way while aiming to improve the quality of life of indigenous peoples. The president did, however, imply that the state's interests would take precedence over indigenous concerns when he referred to the latter as 'an additional burden' and declared that major national projects would proceed even if they contradicted indigenous interests, although in such cases compensation and substitution measures would be provided (Putin, 2013; Putin, 2014a; Putin, 2014b; Putin, 2017a; Putin, 2017b; Putin, 2017c; Putin, 2019).

Thus, much as in the case of the 'foreign agent' legislation, the Russian government has presented infrastructural developments in the North as serving rather than undermining the rights of indigenous peoples. The following section aims to explain the Russian government's approach to the protection of indigenous rights in further detail and considers the implications of it for indigenous security.

### **State-determined self-determination and Indigenous security**

The two cases discussed in the previous section highlight the incongruity between the Russian government's reassurances about the protection of Indigenous peoples, on the one hand, and the concerns of Indigenous peoples and human rights organisations about the violations of Indigenous rights, on the other. While in the view of Indigenous activists and organisations

Russia's 'foreign agent' law has unduly restricted their freedom, policy-makers have justified the law as ensuring transparency and protecting civil society organisations from being taken advantage of by foreign actors (CERD, 2013a: 5; Putin, 2014c; Putin, 2015; Russian Federation, 2016: 31-32; CERD, 2017a: 9). Similarly, gas infrastructure development in the Yamal peninsula has reportedly disrupted the traditional way of life and culture of the Nenets, but the government has claimed that it has raised the quality of life and improved the economic progress of the Indigenous people (Putin, 2017a).

Fundamentally, the discordance between the Russian government and human rights organisations as concerns the perception of Indigenous security stems from the disagreement about the source of Indigenous rights, primarily the right to self-determination. Human rights organisations consider indigenous self-determination as an inalienable right, which inherently belongs to Indigenous peoples: it is 'the right to have rights, in particular collective rights, as opposed to being granted rights by an all-powerful state' (IWGIA, 2014: 16). By contrast, the Russian government perceives the protection of people, including Indigenous peoples, as its exclusive domain: the rights are determined and safeguarded by the state. As the 'foreign agent' and the Yamal LNG cases demonstrate, the Russian government has continued to single-handedly define what the protection of Indigenous security entails, showing little if any regard to the concerns of Indigenous peoples and human rights organisations.

As argued in the first section of this article, this policy is rooted in the understanding of the state as the sole guarantor of its people's rights and security, which is characteristic of states whose governments dominate society (state-nations). It is consistent with Russia's 'idea of the state' as an authoritative political structure responsible for the protection of its subordinate society's security and well-being. Such a top-down approach leads to the oxymoron of state-determined self-determination of Indigenous peoples – a denial of this right as inherent in peoples. As the two notions contradict one another, the Russian government does not recognise the Indigenous right to self-determination altogether: the word does not appear in Russian political discourse and legislation. State authorities associate the concept of self-determination with separatism and extremism and consider it as a potential threat to state sovereignty (IWGIA, 2014: 16; Vladimirova, 2015). By rejecting the Indigenous right to self-determination the government suppresses the bottom-up developments in society, thereby depriving Indigenous peoples of the ability to freely determine their political, social and economic affairs and compelling them to entirely depend on the state (IWGIA, 2014: 16; Gosart, 2017: 200).

Russia's paternalistic approach to the protection of Indigenous rights compromises the human security of Indigenous peoples. According to the Commission on Human Security (CHS), threats to human security cannot be countered solely through the conventional top-down state protective mechanism. Instead, the human security framework rests on two pillars: state protection and empowerment of people. Protection strategies (norms, institutions and processes) are established by states as well as international and non-governmental organisations and private sector actors to shield individuals and communities from threats. Protection implies a top-down approach. Meanwhile, empowerment strategies are a bottom-up process: they seek 'to develop the capabilities of individuals and communities to make informed choices and to act on their own behalf' in order to build resilience to conditions that challenge their security. The CHS has

concluded that protection and empowerment are mutually reinforcing and both 'are required in nearly all situations of human insecurity' (CHS, 2003).

The right to self-determination of Indigenous peoples is precisely aimed at empowering Indigenous communities by entitling them to freely maintain and protect their identities, culture and way of life. The state's protective mechanism is supposed to facilitate and complement this bottom-up process rather than constrain it. However, the Russian government restricts bottom-up processes in order to preserve the indivisible state authority. For that reason, it denies the right to self-determination for Indigenous peoples and by virtue of that obliterates the empowerment part of the human security framework. Thus, despite the reassurances in political discourse about the protection of Indigenous interests and security, the socio-political relationship between the state and society, in which the former dominates the latter, precludes the Russian government from ensuring the protection of the (human) security of Indigenous peoples.

## Conclusion

Failing a universally accepted definition of Indigenous security, the human security framework, which comprises both the top-down protection of human rights and the bottom-up empowerment of individuals and communities, is useful for understanding it. The right of Indigenous peoples to self-determination legitimises the empowerment of Indigenous communities. Therefore, the recognition of this right is essential for ensuring the protection of Indigenous security. However, the empowerment of people contradicts the idea of a state-nation, in which the government aims to preserve its indivisible authority and dominates society.

Such an idea of the state, which underscores the government's paternalistic relationship to society, underlies and rationalises the Russian government's policy concerning the security of Indigenous peoples in the Arctic. The government has reserved itself an exclusive responsibility for the protection of Indigenous peoples and has thus denied the Indigenous right to self-determination. It has thereby restricted the agency of Indigenous peoples and, by doing so, has failed to ensure human security, because it cannot be protected solely through the state's top-down protective mechanism. In addition to drawing attention to the case of Russia, such findings could contribute to further research concerning the critical assessment of the protection of Indigenous security in states whose regimes dominate society.

## Notes

1. Russia, along with ten other states, abstained during the vote on the UNDRIP.
2. In Russia's legislation and political discourse, Indigenous peoples are referred to as 'Indigenous small-numbered (*malochislennye*) peoples'. The government does not recognise Indigenous communities with a population exceeding 50,000 as Indigenous peoples. By contrast, the UN working definition of Indigenous peoples does not contain any numerical threshold (Martínez Cobo, 1986: para. 379).

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