

Indigenous Peoples of Russia During the War Time

Ekaterina Zmyvalova

This paper explores the legal changes which have been taking place in Russia since the start of the full-scale war in Ukraine in February 2022. The paper also demonstrates that due to socioeconomic reasons and disinformation, the number of Indigenous combatants in the war is proportionally higher than the number of ethnic Russians. The partial mobilization was mostly carried out in the remote regions of Russia, where most of Indigenous peoples reside. Thus, a high number of Indigenous individuals have been summoned to the war. The paper demonstrates how Russia distances itself from its international commitments, and how this affects the Indigenous peoples of Russia. As a result, for example, Russian citizens, inter alia Indigenous individuals, cannot apply to the European Court of Human Rights, as Russia is not under its jurisdiction any longer. International cooperation of Indigenous peoples of Russia has significantly decreased. Changes in the national legislation have resulted in the aggravation of responsibility under criminal and administrative law. The analysis of the changes reveals the tendency of the Russian Federation's attempts to summon as many combatants to the war as possible. This paper demonstrates the impact of these changes on the rights of Indigenous peoples. The initiatives have been undertaken to promote laws on the exemption of Indigenous individuals from the mobilization. However, without success.

Introduction

According to the data of the Arctic Council, 4 million people reside in the Arctic (Arctic Council, 2023a). About half a million of them are Indigenous Peoples. A significant part of these Indigenous peoples are Russian Indigenous peoples. (Regulation N 255, 2000; Edict N 296, 2014). The rights of the Indigenous peoples of Russia were violated before the war (Anaya, 2010: para. 20; HRC, 2015: para. 24; Zmyvalova, 2020: 334–359). Since the beginning of the war in Ukraine, the situation with the rights of Indigenous peoples of Russia keeps getting worse (Berezhkov, 2022; Zmyvalova, 2022: 407–414; Free Idel-Ural, 2022). The challenges caused by the violations of the rights of the Indigenous peoples of Russia, including those living in the Arctic, can have a broad impact, also on the Arctic policy.

This paper explores the legal changes¹ which have been taking place in Russia since the start of the war in Ukraine in February 2022. Furthermore, the paper explores how these legal changes have

been impacting the rights of Indigenous peoples in the Russian Federation (henceforth referred to as RF).

The legal changes are taking place against the background of the following social realities. According to Alexey Bessudnov, the number of Indigenous combatants in the war is proportionally higher than the number of ethnic Russian combatants (Bessudnov, 2022). Before the announcement of the partial mobilization (Edict N 647, 2022), there was a high ratio of Indigenous peoples choosing to participate in the war due to, *inter alia*, socioeconomic reasons (Zmyvalova, 2023c: 71–72). By socioeconomic reasons I mean the poorer socioeconomic status of Indigenous peoples compared to more stable socioeconomic status of ethnic Russians. James Anaya also draws attention to the fact that Indigenous peoples' socioeconomic status on average is lower compared to ethnic Russians (Anaya, 2010: para. 59). Participation in the war is financially more attractive for Indigenous peoples. Bessudnov observes that the death rates of the residents of the poor regions with low income is higher compared to the other regions of Russia (Bessudnov, 2022: 893).

Disinformation was another reason for Indigenous peoples' massive participation in the war. By disinformation I mean the dominance of false information in the Russian media, and the absence of access to relatively objective news coverage regarding the war in Ukraine (Zmyvalova, 2023c: 71–72). The Government of the RF confirms that there is lack of access to high-speed internet and a poor quality of communication channels in most of the places of traditional residence of Indigenous peoples (Order N 978-p, 2021).

After the announcement of the partial mobilization, there appeared another factor of Indigenous peoples' massive participation in the war. This factor was geographical localization of the mobilization events. The partial mobilization took place primarily in remote areas where the Indigenous population mostly resides. Thus, a significant number of Indigenous individuals have been summoned to the war (Latypova, 2022; Light, 2022). According to Bessudnov, the highest mortality rates are observed with regard to the mobilized from the Buryatia and Tuva, while the lowest mortality rates are among those from Moscow and Saint Petersburg (Bessudnov, 2022: 888). Buryatia and Tuva are the two republics in Siberia with a significant ratio of population consisting of minority groups, such as Buryats and Yakuts, who are not recognized as Indigenous peoples as they number more than 50 000 (see clarification regarding the terms 'Indigenous peoples' used in the international law and 'Indigenous small-numbered peoples' used in the Russian law below in this section) (Regulation N 255, 2000). 240 out of 100 000 men from Buryatia have died in the war. In contrast, 3.1 out of 100 000 men from Moscow and 10.2 out of 100 000 men from Saint Petersburg have died in Ukraine (Bessudnov, 2022: 893). The nonprofit group Cultural Survival reports that almost all of the male population of the conscription age from small settlements of the Far North were summoned to the war (Cultural Survival, 2022). For example, in the Olenek Evenki National District, 39.07% of the male population were mobilized. Another example is given by the social media site Radio Svoboda. In the small village Ust'-Kabyrza of the Shor region, all men of the conscription age were mobilized during the first days of the partial mobilization. One of the inhabitants explains: "[i]t was easy to take them. All the villages were searched, and everybody who was not in the taiga at that time were taken. People in these areas are simple-minded and easy to persuade" (Sibreal, 2023).

It is noteworthy, from the very start, the mobilization was carried out chaotically. Legal breaches in connection with the recruitment of Indigenous individuals occurred (Cultural Survival, 2022).

Ivan Shamaev gives an example of such legal breaches. Even those peoples who were exempted from the mobilization for valid grounds were summoned anyway (Shamaev, 2022). Another example is suggested by the Cultural Survival, which explains that military subpoenas were handed in to the recruits between 1:00 and 2:00 AM, and people were given two to three hours to pack their things. Those who refused were threatened with imprisonment of up to five years. The next morning, the mobilized were loaded on the buses and planes to Yakutsk. In Yakutsk, the mobilized experienced a lack of equipment and accommodation (Cultural Survival, 2022).

The topic of violation of human rights of Russian Indigenous peoples during the war time was discussed on different platforms (FIDH, 2023; Indigenous Russia, 2023). However, systematic research on the issue of the legal changes in Russia and its impact on the rights of Indigenous peoples has not been carried out. This paper intends to fill in this gap.

This paper is based on the analysis of legal and statistical sources. Because of the lack of data, the analysis also relies on information from the mass media. Moreover, this paper is based on personal communication with some Indigenous individuals.

To clarify the terminology in this paper, it shall be noted that international law employs the term “Indigenous peoples”, whereas the Russian legislation uses the term “Indigenous small-numbered peoples”. Article 1 (1) of the Federal Law (henceforth referred to as FL) ‘On Guarantees’ defines Indigenous small-numbered peoples of the RF as “peoples who live in the territories traditionally inhabited by their ancestors, maintain their traditional way of life and economic activity, number fewer than 50 000, and identify themselves as separate ethnic communities”. The FL ‘On Guarantees’ applies a quantitative criterion for identifying Indigenous peoples in Russia. Consequently, some Indigenous peoples are denied legal support because their population exceeds 50 000, and, thus, are not recognized as Indigenous peoples according to the Russian legislation. Examples include the Sakha-Yakuts, the Komi, the Tuvans, the Altay, the Khakas, the Buryats, and the Karelians. I mostly focus on the Indigenous peoples who are recognized as small-numbered peoples in Russia. Nevertheless, I also provide examples of the communities who are not formally recognized as Indigenous small-numbered peoples because of the numerical criterion.

The paper is organized as follows. The introductory part is followed by Section 1 which describes the changes in the status of international law in Russia today, and the impact of these changes on the rights of Indigenous peoples. Moreover, it describes the current situation of international cooperation of the Russian Indigenous peoples. Section 2 describes the changes in the national legislation and their impact on the rights of Indigenous peoples. This section also presents an overview of legislative initiatives on the exemption of Indigenous peoples from participation in the war. Section 3 is devoted to concluding remarks.

1. Russia and international law

1.1. The status of international law in Russia

According to Article 15 (4) of the Russian Constitution, international principles and norms are an integral part of the Russian legal system. However, Russia is distancing itself increasingly from its international commitments. The changes in Russian legal practice regarding the hierarchy of legal sources show that the Russian Constitution shall prevail over international law.

I will now demonstrate prerequisites of the changes regarding the hierarchy of legal sources with two examples which occurred before the start of the war. The first example is the Judgement of the Constitutional Court of the RF of 2015 (Judgment, 2015). According to the Judgement, the Constitution of the RF has priority over the decisions of the European Court of Human Rights (henceforth referred to as ECHR). In cases when the Constitutional Court of the RF finds a decision of the ECHR contradictory to the provisions of the Constitution, the decision of the ECHR does not come into effect in Russia. Olga Komshukova observes that this Judgment of the Constitutional Court has in fact enshrined Russia's right not to enforce decisions of the ECHR in exceptional cases (Komshukova, 2019: 117–118). Furthermore, Maria Filatova claims that according to this Judgment, the Constitution has legal precedence in the territory of the RF as compared to international law (Filatova, 2016). Legal experts concurred that this decision was not legally and logically argued (Komshukova, 2019: 119). Furthermore, the legal experts agreed that this decision was aimed at the regulation of international interference into the foreign affairs of Russia (Komshukova, 2019, 119). I agree that this decision creates grounds of precedence of the national Constitution in Russia and supports Russia's distancing from its obligations under the international law.

Another example of Russia's increasing distancing from its international commitments is the 2020 amendments to the Constitution. Here the focus is the Amendment to Article 79. According to the Amendment, decisions of international bodies based on international treaties of the RF, which contradict the Constitution, *are not subject to enforcement in the RF*.

Legal scholars have interpreted this amendment differently. Some of them explained this amendment as a natural change in the legislation due to the need to prioritize the Russian Constitution. Commenting on this amendment, Taliya Khabrieva and Andrey Klishas observe that this amendment manifests the continuation of the state policy to prioritize the Russian Constitution over the decisions of the international bodies (Khabrieva & Klishas, 2020: 88–92). Vlada Lukyanova explains this change similarly. According to her, the 2020 Amendments reflect “the new formula of proportionality between international (including universal) and national legal values, principles and norms.” She states that the Amendment to Article 79 is central in establishing the new formula of proportionality. Lukyanova further explains that Amendments create a solid foundation for the realization of the constitutional principles in Russia (Lukyanova, 2022: 58). Another group of scholars with a similar opinion includes Andrey Morozov and Anna Kashirkina. Commenting on the Amendment, they observe that the Constitution of the RF takes into account international principles and norms with respect. However, the legal provisions of the Constitution, which regulate the hierarchy of international and national law, have been modernized to protect the constitutional order of the RF, as well as the rights and freedoms of Russian citizens in the light of a changing international situation (Morozov & Kashirkina, 2022: 120).

I rather concur with the group of scientists and international bodies who are concerned about these changes because Russian law is distancing even further from international law. According to Yulia Ioffe, Russia has established its own approach to international law by the 2020 amendments and “may destroy any hope of a common language of international law and result in Russia's further isolation” (Ioffe, 2020). International bodies have expressed their concern about the implications of 2020 amendments. For example, the Venice Commission (officially the European Commission for Democracy through Law) declared that they are “alarmed” by the “entrenchment” of the Constitutional Court's power to put to an end to enforcement of the judgments of the ECHR.

According to the Commission, this contradicts the obligations of the RF under the European Convention on Human Rights (European Commission for Democracy through Law, 2020).

I will now demonstrate the legal changes after Russia's invasion of Ukraine with the following examples. The first example of Russia's distancing from its international commitments is that Russia withdrew from the European Council in 2022. The European Council, in turn, canceled Russia's membership (Resolution CM/Res(2022)2, 2022). For the first time in history, a member State was excluded from this body.

The RF withdrew from the European Convention on Human Rights and some other European Council treaties (Council of Europe, 2022; Regulation N 1155, 2022). The President of Russia signed a number of laws that the ECHR's judgements are not to be enforced in Russia (Kremlin, 2022).

The treaty of the European Council which directly regulated minorities', inter alia Indigenous peoples', rights, and which Russia has denounced, is the Framework Convention for the Protection of National Minorities. This treaty was denounced by the FL N 500-FL (FL of 2023, October 19). The deputies of the State Duma explain the document in the following way: "[c]onsidering the fact that the termination of Russia's participation in [the European Convention on Human Rights] will permit the avoidance of a discriminatory attitude towards the RF within the framework of the monitoring mechanism of the Council of Europe, and will not violate national minorities' rights implementation, a denunciation of the Framework Convention for the Protection of National Minorities is proposed" (State Duma, 2023).

Another example is the adoption of the FL N 157-FZ (FL of 2023, April 28). This Law introduced the norm legalizing the punishment of up to five years of imprisonment for supporting decisions of international organizations of which Russia is not a member of (Radio Svoboda, 2023). There are different interpretations of this norm. The prevailing opinion is that Article supports the international immunity. This Article supports inadmissibility of criminal prosecution of the officials of the public authorities of the RF (European-court-help, 2023). This means that this article attempts to discharge Russian official and military personnel from any criminal responsibility. It is claimed that this Article is an outcome after the warrant of arrest that was issued for President Putin by the International Criminal Court (International Criminal Court, 2022).

These examples illustrate just a few of the many legal changes related to Russia's distancing from its international commitments.² In the next subsection, I will demonstrate the impact of these changes on the Indigenous peoples of Russia.

1.2. Russia's distancing from its international commitments and its impact on Indigenous peoples

Priyanka Shankar claims that the RF's withdrawal from the Council of Europe has raised concerns in the international community because the victims of the Kremlin's abuses of their rights cannot apply for defence of their rights in the ECHR (Shankar, 2022). This also includes Indigenous individuals. Indigenous peoples of Russia applied to the ECHR earlier. This can be demonstrated by the application of the Indigenous Peoples' Centre (henceforth referred to as CSIPN) (The Center for Support of Indigenous Peoples, 2023) to the ECHR in 2016. The reason for the application was that the CSIPN received the status of a foreign agent. According to the ECHR's decision (*Ecodefence and Others v. Russia*, 2022), the CSIPN was among the organizations who

“were active in civil society issues, human rights, the protection of the environment and cultural heritage, education, social security and migration” (Ecodefence and Others v. Russia, 2022: para. 4). The mission of CSIPN was assisting the Indigenous peoples of the North of Russia (Ecodefence and Others v. Russia, 2022: para. 415). The ECHR took the side of the CSIPN and required the RF to reimburse all the procedural expenses.

One of the latest applications to the ECHR from Russian citizens concerns violation of their rights to a safe environment. A group of 20 persons, including three Indigenous individuals, applied to the ECHR in September 2023. They claim that insufficient actions of the Russian Government on the mitigation of the consequences of the climate change violate their rights, enshrined in the European Convention of the Human Rights (Kedr.media, 2023). The applicants also explain that the consequences of climate change have a negative impact especially on Indigenous peoples of the North. They clarify that the temperature in the Arctic increases faster than in the rest of the planet. It creates risks of spreading diseases earlier unknown for the Indigenous population of the Arctic and endangers their traditional way of life. The ECHR cannot consider the cases on the violations of the rights which occurred after September, 16 2022 (VSRF, 2022). However, the ECHR “remains competent to deal with applications directed against the Russian Federation in relation to acts or omissions capable of constituting a violation of the Convention provided that they occurred until 16 September 2022” (Resolution of the ECHR, 2022). The violations in this claim occurred before September, 16 2022 and, thus, this case is under consideration of the court.

Denouncement of the Framework Convention for the Protection of National Minorities was disapproved by some representatives of the national minorities of Russia. According to Anvar Kurmanakaev, the termination of the participation in the Convention demonstrated an intention to completely deprive international organizations of the possibility to monitor the situation in Russia (Krasno, 2023). A similar opinion was expressed by Aslan Beshto. He observes that over the last 20 years, the rights of the national minorities in Russia have been systematically infringed. He illustrates it with the following example: not only instruction in the native language is terminated but also teaching of the native language is limited in many territories of Russia (Krasno, 2023). He claims that the situation with minority language teaching worsened after amendments to the Constitution of 2020.³ In particular, he mentions the amendment on recognizing the Russian language as the language of the State-forming people. I support these opinions. The rights of the national minorities, inter alia Indigenous peoples, were infringed even before the denouncement of the Framework Convention for the Protection of National Minorities. The denouncement can result in further violations of their rights. The Advisory Committee on the Framework Convention for the Protection of National Minorities who is responsible for evaluating the implementation of the Convention carried out several monitoring cycles on the implementation of the Convention with regards to the rights of national minorities in Russia. In their opinions the Committee several times observed violations of Indigenous peoples’ rights in Russia (Advisory Committee, 2012; Advisory Committee, 2018).

1.3. International cooperation of Russian Indigenous Peoples

Section 1 is devoted to the changes in the status of international law in Russia today, and the impact of these changes on the rights of Indigenous peoples. In addition, I describe the current situation with international cooperation of the Russian Indigenous peoples.

Since the start of the full-scale war in Ukraine, the international cooperation of Indigenous peoples of Russia has reduced substantially. It has especially affected those Indigenous peoples who had close ties with their Indigenous sisters and brothers in other countries. One of the examples of these Indigenous peoples is the Sámi who live in the territory of Sápmi stretching through the four nation States, namely Norway, Sweden, Finland, and Russia.

According to Zmyvalova, Indigenous peoples had different reactions to the war (Zmyvalova, 2023a: 223). Indigenous peoples' organizations backing the ideology of the federal center have supported the war (RAIPON, 2022). Some others have condemned the RF's aggression. It resulted in the polarization of opinions within the Indigenous community in Russia.

One of those who actively supported Russia's aggression is the Association of Indigenous Small-numbered Peoples of the North, Siberia, and the Far East of the Russian Federation (henceforth referred to as RAIPON). The RAIPON is the biggest Indigenous organization in Russia. The association unites 40 Indigenous peoples. It is also the Permanent Participant of the Arctic Council. In the beginning of the full-scale war in Ukraine, the RAIPON appealed to the RF President with the Letter to support the war. The Letter contained 33 signatures. Two of the 33 signatures belonged to individuals. These individuals were President of the RAIPON and Vice-president of the RAIPON. The rest of the signatures belonged to different Indigenous organizations. Some other Russian Indigenous organizations who did not join the letter, also expressed their support to Russia's aggression in Ukraine (Indigenous Russia, 2022). The reason that the RAIPON supported the war in Ukraine is that it is a pro-governmental organization. Commenting on the pro-governmental orientation of the RAIPON, Pavel Sulyandziga explains that the RAIPON "is not an organization of Indigenous Peoples but part of the structure of the Russian regime" (Lackenbauer, Sidorova & Sukhankin, 2023: 1). P. Whitney Lackenbauer, Evgeniia Sidorova and Sergey Sukhankin claim that the RAIPON "has been coopted by the Kremlin and is now little more than a mouthpiece for government directives" (Lackenbauer, Sidorova & Sukhankin, 2023: 3).

One of those who openly took up the anti-war position is the Sámi activist Andrei Danilov (Zmyvalova, 2023b; Nilsen, 2022). He left Russia immediately after the start of the war. Currently, he resides in Norway. Another Sámi activist Aleksandr Slupachik is also seeking asylum in Norway (Staalesen & Chentemirov, 2023). Andrei Zhvavyi is a Russian Sámi activist who is awaiting the decision regarding asylum in Finland (Sjögren, 2023).

The Sámi Council suspended the cooperation with the Russian Sámi for an indefinite period. (Fjellheim, 2022). Sámi Council is an organization (Saami Council, 2023a) with voluntary membership of Sámi organizations in Finland, Russia, Norway, and Sweden. According to Zmyvalova, the suspension of cooperation does not prevent the Sámi Council in their attempts to support the Russian Sámi individuals (Zmyvalova, 2023a: 224). The example of such attempts is the establishment of the memorial fund in honor of the work and life of Jevgenij Jushkov. The Fund's main objective is to stimulate education in the Sámi languages for individuals from the Russian side of Sápmi (Saami Council, 2023b). As one of Zmyvalova's personal contacts among the Sámi individuals explains, this is a worthy initiative. However, challenges occur for the Russian Sámi individuals in the Russian part of Sápmi because of the sanctions and aggravated legislation. The sanctions impact monetary transfers from the Sámi Council to the private bank accounts in the RF. According to the new aggravated legislation, individuals can be recognized foreign agents

in the RF if they receive a foreign financial support (see the clarification regarding the foreign agents in subsection 2.1). Russian citizens living in Russia are afraid of being recognized foreign agents. These challenges create obstacles for those who potentially are interested in learning the Sámi language.

Another example is the collaboration of Russia with the Arctic Council. According to Serafima Andreeva, the Arctic Council is “an intergovernmental and consensus-based forum that promotes cooperation among the Arctic states, indigenous peoples, governmental and non-governmental organizations, and non-Arctic observer states” (Andreeva, 2023: 112–113). Ida Folkestad Soltvedt informs that the Arctic Council was criticized for “the lack of legal status and, consequently, the supposedly low level of implementation among member states” (Soltvedt, 2017: 73). Further, she expresses her disagreement with this critique (Soltvedt, 2017: 73-94). Discussing its significance for Indigenous peoples, Paula Kankaanpää and Oran R. Young state that “it has become a mechanism for increasing the prominence of the concerns of the Arctic’s indigenous peoples” (Kankaanpää & Young, 2012). Besides the eight Arctic member States, six permanent participants representing Indigenous peoples of the Arctic, are part of the Arctic Council (Arctic Council, 2023a). One of these permanent participants is the RAIPON. In March 2022, all member States except Russia, decided to abstain from activities of the Arctic Council (Office of the Spokesperson of the Department of State, 2022a). In June 2022, these States decided to continue the Arctic Council’s activities partly but all the links with Russia were put on hold (Office of the Spokesperson of the Department of State, 2022b). The decision on the suspension of the Arctic Council’s activities was taken without prior consultations with the Permanent Participants. According to some scholars, this situation leads to ousting of Indigenous peoples from their stakeholder role. Barry Scott Zellen claims that the States again have become those stakeholders who take important decisions in the Arctic governance (Zellen, 2023: 148). It is impossible to predict whether and how the Arctic Council will continue its activity. According to the Russian Minister of foreign affairs Sergey Lavrov, Russia has considered its withdrawal from the Arctic Council (Ria Novosti, 2023; Sever-Press, 2023).

2. Changes in Russian legislation

2.1. Criminal and administrative punishments

Since the beginning of the war, numerous legislative acts of the RF have undergone substantial changes. The most substantial changes were made to the Criminal Code and the Code of the RF on Administrative Offenses. According to the Chairman of the lower house of the Russian Parliament (State Duma) Vyacheslav Volodin, 653 law drafts were considered in the State Duma in 2022 (Yurishina, 2023). According to Elena Yurishina, the changes to the Criminal Code of 2022 demonstrate that this year was ‘the most repressive’ since the adoption of the Criminal Code (Yurishina, 2023). 19 new articles were introduced. 16 of them provide for criminal responsibility for war crimes (Yurishina, 2023). In addition, some existing articles were amended (Yurishina, 2023). Characterizing these changes, media outlet *Mediazona* claims that the wave of military laws passed in 2022 forced all those who disagreed to be silent, or to leave the country (Mediazona, 2023).

Criminal punishments were introduced for offenses such as “fakes about the Russian authorities” (FL N 63-FZ, 2022) and “fakes about the army” (FL N 32-FZ, 2022). In addition, the criminal punishment for fakes about the Russian authorities and the punishment for disseminating of “false

information” about the activity of the Russian State bodies were initiated. The administrative responsibility for the activity as a foreign agent has been aggravated since the start of the war (FL N 622-FZ, 2022).⁴

The presented legal changes are examples of the changes in the Administrative and the Criminal Code of the RF that occurred after the start of the war in Ukraine. Consequently, there were detained 19 718 individuals from 2022, February 24 up to June 2023 for their anti-war position. There were registered 6 839 cases on discredit of the Russian army (OVD-Info, 2023a; OVD-Info, 2023b).⁵ Furthermore, 584 individuals were pursued for their anti-war position in accordance with the regulations of the Criminal Code

2.2. Other changes in the legislation

In addition to the changes in the criminal and administrative legislation, the Russian legislation has undergone changes in other legal branches. I suggest categorizing and describing the main changes in each of the periods.

The following stages can be distinguished:⁶

- 2.1. From the start of the war to the announcement of the partial mobilization (February 2022-September 2022);
- 2.2. From the announcement of the partial mobilization to the introduction of the legal regulations on the digital subpoenas and military digital register of military servicemen (September 2022-June 2023);
- 2.3. From the introduction of the legal regulations on the digital subpoenas and military digital register of military servicemen up to date. (June 2023-until now).

The *first stage* is characterized by the introduction of military censorship. The military censorship of this stage implies infringement of the freedom of speech, the information freedom, and the freedom of assembly (FL N 255-FZ, 2022).

The *second stage* is characterized continuation of the introduction of massive changes in the legislation (FL N 478-FZ, 2022) and the compulsory recruitment of military servicemen in accordance with the Edict of President of the RF September 21, 2022 (Edict N 647, 2022).

The *third stage* is characterized by the attempts of the State to recruit as many combatants as possible. Ekaterina Zmyvalova illustrates this tendency by referring to the amendments to the Law ‘On Military Duty and Military Service’ (Zmyvalova, 2023a: 223; FL N 127-FZ, 2023). According to these amendments, “military subpoenas on paper were to be sent alongside digital subpoenas to the private accounts on digital platforms” (Zmyvalova, 2023a: 223). If a person has not read a digital subpoena online or has not signed the subpoena in paper, the subpoena is counted as delivered anyway after seven days of its placement in the digital register. This means that an individual is obliged to come in person to the military commissariat. It is worth mentioning that the digital military register of military servicemen is still under development. The launching of the electronic military register is planned for Spring 2024. However, it was already announced by the Deputy Head of the Ministry of Digital Development, Communications and Mass Media, Oleg Kachanov, that meeting this deadline is impossible due to the lack of the proper infrastructure, among other things (Litoi, 2023).

To illustrate other changes concerning the recruitment of the biggest possible number of combatants, there can be given an example of the changes in the Russian legislation on the age of the individuals to be summoned to the short-term military service. The upper limit of the age of recruitment will be increased to 30 years from 2024. Earlier, the upper limit of the age to be summoned to the military service was 27. (FL N 439-FZ, 2023). Also, from October 2023, fines for the failure to assist the military commissariats in their mobilization work when mobilization is announced are introduced (FL N 404-FZ, 2023). Furthermore, from October 2023, the penalties for those who do not comply with the obligations on the military registration are aggravated.

2.3. The impact of the legislative changes on Indigenous peoples

In the present subsection I will present the impact of the legal changes within each of the periods presented in Subsection 2.2 on the rights of Indigenous peoples of Russia.

From the *very start of the war* in Ukraine, Indigenous peoples have been affected by the war. Even before the announcement of the partial mobilization, the number of Indigenous combatants was proportionally higher than the number of ethnic Russians (Bessudnov, 2022). Also, the proportion of Indigenous individuals who died at the war was higher than the number of the killed Russian combatants (Free Idel-Ural, 2022). Indigenous individuals chose to participate in the war for several reasons. Among them there were economic reasons, including their poverty and the need to receive monetary rewards for their participation in the war. Besides, the lack of reliable and objective information about the war in Ukraine has misled them and did not allow to them evaluate the situation objectively. As a result, this has increased the number of Indigenous combatants (Zmyvalova, 2023a: 221). According Loode, the Russian army is a mirror of the social and economic challenges of the State, especially in the remote territories where Indigenous peoples live. He observes that most of the recruits come from outskirts territories where unemployment, drug addiction and criminal situations are typical. Thus, for these recruits, participation in the war becomes a life-saving opportunity (Idelreal, 2022).

From the *start of the partial mobilization*, the mobilization was mostly carried out in the remote territories of the RF (Latypova, 2022; Light, 2022). According to the official statement from the Ministry of Defense, only one per cent of those who could be potentially mobilized would be recruited (Vesti, 2022). The number of the mobilized in fact is unknown due to the absence of official statistics. According to Prince, from the very beginning the events of the mobilization were poorly regulated by law and, thus, the mobilization was carried out chaotically (Prince, 2022; News UN, 2022). No unified criteria existed in Russian legislation regarding the number of mobilized and the mobilization in general. This resulted in varying practices in the federal subunits. Moreover, the absence of the unified criteria has led to legal breaches. Ekaterina Zmyvalova states that the informal mobilization criteria applied at the beginning of the mobilization (Zmyvalova, 2023c: 71). When President Putin announced partial mobilization, different subunits interpreted his order differently. In addition to the examples of the legal breaches during the partial mobilization presented in the Introduction of this paper, the following examples can be given. Nanai activist Andrei Belda says that people from his village participated in the military activities in Donbas area already from 2014. Many of them died in Ukraine. Some of the families of the dead received military subpoenas for the dead to be summoned to the war in 2022. He continues: “[e]ven the dead were called up ... The military subpoenas were sent to those who died long time ago. The youth, the old -everybody went [to the war]. A little bit later those who had not fit were returned from

Khabarovsk-these are the disabled and teachers” (Sevrinovskiy, 2023). According to Belda, every fifth person from his village was mobilized rather than one per cent of the village population, as was promised by the Minister of Defense. Other Nanai individuals confirm that the military commissariat “grabbed everyone they could” (Sevrinovskiy, 2023).

The *introduction of the legal regulations on the digital subpoenas and military digital register of military servicemen* will impact Indigenous peoples negatively. According to Uliana Vinokurova, Indigenous peoples reside in the territories of “digital inequality” (Vinokurova, 2023). The absence of technology in the territories of traditional residence of Indigenous peoples can result in the situations when those Indigenous individuals who do not have access to the internet and, thus, cannot get access to their digital military subpoenas will be punished.

2.4. Legislative initiatives on the exemption of Indigenous peoples from participation in the war

Notably, there exist no special rules of exemption for the mobilization of Indigenous peoples to the war. This subsection gives an overview of the legislative initiatives on the exemption of Indigenous peoples from participation in the war.

One of the examples of such initiatives is the initiative of the deputy of the State Duma and former mayor of the city of Yakutsk Sardana Avksentyeva. She proposed that men belonging to Indigenous peoples officially recognized by the Order of the Government of the RF of 2006, April 17 N 536-p ‘On Approval of the List of Indigenous Peoples of the North, Siberia and the Far East of the Russian Federation’ should not be mobilized (Avksentyeva, 2022).

Another initiative was undertaken by the deputy of the State Duma from the Nenets Autonomous Okrug Sergey Kotkin. He planned to initiate a bill on the exemption of reindeer herders from the mobilization (National Accent, 2022). Governor of the Nenets Autonomous Okrug Yuri Bezdudny supported this initiative. He claimed that reindeer herders could not be conscripted because they provided for the food security in the region (New Izvestiya, 2022).

Another initiative was undertaken by Head of the Association of the Indigenous Peoples of the North of the Khabarovsk Region Lyubov Odzhal. She appealed to President Putin, the Prosecutor the General’s Office of the RF, and some other bodies of State power, to stop the mobilization of Indigenous individuals (Activatica, 2022).

The two latter initiatives did not result in any law drafts on either the federal or the subunits’ level. The only legal initiative that ended in the Parliament as a law draft was initiated by Sardana Avksentyeva and Maksim Gulin (Draft of the FL, 2022). According to this law draft, Indigenous small-numbered peoples have the right to change their military service to the alternative civil service. This law draft regarded Indigenous peoples who had a traditional way of life and carried out traditional economic activities and Indigenous crafts. This draft has never become the law.

Some scholars have expressed their opinion on the exemption of Indigenous individuals from the mobilization. Vinokurova suggests two criteria for the exemption. The first criterion is living in the areas of extreme climactic conditions and working in the life-supporting sectors. The second criterion is that an individual belongs to Russia’s ethnocultural diversity (Vinokurova, 2022).

Thus, despite the initiatives, no law was adopted on the exemption of Indigenous individuals from the mobilization.

3. Concluding remarks

The legal changes in Russia which have taken place since the start of the war in Ukraine in February 2022, demonstrate that Russia has distanced itself from its international commitments. Moreover, the changes in the punitive legislation demonstrate that the year of 2022 was the most repressive since the adoption of the Criminal Code in 1996. Also, the Code of the RF on Administrative Offenses of 2001 was changed substantially. In addition, the changes were also introduced into other legal acts. These changes concern, inter alia, the military censorship and demonstrate attempts of the State to recruit as many combatants as possible. Rapid legal changes create chaos in implementation of the new laws. Announcement of the partial mobilization is an example of such challenging implementation.

All the legislative changes have a direct impact on the Indigenous peoples in Russia. For example, from the start of the war, high numbers of Indigenous persons participated in the war due to socio-economic reasons and disinformation. From the start of partial mobilization, a significant number of Indigenous persons were summoned from the remote areas where Indigenous peoples traditionally reside. This paper describes some legal initiatives to adopt legislation regarding the exemption of Indigenous individuals from the mobilization. However, no laws were adopted as a result of these initiatives.

The analysis also shows that international cooperation of Indigenous organizations of Russia has reduced substantially. This might have an irreversible impact on their culture, language, and rights. Some examples were given to demonstrate that Indigenous individuals were supported internationally in their strive for their language. However, this support was hard to manage due to the sanctions and aggravation of the Russian legislation.

Notes

1. Legal changes' is a broad term which also includes other sources of the Russian law in addition to the legislation. Examples of these additional sources are court decisions.
2. For more examples see: Katzarova, 2023.
3. For more information see Zmyvalova, 2020: 350–351.
4. A foreign agent is an individual or a legal entity who has received any foreign support or who is under a foreign influence, or both. According to Article 2 (1) of this Law, foreign influence is providing support by a foreign source or impacting a foreign agent, also by coercion, persuasion or in other ways. According to Article 2 (2) of this Law, the support is providing a foreign agent with monetary funds and (or) other property, as well as providing organizational, methodological, scientific-technical assistance, or any support in other forms.
5. Article 20.3.3 of the Code of the RF on Administrative Offenses regulates issue of discreditation.
6. I am solely responsible for the suggested categorization.

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