The Russian Government shuts down the Russian Association of Indigenous Peoples of the North (RAIPON)

The activities of the Russian Association of Indigenous Peoples of the North (RAIPON), a Russia-wide public non-governmental organization, were halted on November 1, 2012, by Resolution Number 2332-r of the Russian Ministry of Justice.

The formal justification for closure

The formal justification for this is the fact that, according to the Russian Ministry of Justice, the structure of RAIPON, established in its charter, does not comply with current legislation. However, the charter, like RAIPON itself, has existed for 22 years, since the moment it was approved at Russia’s First Congress of Indigenous Peoples, which was held in 1990, when the Soviet Union still existed. During this time, the Charter was re-registered twice with the same Ministry of Justice, in the late 1990s and in 2005.

In other words, after the Fifth Congress of Indigenous Peoples made changes to the Charter in 2005, the Ministry of Justice itself thoroughly checked the document to ensure its compliance with federal legislation and, as the responsible federal agency, approved it. Furthermore, over all these years, neither the Charter nor the name of the organization caused any complaints from the Ministry of Justice. Federal legislation about public organizations has not changed during this time.

The mechanism by which RAIPON was closed

In early 2010, the Russian Ministry of Justice launched an audit of RAIPON's activities. After this audit, which took many months, the Ministry of Justice made two small, formal comments:

1. First, officials demanded that RAIPON's logo be federally registered. The logo has existed for over 20 years and, until this time, the authorities had not required its registration.

2. Second, they demanded that due to the fact that RAIPON has Russia-wide status (which is reflected in its name), RAIPON must include in its charter a list of RAIPON’s representative offices in Russia’s provinces (federal subjects). All these years, this list existed as a separate appendix to RAIPON’s registration, which also did not cause any complaints from the authorities.

Essentially, in accordance with Russian law, an organization must have representative offices, branches, or affiliates in more than half of the provinces of the Russian Federation in order to receive the status of a Russia-wide organization. Today, Russia has altogether 83 provinces (federal subjects). This means that, in order to receive all-Russia status, an organization must have representative offices in at least 42 provinces.
Indigenous peoples of the North in Russia live in 28 federal subjects. These regions make up more than 60 percent of the territory of the country (from Murmansk in the west to Kamchatka in the east). Regional and ethnic associations of indigenous peoples of the North – members of RAIPON – are active in 25 regions. RAIPON has representative offices, which do not have separate legal status, in 49 federal subjects. Therefore, RAIPON's structure fully justifies the status of a Russian-wide public organization.

Despite the fact that these demands were purely formal, RAIPON, as a law-abiding public organization, obeyed the demands of the Ministry of Justice and organized an urgent special Congress of Indigenous Peoples of the North just one year after the previous Congress, inviting one delegate from each regional representative office. According to RAIPON's charter, congresses are held every four years. Anyone can understand that it is absolutely impossible to carry out a huge Congress, with dozens of delegations from all over Russia (some delegations include dozens of people), involving a total of about a thousand people, just to correct two lines in the organization’s charter to meet the formal demands of the Ministry of Justice.

This special Congress occurred in April 2011 and adopted two formal decisions:

1. To register the logo of RAIPON (which is already well-known around the world as the RAIPON logo) in the registry of the Ministry of Justice.

2. To include the existing list of regional representative offices of RAIPON in the organization’s charter.

After this, the Ministry of Justice diligently tried to find formal irregularities in the way the Congress was conducted. It found that some regional delegations did not properly format their meeting minutes from the proceedings of this “small” special Congress. The Ministry of Justice did accept one part of the same Congress’ meeting minutes and registered the logo, but did not accept another part of the minutes and did not agree to include the list of representative offices in the RAIPON charter. It is completely inconceivable how one part of the same document can be recognized to comply with relevant legislation, yet another part is not.

Next, RAIPON went to court and, in a proceeding lasting almost two years and involving multiple courts, has been seeking legal clarification about this question. This is the normal, civilized problem-solving process that officials continually encourage us to use. On October 18, 2012, RAIPON lost its case in Moscow City Court. The next step is an appeal to the Supreme Court of the Russian Federation. At the same time, the date for the 7th Congress of Indigenous Peoples of the North of the Russian Federation, planned for March 28-29, 2013, is getting closer. Everyone understands that the final demand from the Ministry of Justice will be met at this Congress: the list of representative offices will be put in the organization’s charter.
But on November 1, 2012, the Ministry of Justice suddenly and unexpectedly suspended RAIPON's activity until April 20, 2013.

**The issue of the organization’s status**

It is extremely important for RAIPON to have the title of a Russia-wide organization, as it allows the organization to make proposals for legislation to the federal authorities in Moscow, to be a member of public councils in federal ministries, and to be a candidate in the elections for the Public Chamber of Russia, and more. For RAIPON, the question of its national status is instrumental and important.

For many years, the government of Russia, while facing constant criticism from RAIPON about implementation of state policies pertaining to the rights of indigenous people, first and foremost traditional land rights, tried to create an alternative puppet (“pocket”) organization of indigenous people which would approve the government’s actions and not criticize it. There is even government funding provided for this through various mechanisms. The government continually tries to find organizers who could carry out this type of work. Thus far, their efforts have been fruitless.

This is because the creation of a nationwide organization of indigenous peoples, working simultaneously in many regions separated from each other by thousands of miles is a tremendous collaborative project undertaken by whole generations of leaders and activists within the indigenous communities, people who have been united since the fall of the Soviet Union to jointly defend their rights.

The government creates puppet political parties by the dozens; however, where it would find so many native people, much less among half of Russia's regions? Clearly, it is impossible to create an organization of indigenous peoples without the indigenous people.

**The “suspension” of RAIPON’s activities**

The Ministry of Justice is fully aware of the dates of the Congress scheduled at the end of March 2013. RAIPON itself repeatedly informed them and the Ministry also receives such information from its regional branches. Thus, in suspending RAIPON’s activities until April 20, 2013, the Ministry of Justice has deliberately paralyzed the activities in preparation for the Congress and the Congress itself. This has apparently been done in order to either not allow the Congress to happen, despite the fact that this is where the violations pointed out by the Ministry during the audit can be corrected, or to shut down RAIPON if the government is not satisfied with decisions adopted by the Congress. So the Ministry is simultaneously indicating violations and making it impossible to correct them. We can only guess what kind of outcome the government expects. In any case, the actions of the Ministry of Justice reveal its desire to eliminate one way or another the self-determination of RAIPON as an independent and consistent critic of the governmental
policies pertaining to the rights of indigenous people and as one of the most important players in the international movement to protect indigenous peoples’ rights.

**International Status**

RAIPON, with over 20 years of its active position and work has gained considerable respect and international reputation. It acquired a special consultative status with Economic and Social Council of the United Nations (ECOSOC) and is a Permanent Member of the Arctic Council. RAIPON’s representatives are members of the UN Permanent Forum on Indigenous Issues, the Expert Mechanism on the Rights of Indigenous Peoples, the International Working Group on human rights and transnational corporations and other business types. In the organization’s high status is its great strength, as well as, oddly, its vulnerability.

Its high status is a strength because it gives the organization an opportunity to speak up about the problems of the indigenous peoples of Russia to a wide international audience, participate in the international movement of indigenous peoples, and cooperate with international organizations in the development of international laws pertaining to indigenous people. RAIPON’s representatives have participated in the preparation of all the relevant international instruments and institutions developed in the last twenty years on the rights of indigenous peoples, including the establishment of the UN Permanent Forum on Indigenous Issues and the adoption of the UN Declaration on the Rights of Indigenous Peoples.

The organization’s high status is also a vulnerability because these opportunities displease the authorities responsible for the implementation of public policies in relation to the indigenous peoples of the North. This is because their irresponsibility and ineptness, and the violations permitted in the course of their regular job duties in relation to indigenous people have become well known both in Russia and abroad.

Moreover, in recent years, Russia’s government has consistently violated the rights of indigenous people. First and foremost, the conflict is about the land and natural resources. RAIPON, which acts as a nationwide organizer of the indigenous peoples’ movement, unites people in their regions, disseminates information widely, and always strongly opposes government action that violates the rights of indigenous peoples to their traditional way of life and land use, which always was and is a pain in the neck for the Russian government.

**Natural resources**

The key question, of course, is about the land and resources. Indigenous peoples engaging in reindeer herding, fishing and hunting are involuntary contenders and unwanted competitors in the vast expanses of the Arctic, Siberia, and the Far East. These regions are full of untold wealth are the source of wealth for all the super-rich of Russia, without exception. This is both a source of power for indigenous peoples and a reason why there is such terrible pressure them from businesses, officials, enforcement agencies and
repressive branches of government. Indigenous peoples have become hostages of the situation: they need land to continue their traditional lifestyle and are involuntary witnesses to the mad, greedy excesses committed by officials and businessmen on their ancestral lands.

If it were not for this historical necessity to use these lands for traditional activities like herding, fishing and hunting, no one would put pressure on the indigenous peoples, forcing them from their traditional homelands.

It is because indigenous peoples assert their right to use the land one way or another, over the past 10 years the Russian government with the business sector, one way or another, has been preventing the consolidation of lands for indigenous communities by amending legislation. RAIPON actively criticizes the government because of this policy.

Moreover, in the recent years, due to the new development of the Arctic, many industrial companies have rushed farther and farther north, toward indigenous peoples’ traditional lands. Anticipating the coming boom in exploration of oil and other resources in the Arctic, businesses actively lobby for changes in federal legislation, including lowering environmental standards and destroying indigenous land rights.

Destruction of the legal foundation

During recent years, Russia’s government not only did not implement the key federal law “On Territories of Traditional Land Use of Minority Indigenous Peoples” that was adopted over 10 years ago, practically speaking its activities have significantly worsened the legal status of indigenous peoples in Russia. Furthermore, the government simulated legislative activities, adopting endless federal plans and frameworks on the “sustainable development of indigenous peoples of the North,” and funding countless cultural festivals – songs and dances.

- Instead of granting priority land rights to minority indigenous peoples of the North for fishing and hunting in the federal fishing and hunting laws, the authorities introduced a competitive system of tenders and bids. As a result, indigenous communities are forced to compete with large commercial companies for tenders in which money is the main criterion for application. Only the highest bidder can get the site. Introduction of the system of tenders has delivered a terrible blow to the indigenous people of northern Russia. With help from governmental officials, lands of indigenous communities began to rapidly move into the hands of private businesses. The violation of the right to use their native territories represents a key issue for the survival of indigenous people of the North in our country.

Just in the last four years the government has completely disposed of a legal segment of two federal programs which it itself passed: “A Set of Priority Actions for the Preparation and Holding in the Russian Federation of the Second International Decade of Indigenous Peoples of the World” and “The Plan to Implement the Concept of Sustainable Development of the Minority Indigenous Peoples of the North 2009 – 2011,” including:

2. Development of legal statute on approval of the traditional land use territories of Indigenous Peoples of the North, Siberia, and the Far East of the Russian Federation — was not done.

3. Development of proposals on the establishment of forms of representation of Indigenous Peoples of the North, Siberia, and the Far East of Russian Federation in the state legislative bodies in subjects of the Russian Federation — was not done.

4. Development of a legal statute to secure permanent deer herding areas and hunting territories designated for Indigenous Peoples of the North, Siberia, and the Far East of the Russian Federation and their communities to maintain their traditional way of life — was not done

5. Development of a federal law on amending certain statutes in parts pertaining to provision of the priority access to indigenous peoples of the North, Siberia, and the Far East of Russian Federation, their communities and other associations to the hunting grounds and game animals in places of traditional residence and traditional economic activities of indigenous peoples of the North, Siberia and the Far East of Russian Federation — was not done

6. Introduction of modifications to the Forest, Land, and Water Codes of the Russian Federation with regard to priority access of indigenous people of the North, Siberia, and the Far East of Russian Federation to renewable natural resources — was not done

7. Introduction to the federal law “On Fishing and Conservation of Aquatic Biological Resources” changes in terms of setting the priority access of indigenous people of the North, Siberia, and the Far East of Russian Federation to the fishing grounds in places of their traditional residence and economic activity — was not done

8. Introduction to certain legal statutes of the Russian Federation the changes pertaining to the involvement of representatives of indigenous people of the North, Siberia, and the Far East of Russian Federation in the protection of wildlife and water resources in the areas of traditional residence and economic activities of indigenous people of the North, Siberia and the Far East of Russian Federation — was not done

9. Development of a legislative statute regulating the organization of land management in the areas of traditional residence and economic activities of indigenous people of the North, Siberia, and the Far East of Russian Federation — was not done

10. Creation of model territories for subsistence living on federally protected lands— was not done

In fact, out of dozens of key legislative initiatives planned by the government only two were executed: the list of territories of traditional residence and economic activity was
created and a method for calculating losses suffered by communities in the result of industrial activities in their territories was devised.

However, these two initiatives do not solve the complex of problems faced by indigenous peoples. The method for calculating losses from industrial activities is not legally binding and does not have to be obeyed by industrial companies. Those companies that in the past demonstrated their social responsibility and fulfilled their obligations with respect to indigenous communities (for example, provided compensation for land acquired for industrial purposes) continue to do so. Those companies that in the past ignored the interests of indigenous peoples continue to ignore them. The legislatively created list of territories of traditional residence and economic activity only points out districts where indigenous people have historically lived, and only does so arbitrarily. Some regions list their municipal districts; others added villages, sometimes naming the streets. This occurred because the Ministry of Regional Development formed a register of proposals gathering information on federal subjects and did not provide a definition of “a place of traditional residence and economic activity.”


- In 2011, the government dissolved the only remaining organ of state power at the federal level in name and mission dedicated to the minority peoples of the North (the Committee on Problems of the North and Indigenous Peoples of the Federation Council of the Federal Assembly of the Russian Federation).

RAIPON has become a more and more unwelcome participant in the political process as it has tried to oppose this discriminatory Russian government policy and openly discuss these trends in the press and at numerous domestic and international conferences and meetings.

**Why the Ministry of Justice has rendered its decision at this time**

The Regional Development Ministry is the ministry responsible for implementation of government policy on indigenous peoples in Russia. Maxim Travnikov, aged 34, has been the appointed Deputy Minister in charge of the indigenous policy since 2008. Mr. Travnikov is young and ambitious, and has been elevated to a high political rank: naturally he did not like RAIPON’s criticism. RAIPON was so critical because the Ministry did not perform its function to create conditions for the protection of indigenous peoples’ rights, first and foremost in the traditional areas of subsistence living. In 2009, Mr. Travnikov even received an official reprimand from then-President Medvedev for failure to fulfill the government functions pertaining to the federal law “On the Territories of Traditional Land-Use of Indigenous Peoples ...”
Since then the Ministry has begun to increase its pressure on RAIPON and actively look for opportunities to create an alternative puppet organization to take its place. The Ministry of Regional Development began persuading other federal ministries to put pressure on RAIPON. Since then, starting in early 2010, RAIPON was subjected to multiple inspections, including the audit initiated by Ministry of Justice.

In September 2012, Mr. Travnikov resigned as Deputy Minister of Regional Development and on September 30, 2012, he was appointed Deputy Minister of Justice of the Russian Federation. On November 1, 2012, the Ministry of Justice issued its decision to shut down RAIPON.

The political context

Mr. Travnikov could not make the decision to shut down RAIPON by himself. He had to coordinate with the political leadership. In this regard, RAIPON’s case fits into the overall context of the state of human rights and freedoms in today’s Russia. There is a frighteningly rapid increase of cases of harassment of political and civil rights activists initiated by various authorities including the police and the secret services in different regions. Authorities have brought a number of criminal actions against many political and civil rights activists.

Mr. Ivan Moseev is one of those working on the problems of indigenous people. He is an activist and leader of the indigenous people movement in the Pomorye region and the Director of Pomorye Institute of Indigenous Peoples of the North in Archangelsk Oblast. He has been accused of treason and separatism. In doing so, state prosecutors acknowledged that the main goal of his activities was the recognition of the Pomorye ethnic group as an indigenous people of Russia and its inclusion in the federal register. What is the crime? Mr. Moseev published a book, “Fables of the Pomorye,” which was included in the prosecutor’s materials.

In another case, there is a criminal case now against the Evenk tribal community “Dylacha” in the Republic of Buryatia. This community’s main activities include hunting, reindeer herding, sewing of traditional ethnic clothing, putting on exhibitions and the extraction of an ornamental stone — jade. The criminal case was initiated based on an accusation of illegal jade mining. Meanwhile, a local commercial company that claims rights to the tribe’s lands is headed by a former general in the Federal Security Service (the FSB [the equivalent of the CIA in the U.S.]), the former leader of the Federal Security Service in the Republic of Buryatia.

These are just some of the high-profile cases. Authorities, violate human rights and the rights of indigenous peoples, deliberately intimidate and disrupt Russia’s civil society. Today indigenous peoples, human rights activists, and political opposition organizations are under attack. Who will the authorities attack tomorrow?
The possibilities

In this paper we have attempted to talk about what is happening in today’s Russia with its indigenous peoples’ movement, as well as to examine the causes of recent events and analyze them.

At present the minority indigenous peoples of Russia, regretfully, do not have any other significant ways to influence the situation other than international support and solidarity with the international movement of indigenous peoples. We have sent letters to our colleague organizations of indigenous peoples and launched an information campaign. The Russian government can and should give indigenous peoples the right to choose their own destiny instead of repressing them.

In advance of the 1st World Conference on Indigenous Peoples’ Issues, to be held in 2014, it is important to show the government of Russia and the indigenous peoples’ movement itself that such solidarity and support exists between the indigenous peoples of the world.

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