

The Difference Place Makes: Regional Legislative Approaches to Territories of Traditional Nature Use in the Russian North

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Abstract

Indigenous northerners' rights in the Russian Federation are legally protected at a range of levels (federal, regional, municipal), and by a diversity of types of legal acts (laws, decrees, orders, provisions). Within the complex structure of Russian federalism, the country's regional governments elaborate upon federal laws in diverse ways and at different times. This article explores regional approaches to legislating one law on Indigenous rights, that of "Territory of Traditional Nature-Use" (*territoriya traditsionnogo prirodopol'zovaniya*) (TTP), identified by Indigenous leaders as the most important legal-territorial designation for protecting Indigenous livelihoods and cultures. While it is well known that legal strategies of the Russian state toward Indigenous territorial rights differ markedly from those of other Circumpolar countries, less appreciated are the ways in which these vary across space *within* Russia. We assert that the spatial informs the legal, documenting several illustrative approaches that regions have taken in legislating TTPs. In doing so, we demonstrate how a federal law initiative is interpreted and reimagined in place, giving rise to the potential

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for substantively different spatial outcomes for Indigenous persons and peoples seeking to actualize their rights to territory.

Keywords: *Indigenous rights, Russia, territory, land, law, legislation, regional difference*

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1 Introduction

Indigenous northerners have repeatedly emphasized the importance of law as pivotal to the institutionalization of Indigenous rights, including territorial rights, despite the imperfect protection it often provides, and have continually worked for the adoption of laws at the federal and regional level.¹ Today, due to their efforts, rights in the Russian Federation are legally protected at a range of levels – federal, regional and local (‘municipal’); and by a diversity of types of legal acts – laws, decrees, orders, provisions, etc. Much of the available literature in English on Indigenous rights in the Russian Federation, including territorial rights, focuses predominately on federal legislation.² Within the complex structure of Russian federalism, the country’s regional governments elaborate upon framework federal laws in their own diverse legislation, leading to a variegated legal landscape of rights, protections, and borders for Indigenous northerners. To demonstrate this complexity, this article explores regional approaches to legislating one form of Indigenous territorial rights, the “Territory of Traditional Nature-Use” (*territoriya traditsionnogo prirodopol’zovaniya*, or TTP). Although it is well known that legal strategies of the Russian state toward Indigenous territorial rights differ markedly from those of other Circumpolar countries, less appreciated are the ways in which these vary across space *within* Russia. While Borisova and Burbank (2018) underscore the historical precedent for diverse, flexible approaches to law across the vast space that is Russia,³ few studies have focused on this diversity in legislative approaches regarding Indigenous rights. We assert that the spatial informs the legal and vice versa, as Russia’s regions develop and institute a variety of different legislative place-making mechanisms under the scaffold of a single spatio-legal form—that of TTPs. In doing so, we demonstrate how a federal law initiative on Indigenous rights is interpreted and reimagined in place, giving rise to the potential for substantively different spatial outcomes for Indigenous persons seeking to actualize their constitutionally-guaranteed rights to territory. Our goal is to explore the diversity of spatio-legal approaches taken by the regional parliaments, in terms of timing, level of legislation (e.g., law, decree, provision), durability, and types of spaces enabled. Further studies are critically needed to understand how these legislative differences translate into implementation and experiences in place.

2 Producing law in the Russian Federation: Multiple levels of legislation

The Russian federation consists of 85 ‘federal subjects’ or regions of various types: republics, *krais*,⁴ *oblasts*, *autonomous okrugs*, etc. These regions enjoy the right to enact their own legislation in areas of exclusive jurisdiction or shared jurisdiction with the Federal government. Federal and regional legislation consist of various normative acts: laws (*zakony*), decrees (*postanovleniya*), orders (*rasporyazheniya*, *prikazy*), provisions (*polozheniya*), decisions (*resheniya*) and charters (*ustavy*). Regional legislation must not contradict federal laws. When the former precedes the latter, once federal legislation is adopted regional legislation must be brought into coherence with it, resulting in frequent revisions in the wake of new or revised federal laws. Regional legislation, however, can elaborate on federal legislation, including to address regional specificities.

Russia’s regions actively engage in law-making. Occasionally regional law precedes federal, responding to calls for federal legislation but ‘beating the federal government to the punch’ on the actual adoption of such legislation, sometimes by years. Regions may choose to adopt lower-level legislation (e.g., provisions) rather than laws, while waiting for federal law. In attempting to deal with geographical specificities, regional legislation may exemplify particular concerns and tensions of the place for and in which it is created. It ‘makes room for local conditions’.⁵ Some regions use legislation to assert how their territory should be structured, as a tool both to resist efforts of the federal government to fully shape their regions, and to engage the federal government in negotiations about such power relations.⁶

The assertion of regional legislative power and interaction between federal and regional law-making is perhaps nowhere more evident than in the case of legislation regarding Indigenous rights and protections. Article 72 (m) of the Russian Federation’s constitution, which lays out areas of joint-jurisdiction between the federal government and its subjects, stipulates that the protection of ancestral lands and traditional ways of life of small ethnic communities is a joint federal-regional responsibility.⁷ The ancestral homelands of Indigenous peoples of the North coincide with the territories of 28 of Russia’s regions. The 40 Indigenous small-numbered peoples of the North exhibit tremendous regional diversity, as do the geographies in which they live, and the political jurisdictions which encapsulate their homelands. Key federal laws providing for the protection of Indigenous rights, which appeared around the turn of the millennium,⁸ have been of a ‘framework’ or ‘declarative’ nature, sparse on details regarding processes and procedures for implementation.⁹ Stipulations of joint responsibility for securing Indigenous territories, the belated passage of federal laws, and their framework nature, have compelled the adoption of regional legislation. Some regions, whose territories intersect with ancestral Indigenous lands, adopted laws to address rights and protections; other regions adopted lesser legal acts, such as decrees and provisions. Other regions have chosen to depend on federal legislation, or neglected Indigenous populations entirely.

3 The origin and proliferation of legislation on TTPs

During the chaotic period of land reform following the collapse of the USSR, a 1992 Presidential Edict (No. 397), “On urgent measures for defending the places of residence and economic activity of the small-numbered peoples of the North,”¹⁰ identified as necessary to the preservation of Indigenous territories the pursuit of ‘traditional’ Indigenous activities, such as reindeer pasture, and hunting and fishing grounds. This edict ordered the federal government and the governments of Russia’s federal subjects

to determine territories of traditional nature use in places of residence and economic activities of the small-numbered peoples of the North, which are the inalienable heritage of these peoples, and which without their agreement are not subject to alienation for industrial or other development that is not connected with traditional economic activities (Article 1).

This was to be done with the participation of the regional associations of Indigenous peoples, which had organized and gained prominence during the final years of the USSR. The Edict also called for the RF Government to “develop and approve in a prescribed manner Rules for the use of land and other natural resources on territories of traditional nature use of the small-numbered peoples of the North ...” (Article 2). Thus, in the earliest post-Soviet period, the President identified the delineation and protection of TTPs as a key mechanism for protecting Indigenous territorial rights. Indigenous leaders have identified TTPs as the most promising and important of territorial initiatives for protecting Indigenous livelihoods and cultures in Russia.¹¹

Drafting such ‘Rules’ on TTPs was a protracted process, and only resulted in a federal law in 2001.¹² The 2001 TTP law established the possibility of creating TTPs of federal, regional and local significance. However, it provided little detail on procedures and processes for establishing TTPs, only offering a ‘framework’. In 2002, A. Rayshev noted: “The existing legislation of the RF on TTPs unfortunately does not formulate provisions, does not determine mechanisms for realization, and has a declarative character, so doesn’t attain its realization in practice.”¹³ Further direction, in the form of sub-legal federal acts such as decrees, was expected to follow, to lay out the ‘nuts and bolts’ of implementing the federal law.¹⁴ These mechanisms are still lacking.

Following the 1992 Presidential Edict 397, but prior to the 2001 federal TTP law, numerous regions initiated their own legislative acts regarding the establishment and operation of TTPs. Some of these acts were meant to be temporary, pending the passage of a federal law. Using these acts, Indigenous peoples in some regions initiated the formation of TTPs of local and regional significance well before 2001. After the 2001 federal TTP law came into effect, regions continued to adopt their own legislation, to address the lack of detail provided by the federal law and the ongoing failure of the federal government to adopt more detailed sub-legal acts that would supply such details.

To illustrate the plurality of approaches Russia's regions have taken to address and effect the TTP, over time and space, we present a synopsis of legislation in the 28 regions in which Indigenous peoples of the North have their homelands. We then examine five regions' initiatives in more detail. Each region projects its own legislative approach onto its space, contributing to the ways that TTPs, and Indigenous lands more generally, are conceptualized, organized and administered.¹⁵

What the legislation, federal and regional, dictates about how Indigenous territories are legally established across Russia's northern spaces tells but part of the story. Invocation, interpretation, implementation, and the lived experience of legislation are critical aspects of any law's working in place. Indigenous persons and collectives must invoke the laws to request that a TTP be established. Interpretation and implementation of the law (federal and/or regional) by authorities affect if, where and how TTPs are established and then experienced—how TTPs are *lived*. However, this article focuses solely on the legal acts themselves—their types, numbers, and content, and how these differ over space and time – and not on how they are actually effected and experienced in place, leaving that all-important question for other studies.¹⁶

4 Methods

This article draws on analysis of legal documents, review of secondary literature, and fieldwork involving semi-structured interviews. Using the Russian government's legislative data base, we identified the active and repealed legislation for each region inhabited by Indigenous northerners.¹⁷ From an initial detection of over 3600 potentially germane legislative acts, we ascertained 394 as most likely relevant to TTPs. These include laws, decrees, and orders that have only an incidental relationship to TTPs (e.g., relating to veterinary services), acts that make changes to other pieces of legislation, as well as acts of extinguished jurisdictions (e.g., Koryak Autonomous Okrug). We organized the acts chronologically for each region, to capture a timeline of the passage, change, and annulment of key legislation. We then scrutinized legislative acts to determine the rights granted, the prevalence of language indicating greater or lesser coherence with federal laws, any particular emphasis on specific protections (e.g., environmental, subsistence), as well as shared and divergent definitions of important concepts across the regions.

Secondary literature sources included academic articles analyzing the legislation related to TTPs and its implementation. We also drew on the chronicling of events and issues related to TTPs in *Mir korennykh narodov/Zhivaya Arktika*, the journal of the Russian Association of Indigenous Peoples of the North (RAIPON), which, importantly, provides indigenous perspectives on federal and regional legislation and its implementation. We also drew on fieldwork carried out in 2016–2017 in Sakha Republic (Yakutia), in 2018 in Zabaykal Kray, as well as in Moscow in 2017 and 2019. Interviews with politicians, legal experts, and Indigenous leaders in the capital

cities of Yakutsk (Sakha Republic) and Chita (Zabaykal Kray) provided insights into rationales for legislative approaches.

5 Legislating TTPs in Russia's regions: A panoply of approaches

Table 1 briefly summarizes the legislative situation regarding TTPs in the 28 regions of the Russian Federation that are home to Indigenous small-numbered Peoples of the North (Figure 1).¹⁸ One republic, two krays, one oblast and two autonomous okrugs have (active) laws governing the creation and regulation of TTPs, while two republics, two krays, one oblast and two autonomous okrugs depend on sub-law decrees. Twelve of the 28 regions have no specific legislation (neither law nor decree) on TTPs.¹⁹

Table 1. Legislation regarding Number and Size of TTPs in Regions with Indigenous Small-numbered Peoples.

Region	Regional TTP Law	Regional TTP Decree	# TTPs	Hectares (ha), % of region's total territory (m = million)
Republics				
Altay Republic	No	(Draft order, 2018)	0	0 ha
Buryat Republic	No	No	0	0 ha
Republic of Khakasia	No	21.10.2016 (1 Amendments)	1	0.36m ha 6%
Sakha Republic (Yakutia)	13.7.2006 (4 Amendments)	No	62	184.28m ha 60%
Krays				
Kamchatka Kray (+ Koryak AO*)	KAO 25.02.2003 (Inactive) KK 11.11.1997 (1 Amendment) (Inactive)	No	0	0 ha
Khabarovsk Kray	24.12.99 (1 Amendment) (Inactive)	9	27	14.9 m ha (after 2018) 20%
Krasnoyarsk Kray (+ Taymyr [Dolgan-Nenets] AO* + Evenki AO*)	No	TAO 23.12.2003 KK 18.07.2017 (2 Amendments)	1	2.66m ha 1%
Primorsk Kray	No	Decree, 11.06.92 [for one rayon]	0	(TTP created in 1992; 0.41m ha; never registered; converted to National Park in 2015)
Zabaykal Kray (+ Chita Oblast*)	16.11.2011 (1 Amendments)	No	3	4.14m ha 10%

(Continued)

Table 1. (Continued)

Region	Regional TTP Law	Regional TTP Decree	# TTPs	Hectares (ha), % of region's total territory (m = million)
Oblasts				
Amur Oblast	16.10.2003 (7 Amendments)	01.06.05	0 (Formerly 6)	0 ha
Irkutsk Oblast	No	29.12.2014 (2 Amendments)	1	0.68m ha 1%
Autonomous Okrugs (AO)				
Chukotka AO	No	05.30.2018	0	0 ha
Khanty-Mansi AO-Yugra	27.12.2006 (3 Amendments)	No	475	1.05m ha 2%
Nenets AO	No	29.12.2001 (4 Amendments)	8	5.88m ha 33%
Yamalo-Nenets AO	21.04.2010 (6 Amendments)		0	0 ha

* The Koryak Autonomous Okrug (AO) was merged with the Kamchatka Oblast 2007 to form the Kamchatka Krai; the same year the Evenki AO and Taymyr (Dolgan-Nenets) AO were absorbed into the Krasnoyarsk Krai. The Chita Oblast merged with the Agin-Buryat AO (and enclave within its bounds) in 2008 to form the Zabaykal Krai.

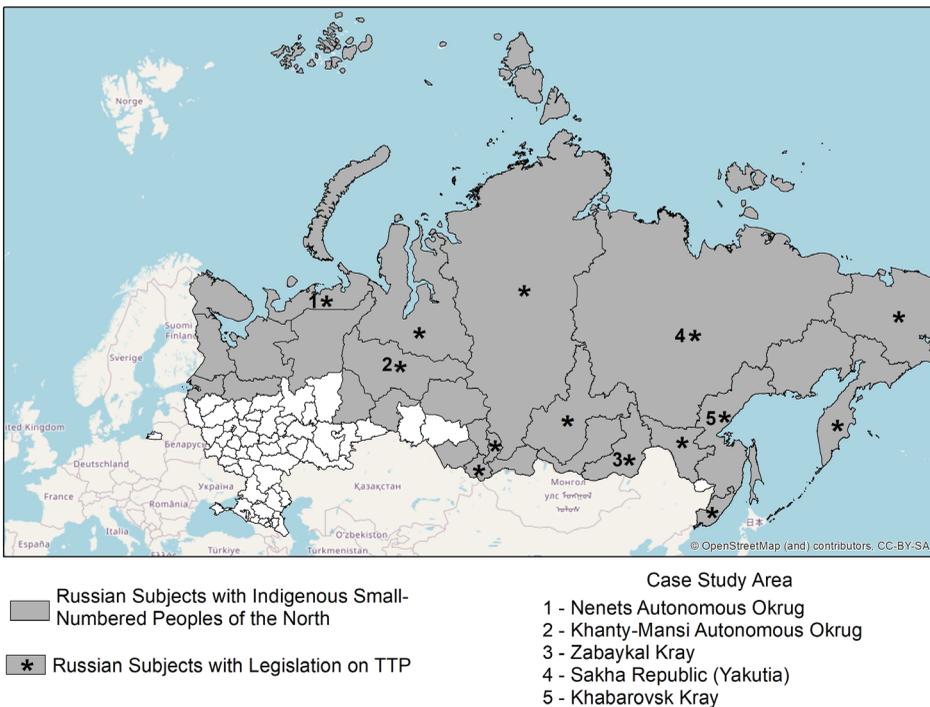


Figure 1. Russia Regions with Legislation on TTPs

To better exemplify the diversity of approaches and timing of the legal protection of Indigenous rights, we provide a more detailed account of five regions: Khanty-Mansi Autonomous Okrug-Yugra (KMAO), Sakha Republic (Yakutia) (SR(Y)), Nenets Autonomous Okrug (NAO), Khabarovsk Kray, and Zabaykal Kray (Figure 1). These regions' locations stretch from European Russia (NAO) to the Pacific seaboard (Khabarovsk Kray). The first three are 'ethnoterritorial units', established during the Soviet period to recognize the Indigenous group(s)²⁰ of the territory – the Khanty and Mansi, Sakha (Yakut), and Nenets, respectively; Khabarovsk Kray and Zabaykal Kray are not. The first three regions are also seen as having especially progressive legislation.²¹ Four of these regions have adopted regional *laws* on TTPs, at different times, while the NAO has relied on decrees. Three of the regions established TTPs prior to the 2001 Federal law (KMAO, Zabaykal Kray, and Khabarovsk Kray). The regions have established TTPs on a variety of different scales, and delineated their boundaries differently, as explained below. Further, fieldwork in SR(Y) and Zabaykal Kray warranted our inclusion of these two regions, while the relative availability of secondary literature discussing TTPs informed our decisions to include KMAO, NAO and Khabarovsk Kray.

5.1 Khanty-Mansi Autonomous Okrug-Yugra

Khanty-Mansi Autonomous Okrug-Yugra (KMAO) occupies the unusual and controversial condition of being an independent federal subject, capable of passing legislation and carrying a direct relationship with the federal government, while at the same time territorially encapsulated within Tyumen Oblast.²² As Russia's most important oil-producing region, KMAO²³ in the 1990's was mired in political struggles with Tyumen Oblast over budgetary independence, electoral law, resource revenues, and other facets of territorial-political autonomy.²⁴ Its eponymous Indigenous peoples, the Khanty and Mansi (Yugrians), though comprising less than 2% of the total population and deprived of adequate political power, were symbolically mobilized to legitimize KMAO's political aspirations as an ethnoterritorial unit.²⁵ According to Gary Wilson,²⁶ throughout that decade the KMAO government actively supported Indigenous leadership via the development of legislation and programming, in order to mediate their contentious relationship with oil companies over ecological damage, financial compensation, and representation. This approach represents a continuation of the Soviet legacy of materially supporting Khanty and Mansi culture and activities, a role taken on increasingly by oil companies.²⁷ Andrew Wiget and Olga Balalaeva provide a more critical assessment than do Wilson and Natalia Novikova, asserting that the state and oil companies jointly offered much resistance to indigenous land claims via both legal and political channels.²⁸

In one of the earliest legislative acts on TTPs (Soviet era), in May 1990, KMAO's Council of People's Deputies passed a Decision on the formation of 'territories of

priority nature use' (the exact terminology of TTP was still unsettled at this point).²⁹ This Decision responded to a late Supreme Soviet decree (1989), "On urgent measures for ecological improvement of the country" as well as the USSR's laws "On Land" and "On Property": KMAO chose to prioritize protection of lands for Indigenous 'traditional activities' (reindeer husbandry, hunting, fishing, gathering, etc.) in its interpretation of the environmental decree. The Decision required that, while the RSFSR's Council of Ministries would determine the boundaries of such lands, it must do so in response to proposals made by local councils "with the mandatory consideration of the opinion of the population living on them ..."³⁰ Furthermore, it stipulated that land could be alienated from these territories, but only by referendum of the resident population; the "land and its subsurface resources, waters, faunal and floral world are the inalienable possessions of the peoples, living on the territories of priority nature-use."

The KMAO Council of Peoples' Deputies identified 'clan lands' (*rodovye ugodya*) as a desirable way to operationalize the 1990 Decision. A couple of months prior to President Yeltsin's 1992 Decree 397 calling for TTPs, the Council passed a "Provision on the Status of Clan Lands in KMAO". Clan lands could be secured by a family, an *obshchina*,³¹ or a group of Indigenous citizens (Article 2). As with the 1990 Decision, Article 21 forbade industrial use of the land without the consent of both its residents and the Okrug administration.

These legislative acts prompted a joint state-corporate rush in 1992–1993 to document all clan lands, so that companies could more efficiently secure subsoil rights.³² Each clan land was mapped and certified with an accompanying governmental act. However, these acts were unilaterally voided in 1994 amidst a reactionary state campaign to nullify the registered territories.³³ Nonetheless, by 2002, 475 clan lands had been documented,³⁴ ranging in size from hundreds to tens of thousands of hectares.³⁵ Clan lands were granted for lifelong use for the pursuit of traditional activities, with inheritance rights; the KMAO decree recognized Indigenous peoples as having priority (though not exclusive) rights to the lands.

In 2002, in response to the 2001 Federal Law on TTPs, the KMAO Government passed Decree No. 192, recognizing the clan lands held by *obshchinas* as TTPs.³⁶ This initiative originated at a conference in Moscow between the Russian Association of Indigenous Peoples of the North (RAIPON) and the Arctic Athabaskan Council,³⁷ with financing from the Canadian International Development Agency, where participants determined to create four federal-level model TTP regimes as examples for future TTP formation.³⁸ While the other three proposed TTPs each involved a single tract of land, KMAO diverged from this approach, by declaring hundreds of already established clan lands to be TTPs. The decision to do so provoked intense debate in the region, as it was not clear whether TTPs would adequately provide the same quality of rights as the clan lands or how the transition would be undertaken.³⁹ According to A.A. Tranin, this concern was warranted: following the transition and the annulment of the Decree on Clan Lands, "the concept of clan lands disappears

from the scientific and applied [legal] lexicon, many clan lands lost their users and did not obtain new ones, and those wishing to return to their ancestral lands could not do so.”⁴⁰ Indeed, over the course of the transition, more than 40% of all former clan lands were given over to oil companies on long-term leases.⁴¹

Other legal changes accompanied the transition from ‘clan lands’ to TTPs. In 2004, the KMAO law “On Subsoil Resource Use”⁴² was modified to guarantee industry consultations with Indigenous northerners over the location of infrastructure within the bounds of TTPs and compensation for cultural and ecological damage, rights that were formerly part of the clan land regime, but lacking in the new TTP legislation. Then, in 2006, KMAO passed a law that laid out in detail the rights, formation process, authorities, and potential land tenure regimes of newly-designated TTPs.⁴³ Rights to consultation were further reaffirmed in 2007, 2009, and 2012.⁴⁴

KMAO established a registry of TTPs in 2008.⁴⁵ According to available sources, the number of TTPs has remained 475 since 2002 (all of regional significance). The ambiguous spaces of TTPs created by KMAO law allowed for extractive spaces for oil production, while partially (though inadequately) protecting an archipelago of disjointed territories for traditional activities.

5.2 Sakha Republic (Yakutia)

Sakha Republic (Yakutia) (SR(Y)) is the Russian Federation’s largest federal subject, comprising almost 1/5 of the country’s territory. It is also considered, along with KMAO, the most progressive region in terms of adopting law on Indigenous rights.⁴⁶ Encompassing the ancestral territories of five Indigenous peoples (Evenk, Even, Dolgan, Yukaghir, Chukchi), it is also home to the eponymous Sakha (Yakut), a people who number well over 50,000, thus making them ineligible for the rights recognized and protections offered to the ‘small-numbered Indigenous peoples’ (see footnote 1). The Indigenous small-numbered peoples make up 4% of the Republic’s population. Many pursue reindeer herding, hunting and fishing, and have organized into approximately 200 *obshchinas* to do so.

SR(Y)’s legislation on many issues has predated the corresponding federal laws; for instance, it adopted a law on *obshchinas* in 1992, with the corresponding federal law appearing only in 2000. However, this was not the case with its TTP legislation: SR(Y) adopted its TTP law in 2006, five years after the 2001 federal law. Its TTP law mostly mirrors the text of the federal law, but differs notably along several axes. The SR(Y) law specifically includes non-Indigenous persons who live in territories inhabited by Indigenous persons and pursue traditional Indigenous activities (which numerous Sakha and Russian Old-Believers do) (Article 5), and provides a more detailed list of such traditional activities.⁴⁷ It requires the clear marking of TTP boundaries with signage that declares their legal status and use regime (11.2). In terms of alienation of land from TTPs, it requires prior and informed consent: “Withdrawal procedure is carried out after prior notification, consultation and agreement

of those persons using the territories of traditional nature use and traditional economic activities.” (Art 12.3). Interestingly, the articles addressing the use of natural resources on TTPs (Articles 13 and 15 in the federal and Sakha laws, respectively) contain essentially the same language, except for the fact that the SR(Y) law omits the final paragraph of the federal law (13.3), which addresses easements for electrical transmission lines, communications lines, pipelines, ‘and other needs’.

The creation of TTPs in SR(Y) post-dated the 2001 federal law, but pre-dated its own 2006 law: the first TTPs were established in 2003. As noted in the above section on KMAO, in 2002 RAIPON, in a joint project with Arctic Athabaskan Council, had proposed the creation of four model TTPs, one of which would have encapsulated the whole territory of the Eveno-Bytantay ulus.⁴⁸ However, that project was never realized due to a lack of funding. Meanwhile, in 2003, four TTPs of regional significance were established in the Olenek ulus, each covering one of the four ‘national’ Evenk ‘townships’ comprising this ulus.⁴⁹ The number of TTPs grew slowly over the next decade to nine in 2010. Not all petitions by Indigenous persons for the creation of TTPs were granted by local (township or ulus) administrations.

In 2010, SR(Y) passed a law on ‘Ethnological Expertise’ (socio-cultural impact assessment), which required all proposed industrial projects on TTP land to perform such an assessment. Russia’s 1999 Federal ‘Law on Guarantees of Indigenous Small-numbered Peoples’ had legally introduced the concept of ethnological expertise, but no federal law has yet been adopted: SR(Y) remains the only region within the RF to have adopted such a law. This law provided a further fillip for the creation of TTPs, in that Indigenous persons could theoretically better protect their lands from industrial development or at least receive compensation for socio-cultural disruption, as well as environmental disturbances, caused by such development. Over the next four years another seven TTPs were established in SR(Y).

An even stronger impetus for the creation of new TTPs arose in 2015, with the initiation of discussions of the ‘Far East Hectare’ program. This proposed program would enable any citizen of Russia to apply for a hectare of land in the Far East Federal District (which includes SR(Y)), for development. As the federal law to establish this program was being drafted, representatives from SR(Y) lobbied hard—and eventually successfully—to exempt TTP lands from allocation as ‘Far East Hectares’. Concurrently, the republic’s government launched an effort to encourage and facilitate the creation of TTPs, as well as to conclude the legal process for those that had been created earlier but failed to fully complete the surveying and registration that guaranteed their legal status.⁵⁰ This resulted in an increase to 59 TTPs by the beginning of 2017, covering 59% of the republic’s territory.⁵¹ This regional response to a new federal law did not involve regional legislation, but rather its aggressive implementation. Today, 50 of SR(Y)’s TTPs are of ‘local significance’, while ten are of ‘regional (covering whole uluses/rayons) significance. In two cases a TTP was formed at the obshchina level, similar to those of the KMAO.

5.3 Nenets Autonomous Okrug

Nenets Autonomous Okrug (NAO), similar to KMAO, is a distinct ethnoterritorial region of the Russian Federation, but contained within another region, the Arkhangelsk Oblast.⁵² It abuts the White Sea. Nenets people have inhabited the land for centuries, as reindeer herders, and their herds have proven remarkably robust through the economic and environmental challenges of the last several decades.⁵³ Commercial Nenets herding operations are carried out by agricultural production cooperatives, while many Nenets continue to practice small, family-scale herding, organized as *obshchinas*. Since the 1970s, the region has also been the site of active oil and gas extraction, with over 1500 drills sites.⁵⁴ Across the territory, traditional herding routes and nature-use areas intersect with oil and gas infrastructure, leading to an uneasy coexistence.⁵⁵

As lands were increasingly alienated in the late 1990's, Nenets leaders rallied together to form an NGO, "Yasavey", which by the early 2000's succeeded in earning a key place in state decision-making on reindeer pastureland. The organization's rights (and by extension, the rights of reindeer herders), as detailed in the 2002 regional law "On Reindeer Herding in the NAO", include the right to introduce legislation to the regional parliament, request ecological and ethnologic impact reviews, participate in discussions on regional budgetary measures, and oversee the process of land transfers and compensation between oil companies and herders.⁵⁶ Through their efforts, several months after the federal TTP law was adopted, the Okrug passed a decree, "On the Creation of Territories of Traditional Nature Use in NAO".⁵⁷ This decree lays out details for the application and decision-making processes, permissions and grounds for denial, zoning rules, and general provisions for impact assessment and compensation. Uniquely, the NAO's TTP decree requires free, prior, and informed consent for any proposed land-use changes that may concern Nenets engaged in traditional lifeways in a TTP. The following year, eight decrees, issued simultaneously, declared eight out of the 22 "agricultural production cooperatives" to be TTPs of regional(okrug)-level significance.⁵⁸ These TTPs are concentrated around industrialized areas of the Okrug and comprise over 33% of its territory.

Reindeer herding, perhaps due to its centrality in the NAO, is the only land-use type that activates many of the protective provisions laid out in the decree on TTPs in the face of industrial activity, meaning that only damage to pastureland and herd health/numbers is formally considered for review and compensation. In recent years, conflicts between reindeer herders and private actors have been brought to state judicial and executive authorities, with rulings frequently in favor of the herders.⁵⁹ Relations between herders (through Yasavey) and the Okrug government tend to be collaborative and supportive.⁶⁰ TTPs, however, remain peripheral to much of the dialogue around traditional nature-use in the region, and have yet to be formally documented in state land registries.⁶¹ The Okrug has not yet passed a regional TTP *law*.

5.4 Khabarovsk Kray

Khabarovsk Kray lies on the far eastern edge of Russia on the Pacific Ocean and is situated on the ancestral home of eight Indigenous peoples: Even, Evenki, Nanai, Negidal, Nivkh, Orochi, Udegei and Ul'chi. At last census (2010) around 24,000 Indigenous individuals live in the Kray, which accounts for 12% of all Indigenous people in Russia and less than 2% of the total population of the Kray.⁶² The majority of registered obshchinas engage in fishing, while a handful predominantly hunt and herd reindeer.⁶³ Due to legal intractability and political maneuvering on the part of the government, the Kray's Indigenous peoples face large hurdles in securing and registering their ancestral fishing and herding grounds.⁶⁴ Resistance from state agencies over the past two decades to support Indigenous land rights stands in contrast to the early gains made by the Kray to establish TTPs in the 1990's.

Between 1991 and 1992, in response to petitions by Indigenous community representatives, Khabarovsk Kray passed four decrees establishing TTPs in the Nanai, Solnechniy, Lazo, Komsomol'sk, and Paulina Osipenko districts.⁶⁵ These were followed in 1994 by another decree, instigated by the 1992 Presidential Decree 397, affirming these initial territories while establishing 23 more TTPs, for a total of 27 TTPs.⁶⁶ These TTPs extended over 38% of the Kray's total area, with users granted "use in perpetuity"; use by "non-traditional" entities was permissible only with local consent.⁶⁷ In contrast to bills circulating in the federal Duma at the time, the Kray's decree represented a progressive and internally consistent manifestation of TTP legislation. Subsequently, in 1999, the Kray passed a law "On TTPs", laying out important provisions for defining Indigenous users, establishment procedures for TTPs, types of land use permitted within TTPs, and restrictions on extractive industries. Most importantly, the law empowered local government to have a key voice in decisions regarding non-traditional types of land use in TTPs, but eliminated previous rights to direct consultation granted to Indigenous users themselves.

Already in 2000, however, regional authorities were developing a law that would entirely deprive Indigenous community organizations of the right to deny undesirable types of land use in TTPs.⁶⁸ This law was adopted in 2001, three months prior to the passage of the federal law on TTPs. Later the same year, Indigenous rights were upheld in the Khabarovsk Kray courts, which recognized the requirement to compensate an obshchina for ecological damages caused by a local forestry company.⁶⁹ This success was short-lived, however, as the regional TTP law was annulled in February 2002.

Despite the lack of a formal regional law, TTPs continued to crop up in regional Indigenous-related legislation over the following decade. Most significantly, a 2001 law that defines authorized representatives (*upolnomocheniye*) of Indigenous northerners with regard to TTPs was further refined in 2006, laying out explicit rights to request the creation of a TTP and define its legal regime.⁷⁰ Furthermore, several programs for socioeconomic development incorporated TTP formation in their objectives: for example, a "model" TTP in Ulchsk District, an inventory of TTPs,

and developing mechanisms for the accurate assessment of damages done to TTPs. The state's failure to complete these programs was, according to the Kray's governor Vyacheslav Shport, due to the lack of clear regulations and procedures in federal legislation.⁷¹ Annual reports on the progress of the programs cite "budget optimization" and "absence of financing" as reasons for uncompleted territorial-environmental objectives, including the creation of TTPs.

In June 2013, the Kray government passed a decree "On affirming the provision on territories of traditional nature use of Indigenous small-numbered peoples of the North, Siberia and the Far East of the Russian Federation, living in Khabarovsk Kray, of kray significance", which remains effective today.⁷² This provision places the right to establish TTPs of regional significance exclusively in the purview of the Kray's government, identifies several types of forbidden land use, including subsoil resource extraction, and posits a declarative mechanism for compensation, without designating a recipient. Three years later, the existing TTP lands were reduced by nearly 50%, unilaterally and without informing Indigenous communities.⁷³ According to Elena Konoplyanko, chairperson of the Council of Authorized Representatives of Indigenous Peoples of the Sovetsko-Gavansky District, the government used the excuse of freeing up land for the implementation of the 2016 federal Far East Hectare law; the purpose, she alleged, was actually to make land available for lumber operations.⁷⁴ Lands under longstanding licenses for hunting and fishing were not exempt from the mass dispossession. Adding insult to injury, the state suggested that Indigenous individuals petition for a Far East Hectare to compensate for the lost 15 million hectares of territory. As each citizen can apply for a single hectare under this program, this approach, if fully utilized by Indigenous persons, would result in under 23 thousand hectares.⁷⁵

5.5 Zabaykal Kray

Zabaykal kray is situated between Sakha Republic to the north, Buryatia and Irkutsk Oblast to the west, Amur Oblast to the east, and the Chinese border to the south. Like Khabarovsk kray, it is not an 'ethnoterritorial unit'. Its northern Kalar, Tungokochen and Tungiro-Olekma rayons are home to Evenki, who have traditionally practiced taiga reindeer husbandry and hunting. These rayons, however, are not designated as 'Evenki' (ethnic) rayons. Shortly after the 1992 Presidential Edict 397 called for the protection of lands for traditional Indigenous activities, the government of the Chita Oblast⁷⁶ set up a working group, under the aegis of the Chita Institute of Natural Resources, to develop plans for such protected territories. The Working Group presented its recommendations in 1993 for the establishment of TTPs in the three northern rayons. At the time, a circulating draft of the federal TTP law informed the Working Group's decisions, as did doubts about its passage any time soon. Chita Oblast adopted a decree laying out rules for the use of the TTPs, which focused on the protection of land for traditional Indigenous activities (hunting, reindeer herding) pursued by both the Evenki population and many non-Indigenous persons (the

latter mostly involved in hunting), underscoring the need to avoid ethnic discrimination.⁷⁷ As one person hyperbolized, noting the need to play down the protection of ‘Indigenous rights’ conferred by the TTP: “We don’t want another Chechnya here.”⁷⁸ The Working Group stressed the TTPs’ importance to Chita Oblast’s nature protection system. It also noted the lack of clarity of the terms ‘small-numbered peoples of the North’, ‘territory’, ‘land’, and ‘resources’ in the current legislation, as complicating approaches to establishing such territories.⁷⁹

The TTPs established by regional decrees in 1994⁸⁰ comprised the upper watersheds along which the rayons’ borders were delineated. TTP areas in the three rayons adjoined, to maximize conservation potential. The southeastern portion of the Tungiro-Olekma rayon TTP buffered against encroaching development in the neighboring Amur Oblast. An additional, non-contiguous area in the northernmost Kalar rayon, critical as rich reindeer pasture, was also designated a TTP. Together, the TTPs covered about 27% of the northern three rayons. While contiguity and the presence of reindeer pasture served as important criteria informing the boundary-drawing, so too did the absence of minerals and lack of agricultural potential. In the northwestern area of Kalar rayon, lands were excluded due to the proposal to develop a national park,⁸¹ a plan finally realized in 2018. Some Evenki have complained that the land designated as TTPs mainly amounted to alpine tundra, only seasonally important to reindeer herding, and of minimal importance to hunting, and that the TTP boundaries omitted important cultural sites.⁸²

Chita Oblast’s Temporary Rule on TTPs⁸³ noted that TTP land was identified as the ‘inalienable asset of the whole population living in the territory (Article 2.1). Alienation of land from TTPs could only be done by agreement of the population; that is, the whole population of a rayon, not just Indigenous residents, nor just those participating in ‘traditional activities’, would vote in any such referendum (Article 2.3). Local Indigenous leaders lamented these provisions: they held that Presidential Edict 397 and draft federal legislation envisioned TTPs to contribute expressly to the protection of Indigenous activities, yet their future here could be determined by a population of which Evenki made up less than 10%.

The Temporary Rules of 1994 underwent revision in 2003, which still failed to clearly lay out mechanisms for the use of TTPs. Not until 2011, a decade after the federal law, did Zabaykal Kray adopt a law on TTPs.⁸⁴ The 2011 law once again established the ‘subjects’ of the TTP law as both Indigenous persons and others living “traditional” lifeways and pursuing “traditional” activities (Article 2), an approach common in the Russian Federation. It established priority use of the natural resources required for carrying out a ‘traditional’ way of life within the TTPs, and the right to demand that traditional users’ interests be taken into account when local or higher authorities plan to exploit the TTPs for other uses (Article 5.) This law was amended in 2014, to cohere with changes to federal laws which removed TTPs from Specially Protected Nature Territory status.⁸⁵

In 2016, Zabaykal Kray adopted a decree laying out the duties of the Ministry of Natural Resources, including the responsibility to “make decisions on the formation of Territories of Traditional Nature Use ... on the basis of appeals from persons belonging to the Indigenous peoples and obshchinas ... or their authorized representatives.”⁸⁶ An order followed in 2018, which set out the rules for forming TTPs of regional significance.⁸⁷ It stipulated the documents needed from applicants, timelines, reasons for the Ministry to refuse an application, and steps required following a positive decision by the Ministry regarding the application. Notably, it declared that TTPs “are formed without withdrawing land from economic use.”

6 The difference place makes

Russia’s federal system, in which its regions exercise legislative power, has enabled regionally distinct legislative approaches to Indigenous territorial rights, within limits. Our five case studies demonstrate how some northern regions have taken advantage of the propensity of federal law to be declarative rather than highly prescriptive. Their adoption of regional corollaries to the federal law on TTPs, and the implementation of both these and the federal law on TTPs are far from uniform. Rather, the multiplicity of approaches arises from diverse political bodies’ and indigenous organizations’ agendas, regional legislative precedents, and other historical, spatial, and temporal factors. The result is a patchwork of legal approaches to TTPs across these regions, each adhering to the principles of the federal TTP law but manifesting these through a range of legal instruments and language, which answer to different sources of social and political pressure, and create a multiplicity of convoluted and variably actionable legal landscapes for Indigenous citizens in the Russian North. Regional laws inscribe local ideals of Indigenous space that do not always accord with Indigenous aspirations or needs: in comparing these cases we highlight the heterogeneity and insecurity of the legal processes toward Indigenous territorial rights.

Reflecting the chaotic legal landscape of the early post-Soviet period, both KMAO and Khabarovsk Kray unilaterally instituted Indigenous territories in the early 1990’s with progressive provisions, granting Indigenous users substantial rights (KMAO initially doing so as clan lands, which then assumed the form of TTPs). Both systems survived inconsistent government support, legislative efforts to eliminate protections, and the complicated transitions occasioned by changes in federal law. Those TTPs that persist today in Khabarovsk Kray do so primarily by force of their 1991/2 decrees in the face of an annulled regional law, whereas KMAO’s are guaranteed by a 2002 decree that complies with federal legislation, having converted land use designations. Zabaykal Kray (Chita Oblast) also formed its TTPs during the 1990’s; however, the designations were supported only by a 1994 Temporary Law on Rules. Not until 2011 did the region’s TTPs receive formal rights regimes in

the form of a law. Here perhaps the peripherality of the TTPs rather than legislation has protected against their spatial erosion in the subsequent quarter century since their establishment.

Both NAO and SR(Y) produced their legislation on TTPs after the passage of the federal TTP law (2001 and 2006, respectively), but in different forms (a decree versus a law). SR(Y) created its first TTPs in 2003 exclusively on the authority of the federal law, three years prior to passing its own regional law. NAO still has no TTP law. Under these legislative acts, the TTPs for all five regions were essentially established by the early 2000's except for the SR(Y), whose TTP creation process accelerated substantially in 2015.

Each region, in implementing its own or federal law, has created TTPs with distinct spatial logics. In the KMAO, TTPs directly supplanted the 475 'clan lands' that comprised an archipelago of small parcels distributed cross the Okrug. NAO applied TTP status to extant "agricultural production cooperatives", which themselves follow the boundaries of Soviet period state-farms. SR(Y), in contrast, used administrative boundaries, of townships and uluses/rayons. TTPs in SR(Y) are not standalone land designations but a status applied to an existing administrative territory, which enables greater local enforcement powers over Indigenous land use rights. In the Zabaykal Kray, geographical features took precedence in determining the boundaries of TTPs, which follow watersheds and streams; three of the four TTPs adjoin to create a protected zone that traverses rayon boundaries. The TTPs of Khabarovsk Kray are in part bounded by geographical features (e.g., bodies of water), and in part by state forestry plots boundaries.

The regionally diverse regulatory documents (laws, decrees, orders) work *in place*, including where federal legislation does not. For example, as noted above, SR(Y) adopted a law on Ethnological Expertise, which requires industrial companies planning to develop projects on lands categorized as TTPs to carry out a socio-cultural impact assessment. When some industrial companies declined to do so, citing the absence of a *federal* law on Ethnological Expertise, SR(Y) adopted a Ministerial Order⁸⁸ obliging industrial companies to do so. An arsenal of legal acts at different levels supplies the regions with responses and defenses in their heterogenous approaches to observing Indigenous territorial rights.

In 2013, a key revision of another federal law, that on Specially Protected Nature Territories (*osobo okhranyemye prirodnye territorii*, OOPTs), removed TTPs from having the status of such territories (they became simply Specially Protected Territories – OOTs).⁸⁹ The move, considered highly detrimental by many Indigenous leaders, lessened the (partial) protection from industrial encroachment provided by the designation. The loss of OOPT status did not catalyze significant textual changes in regional TTP legislation beyond the required changes to bring the laws into coherence with the federal law through the substitution of OOT terminology; to what degree these changes generated more "legal collisions" and how

they impacted protection measures and implementation across the region certainly deserves examination.

7 Proposed changes to the federal law on TTP: Reining in diversity?

Draft revisions to the federal TTP law began almost as soon as the law passed. The law has been revised numerous times (2007, twice in 2008, 2013, twice in 2014). Over the past half-decade, attempts at substantive revisions have caused much apprehension among Indigenous leaders.⁹⁰ Most concerning to these leaders are revisions included in numerous variants that propose recognizing only federal-level TTPs. As most TTPs are situated on federal forest lands, the legal status of local- and regional-level TTPs (all those described above) rests on a precarious norm of regional autonomy that has not yet been tested in court); the annulment of all non-federal TTPs would resolve that issue. Yet, to date, all attempts by Indigenous groups to create federal-level TTPs have failed. Nor have various versions of the draft law on TTPs been clear about what such a change would mean for extant regional- and local-level TTPs: would these TTPs continue to exist under some ‘grandfather’ clause? Might these TTPs require re-registration, and if so, might some hazard rejection and dissolution? This causes much apprehension in areas such as SR(Y), where the regional government has facilitated and encouraged the establishment of TTPs to forestall loss of regional control over land due to federal programs (e.g., the Far East Hectare program).⁹¹

Meanwhile, some Indigenous leaders protest that federal-level TTPs are not needed; they assert that regional- and local-level TTPs, and the regional legislation supporting them, can better address regional specificities.⁹² The current ‘framework’ federal law, they argue, due to its lack of specificity creates the generative possibility for regional diversity in approaches, a critical provision that should not be lost.

8 Conclusion

Law is a crucial tool in the constitution of space, including the inscription of “Indigenous spaces”. In Russia, the TTP is one form of legally-backed Indigenous territorialization, and one identified by many Indigenous leaders as the most promising in terms of protecting their rights to land (see footnote 11). Law on Indigenous territorial rights is also a tool wielded in and by the different regions of the Russian Federation: to support traditional subsistence activities, but also to facilitate extractive spaces, to produce spaces of conservation, to assert regional (spatial) autonomy vis a vis the central government. Thus, within the constraints provided by federal framework laws, or prior to the adoption of such laws, we see Russia’s regions establishing their own rules of engagement. In the case of TTPs, regional legislation

has been adopted that has at times supported, and at times derailed, efforts to protect Indigenous lands.

In examining the multiplicity of regional legislative approaches to this one form of Indigenous territorialization, this article contributes, if incipiently, to an understanding of the varied legal landscapes that Indigenous northerners encounter and must contend with across the Russian Federation. Such legislation shapes the way Indigenous persons and communities can live, hunt, herd and practice cultural activities on their ancestral lands. Research on the regional diversity of legislative approaches to other forms of Indigenous re-territorialization, such as the *obshchina* and ethno-territorial administrative status, would further contribute to an appreciation of interactions of law and space. Understanding how the legislation is formulated, including the various actors who influence the structure and content of specific legislative acts, their relative roles in doing so, the trade-offs negotiated, etc., would extend our awareness of the power relations that structure formal Indigenous rights. Why certain regions at certain moments in time choose to extend or constrain Indigenous territorial rights through legislation needs much more scholarly attention, as does what Indigenous leaders consider best practices in legislation and how these evaluations differ across the regions of Russia.

Even more diverse are the ways in which Indigenous northerners *invoke* these laws to assert their rights and how the legislation is *implemented and experienced in place* – that is, the impact of these laws on Indigenous lives and self-determination. We need to understand the varied rationales for attempting to establish a TTP, the supports and obstacles that facilitate or hinder this process, and the constellation of power in which Indigenous attempts to launch and enjoy TTPs are embedded. How do various actors (Indigenous petitioners for a TTP, regional officials authorized to implement such petitions, etc.), through a multiplicity of legally-informed approaches and tactics, materialize the TTP? And how do they assert, protect and experience the spaces inscribed as TTP once established? Whose interest does the (non-)enforcement of TTPs serve? While legislation produces the *potential* for legally-recognized ‘Indigenous’ spaces, its ability to ensure Indigenous rights depend on other dynamic entanglements of socio-spatial power. The critical issues of implementation, experience and evaluation of state space-making practices on Indigenous lives in Russia await legal geographic scrutiny.

9 Acknowledgements

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NOTES

1. Russian law establishes a category of 'Indigenous small-numbered peoples of the North, Siberia and the Far East' based on the criteria of 'living on ancestral lands, preserving a traditional way of life and economic activities, numbering not more than 50,000 individuals, and self-identification ("On general principles for the organization of *obshchinas* of Indigenous small-numbered peoples of the North, Siberia, and Far East of the Russian Federation)" Federal law No. 104-FZ, 20 July 2000, Article 1). A list of such peoples was confirmed by the federal government in 2006 ("List of Indigenous small-numbered peoples of the North, Siberia and the Far East of the Russian Federation," RF Government Order No. 536-r, 17 April 2006.) Other peoples of the Russian North who are considered 'Indigenous' under international law, such as Sakha (Yakut), Komi, and Buryat, do not fall within the legal category noted above, as each numbers more than 50,000 persons. For examples of Indigenous leaders stressing the importance of laws regarding Indigenous rights, including territorial rights, see, e.g., statements of the past and current presidents of the Russian Association of Indigenous Peoples of the North (RAIPON), Sergei Kharyuchi and Grigoriy Ledkov, respectively: Kharyuchi, S. N. (2004). *Korennyye malochislennyye narody. Problemy zakonodatel'stvo*. Tomsk: Tomsk University Press; Ledkov, G. (2017). "The life of Indigenous small-numbered peoples: problems and solutions," *Mir Korennykh Narodov/Zhivaya Arktika* 34: 66–89. See also the many articles stressing the need for law, in RAIPON's magazine, *Mir Korennykh Narodov/Zhivaya Arktika* (<http://www.csipn.ru/publications/zhurnal-1>) especially those by M. Todyshev, long-serving (now past) Vice-President for Legal Affairs for RAIPON, and by A. Sleptsov, Indigenous legal scholar and head of Northeast Federal University's Department for Arctic and Asian-Pacific law (Yakutsk).
2. Recent English language works on Indigenous rights in the Russian North include: Fondahl, G., Filippova, V., Savvinova, A., Shadrin, S. (2020). "Changing Indigenous Territorial Rights in the Russian North," in *Routledge Handbook of Indigenous Peoples in the Arctic*, T. Koivurova, E. G. Broderstad, D. Cambou, D. Dorough, F. Stammeler (eds.), pp. 127–142. New York: Routledge; Kryazhkov, V. A., Garipov, R. S. (2020). "ILO 169 convention as a vector for the aboriginal legislation development in Russia," *The International Journal of Human Rights* <https://doi.org/10.1080/13642987.2020.1804371>; Sulandziga, L., Sulandziga, R. (2020). "Indigenous Self-determination and Disempowerment in the Russian North," in *Routledge Handbook of Indigenous Peoples in the Arctic*, T. Koivurova, E. G. Broderstad, D. Cambou, D. Dorough, F. Stammeler (eds.), pp. 304–319, New York: Routledge; Zmyalova, E. (2020). "Human Rights of Indigenous Small-Numbered Peoples in Russia: Recent Developments," *Arctic Review on Law and Politics* 11 (2020): 334–359; Gladun, E., Ivanova, K. (2017). "Preservation of Territories and Traditional Activities of the Northern Indigenous Peoples in the Period of Arctic Industrial Development," in *The Interconnected Arctic – UArctic Congress 2016*, K. Latoral & H. Savela (eds.), 135–147, Springer Polar Sciences; Sulandziga, R., Berezhkov, D. (2017). "Reflections on the influence of the current political development in Russia on Indigenous peoples' land rights", *Indigenous Peoples' Rights and Unreported Struggles: Conflict and Peace*, pp. 80–95. New York: Institute for the Study of Human Rights, Columbia University. <https://indigenousschool.wordpress.com/2018/09/20/2017-reflections-on-the-influence-of-the-current-political-development-in-russia-on-indigenous-peoples-land-rights-by-rodion-sulyandziga-and-dmitry-berezhkov/>; Zaikov, K., Tamitsky, A., Zadorin, M. (2017). "Legal and political framework of the federal and regional legislation on national ethnic policy in the Russian Arctic," *The Polar Journal* 7(2): 125–142.
3. Borisova, T., Burbank, J. (2018). "Russia's Legal Trajectories," *Kritika: Explorations in Russian and Eurasian History* 19(3): 469–598; see also Zaikov et al., op cit.

4. Russian terms are given in the singular, to reduce confusion with later usage. We have retained the Russian terms *kray* (usually translated as ‘territory’), *oblast* (translated as province, region, department) and *okrug* (district, county, region), as various scholars translate these terms differently. Krays and oblasts are ‘non-ethnic’ territorial units (with very few exceptions); republics and autonomous okrugs are ‘ethnic’ units, named after one or more peoples whose homeland they encompass. To indicate the administrative units within these, we retain the Russian *rayon*.
5. Bennet, L., Layard, A. (2010). “Legal geography: Becoming spatial detectives,” *Geography Compass* 9(7): 406–422.
6. Cf. Fondahl, G., Filippova, V., Savvinova, A., Ivanova, A., Stammer, F., Hoogensen-Gjørv, G. (2019). Niches of Agency: Managing state-region relations through law in Russia, *Space and Polity* 23(1): 49–66.
7. Constitution of the Russian Federation, <http://www.constitution.ru/10003000/10003000-5.htm>.
8. The three key federal laws include “On guaranteeing the rights of Indigenous small-numbered peoples of the Russian Federation,” Federal Law No. 82-FZ, 30 April 1999; Federal Law No. 104-FZ on obshchinas, 20 July 2000, op.cit., footnote 1; and “On Territories of Traditional Nature-Use of the Indigenous small-numbered peoples of the North, Siberia, and Far East of the Russian Federation,” Federal Law No. 49-FZ, May 2001.
9. E.g., Kryazhkov, V. A. (2010). *Korennyye malochislennyye narody Severa v rossiyskom prave*, Moscow: Norma; Gogolev, P. V. (2014). “Indigenous small-numbered peoples in constitutional-legal policy of Russia: paternalism, protectionism, partnership,” *Konstitutsionnoe i munitsipal’noe pravo* 7: 24–33.
10. “On urgent measures to defend the places of residence and economic activities of the small-numbered peoples of the North,” Presidential Edict No. 397, 22 April 1992, Article 1, in Kryazhkov, V.A., comp. (1994). *Status malochislennykh narodov Rossii. Pravovyye akty i dokumenty*, Moscow: Yuridicheskaya literature, p. 199.
11. Golomareva, E. (2017). “Territories of traditional nature use – people-saving territories”, 14 December 2017. <http://yakutiakmns.org./archives/8359>; Gogolev, P. (2015). “On the autonomy and territorial interests of the Indigenous peoples of the North, Siberia and the Far East of Russia at the present stage,” *Northern Review* 39: 36.
12. Federal Law No. 49-FZ, op.cit., footnote 8; for discussion of the TTP legislation see Tranin, A. A. (2010). *Territorii traditsionnogo prirodopol’zovaniya korennykh malochislennykh narodov Sever: Problemy i perspektivy*, Moscow: Institute of State and Law; Danilova, I. V. (2009). “The legal regime of Territories of Traditional Nature Use of Indigenous small-numbered peoples,” *Yuridicheskaya nauka i pravookhranitel’naya praktika* 4(10): 35–42.
13. Rayshev, A. (2002). “The formation of Territories of Traditional Nature Use in the Khanty-Mansi Autonomous Okrug: Experience, problems, prospects,” *Mir korennykh narodov/ Zhivaya Arktika* 11–12: 59–60. Rayshev was then deputy governor of the Okrug.
14. For example, see Kharyuchi, S. N. (2005). “Materials of the 5th Congress of Indigenous small-numbered peoples of the North, Siberia and the Far East,” *Mir korennykh narodov/ Zhivaya Arktika* 18: 8. Kharyuchi was then president of the Russian Association of Indigenous Peoples of the North.
15. Cf. Braverman, I., Blomley, N., Delaney, D., Kedar, A. (2014). “Introduction. Expanding the spaces of law,” in *The Expanding Spaces of Law: A Timely Legal Geography*, I. Braverman, N. Blomley, D. Delaney, A. Kedar (eds.), 1–29. Stanford: Stanford University Press.
16. Few such studies of the implementation of TTP law exist to date despite the existence of TTPs for over 25 years; see however, Fedorova, A., G. A. Gnatyuk, V. V. Filippova, A. N. Savvinova, and A.Y. Svinoboeva (2015). “Territories of traditional nature use and OOPTs in southern Yakutia: Problems of land use, using the example of the Belletskiy Evenki National

- Nasleg,” in *Proceedings of the First Russian Scientific-Practical Conference on Nature-Use in the Arctic: Contemporary Conditions and Perspectives on Development*, 647–651; Kondrasev, A. A., Ronzhina, O. V., Zekina, A. B. (2018). “The Territory of Traditional Nature Use as a Specific Territorial Unit of the North, Siberia and the Russian Far East,” *Journal of Siberian Federal University, Humanities and Social Sciences* 10 (2018): 1572–1592; and Parlato, N., Fondahl, G., Filippova, V., Savvinova, A. (2021). “The evolution of forming “Territories of Traditional Nature Use” in the Sakha Republic (Yakutia): *Sibirica* 20 (1): 1–27.
17. Legislative database @ http://pravo.gov.ru/proxy/ips/?start_search&fattrib=1
 18. “List of the places of traditional residence and traditional economic activities of Indigenous small-numbered peoples of the Russian Federation,” Confirmed by Order of the RF Government, No. 631-r, 8 May 2009.
 19. The twelve include the Republics of Karelia, Komi and Tyva, Altai Krai, and Kemerovo, Leningrad, Magadan, Murmansk, Sakhalin, Sverdlovsk, Tomsk, Tyumen and Vologda Oblasts. In 1993 Magadan Oblast passed a Decision (No. 114, 20 May 1993) on TTPs.
 20. Khanty-Mansi Autonomous Okrug-Yugra and Nenets Autonomous Okrug as ethno-territorial units recognize Indigenous small-numbered peoples of the North (Khanty and Mansi, and Nenets, respectively), while Sakha Republic (Yakutia) recognized the Sakha (Yakut), a more numerous people (see footnote 1).
 21. See, e.g., Valeri Zhuravel (2018). “Indigenous peoples’ rights in the Russian Arctic,” *Arktika i Sever* 30: 76–95.
 22. Dol’nikova, L. A. (2018). “Towards a Question on the Juridical Nature of the Legal Status of the Khanty-Mansi Autonomous Okrug-Yugra,” in *Kul’tura, Lichnost’, Obshchestvo v Sovremennom Mirye: Metodologiya, Opyt Empiricheskogo Issledovaniya Ekaterinburg*, 21, 2027–2035.
 23. In 2003, ‘-Yugra’ was added to the Khanty-Mansi Autonomous Okrug’s name.
 24. Wilson, G. N. (2001). “Matryoshka Federalism” and the case of the Khanty Mansiysk Autonomous Okrug,” *Post-Soviet Affairs*, 17(2), 167–194.
 25. Wiget, A. & Balalaeva, O. (1997). “National communities, native land tenure, and self-determination among the Eastern Khanty,” *Polar Geography* 21: 1, 10–33; Azanova, I. V. (2013). “Ethnic Territorial Autonomy: Problems of Conceptualization,” *Vestnik Permskogo Universiteta*, Series: Political Science (4), 50–60.
 26. Wilson, G. N., op. cit., footnote 24.
 27. Novikova, N. I. (2014). *Hunters and Oilworkers: Research in Legal Anthropology*, Moscow: Nauka.
 28. Wiget, A. & Balalaeva, op. cit., footnote 25; Wiget, A. and Balalaeva, O. (2011). *Khanty. People of the Taiga*, Fairbanks: University of Alaska Press.
 29. “On the formation of a Territory of priority nature use,” Decision of the Council of Peoples, Deputies of the Khanty-Mansi Autonomous Okrug, 6 May 1990, in V. Kryazhkov, op. cit., footnote 10, pp. 308–309.
 30. Ibid, p. 309.
 31. An *obshchina* is collective of indigenous persons joining to pursue traditional activities, such as reindeer herding or hunting. Obshchinas may petition for and receive tracts of land on which to pursue such activities. Obshchina is often translated as ‘clan community’, ‘tribal community’, or ‘clan commune’. Here we maintain the Russian word (using the English convention to pluralize the noun, by adding ‘s’). A federal law on obshchinas was adopted in 2000; see footnote 1.
 32. Wiget, A., Balalaeva, op. cit., footnote 25.
 33. Ibid.
 34. “On the approval of the provisions on the legal regime of territories of traditional nature use of the Indigenous peoples of the North of regional significance in the Khanty-Mansi Autonomous Okrug-Yugra.” Explanatory Notes to Draft Decree. <https://admhmao.ru/dokumenty/poisk-npa/detail.php?ID=559921>.

35. "Territories of Traditional Nature Use," KMAO State Website, <http://hmrn.ru/raion/ekonomika/KMNS/ttpp.php>.
36. "On Territories of Traditional Nature Use," KMAO Government Decree No. 192-p 10 April 2002.
37. RAIPON and Arctic Athabaskan Council are both Permanent Participants on the Arctic Council.
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40. Tranin, op cit, footnote 12, p. 10.
41. Bogoyavlenskiy, D., Murashko, O. (2004). "Indigenous peoples of the North: Results of the 2002 Census and the political situation. Interpretation of the 2002 Census," *Mir korennykh narodov/Zhivaya Arktika* 15: 16–21.
42. "On subsurface resource use," KMAO Law 18 April 1996, No. 15-oz, <http://docs.cntd.ru/document/991002740>.
43. "On the territories of traditional nature use of the Indigenous small-numbered peoples of the North of regional significance in the Khanty-Mansi Autonomous Okrug-Yugra," KMAO Law No. 145-oz, 28 December 2006. <http://docs.cntd.ru/document/446491896>
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45. "On a register of territories of traditional nature use of the Indigenous small-numbered peoples of the North of regional significance in the Khanty-Mansi Autonomous Okrug-Yugra", KMAO Decree No. 140-p, 1 July 2008.
46. Stammler, F., & Ivanova, A. (2016). "Resources, rights and communities: extractive mega-projects and local people in the Russian Arctic," *Europe-Asia Studies*, 68(7): 1220–1244.
47. The federal government in 2009 adopted both a list of 'Places traditionally Inhabited by Indigenous Peoples of the North' (op. cit., footnote 18) and a "List of the types of traditional economic activities of Indigenous small-numbered peoples of the Russian Federation", confirmed by Order No. 631-r, 8 May 2009. The lists have provoked concerns and challenges regarding what many consider omissions.
48. The *ulus* is equivalent to a *rayon* (often translated as district or county). SR(Y) is comprised of 33 uluses, along with the City of Yakutsk.
49. We use 'township' to refer to 'municipal formation' or *nasleg*. Each ulus is divided into several 'townships'. Some townships are designated 'national' (i.e., 'ethnic' or 'native') townships. SR(Y)'s uluses include 46 'national' townships. Four entire *uluses* are recognized as a 'national', including Olenek Ulus (although this designation was subsequent to its initial creation of TTPs). 'National' designation notionally provides the resident Indigenous nations/people(s) with additional protection of their culture and traditional lifeways, and of the environment needed to support such (see K. Wessendorf, ed. (2005). *An Indigenous Parliament? Realities and Perspectives in Russia and the Circumpolar North*, Copenhagen: IWGIA, p. 91;

- Filippova V.V. (2018). "Territorial features of the settlement of the Indigenous peoples of the North of Yakutia, 1980–2010," *Severo-vostochnyy gumanitarnyy vestnik* 3: 70.
50. More detail on the differences in ease of, and aid offered in, TTP creation before and after 2015 is explored in a detailed comparison of the process of establishing TTPs in two neighboring 'townships' in the same ulus in Parlato, et al., op. cit., footnote 16.
 51. Fondahl et al., op. cit., footnote 6.
 52. In May 2020, the issue of uniting the NAO with the Arkhangelsk Region was raised, and on 13 May 2020, the heads of the two neighboring regions signed a memorandum on their unification. The possible merger provoked serious protests from residents in the NAO, and by the end of May discussions of such a merger were terminated.
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 58. Dallman et al., op.cit. footnote 54.
 59. "The Court of Appeals supported the reindeer herders of the NAO on the issue of returning pastures" (2018), <https://nao24.ru/obshchestvo/10498-apellyacionnyy-sud-podderzhal-olenevodov-nao-v-voprose-vozvrata-pastbisch.html>; "Pastures returned: reindeer herders defended the district's oldest farm in NAO" (2020), <https://rg.ru/2020/01/14/reg-szfo/v-nao-olenevodoy-otstoiali-starejshee-hoziajstvo-okruga.html>
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88. Ministry of the Development of the Arctic and Indigenous Affairs of the Sakha Republic (Yakutia), “On approval of Administrative Regulations for the provision of state service for ethnological expertise in places of traditional residence and traditional economic activities of Indigenous small-numbered peoples of the North of the Republic of Sakha (Yakutia),” Order No. 100–0D, 15 May 2019.
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