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COMPARISON OF THE DEFINITION OF INDIGENOUS PEOPLE IN RUSSIAN AND INTERNATIONAL LAW

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The article deals with the problem of the relation of the concept of "indigenous people" in Russian and international law. Nowadays, problems of the Arctic take more attention in international level. Furthermore, it's well-known, that one State can't find a solution of any Arctic problem without help of other countries. However, before taking any action on the international scene, it is necessary to study the problem at the national level by researching national legislation of the States.

Russian legislation has no legal definition of "indigenous peoples", Federal Law "On Guarantees of the Rights of Small-numbered Indigenous Peoples of the Russian Federation" only define the concept of small-numbered indigenous peoples. Concerning to this Law, small-numbered indigenous peoples are communities who has no more than 50,000 members, maintains a traditional way of life, inhabits certain remote regions of Russia and identifies itself as a distinct ethnic community.

So, a definition of "indigenous" without the numerical qualification does not exist in Russian legislation. Still, this definition converges with certain international conventions on basic criteria: residence in the traditional settlement of their ancestors; preservation of traditional lifestyles, trades and crafts, and awareness of themselves as separate ethnic communities. According to this status there is a list of Indigenous Peoples in Russia, who receive different benefits such as financial aid, alternative military service etc. Russian Federation has more than 180 ethnic nationalities, many of them can be considered as an indigenous people, concerning to the criteria of United Nations Declaration on the Rights of Indigenous Peoples: self-identification, historical continuity with pre-colonial and/or pre-settler societies, distinct culture and marginalized non-dominant position in the society. And since the Declaration doesn't mention, that indigenous peoples have to match with all criteria, it means, that if even one of this criteria has been satisfied, nationality can be considered as an indigenous. But, if Russian Federation will agree with that definition, than almost every nationality, can be considered as indigenous. For example, Sakha people have at least two of these criteria (self-identification and distinct culture). And if Russia accept this criteria, than it have to guarantee certain rights to this nations, which is irrational considering the numbers.