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Discussion on the six mandated areas of the Permanent Forum (economic and social development, culture, environment, education, health and human rights), with reference to the United Nations Declaration on the Rights of Indigenous Peoples

Representative institutions and models of self-governance of indigenous peoples in Eastern Europe, the Russian Federation, Central Asia and Transcaucasia: ways of enhanced participation

Note by the Secretariat

The Permanent Forum on Indigenous Issues has appointed its members Alexey Tsykarev, Grigory Lukyantsev and Sven-Erik Soosaar to conduct a study on the topic "Indigenous peoples' autonomy: experiences and perspectives", to be submitted to the Forum at its twentieth session.

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I. Introduction

1. The participation of indigenous peoples in decision-making through their representative institutions and processes is one of the most topical issues in international human rights discourse. A United Nations system-wide discussion on enhanced participation of indigenous peoples in the work of the General Assembly, the Human Rights Council, and United Nations system agencies, programmes and funds was launched as a result of the outcome document of the high-level plenary meeting of the General Assembly known as the World Conference on Indigenous Peoples (General Assembly resolution 69/2). The document entitled "Compilation of views on possible measures necessary to enable the participation of representatives and institutions of indigenous peoples in relevant United Nations meetings on issues affecting them, and of good practices within the United Nations regarding indigenous peoples' participation" (A/70/990) contains qualification criteria and possible means of selecting indigenous peoples' institutions for accreditation with bodies of the United Nations system. As part of the discussion, more thorough research is being encouraged into various forms of self-organization that indigenous peoples have in different regions, the capacity, recognition and opportunity they have to participate in decision-making, and the relationship they have with government authorities. Such research will contribute to the non-discrimination of and an inclusive approach to institutions that have not, thus far, been prominent in United Nations forums on indigenous issues or highly involved in the current negotiations on enhanced participation. The present study will help to identify best practices in indigenous participation on the local, regional and national levels.

2. The discussion on participation requires defining terminology and taking into account the specificities and realities of particular sociocultural regions. The present study is focused on the sociocultural region of Eastern Europe, the Russian Federation, Central Asia and Transcaucasia, but the authors have not attempted to embrace all countries and communities in that diverse region.[1] The region is not sufficiently represented in the several studies that have lately been undertaken of indigenous peoples' self-governance, their institutions and their participation in decision-making. The study is based on examples of existing practices and challenges. However, some cases of potential interest are intentionally not being discussed owing to their controversial nature or their incompleteness from a legal perspective.

3. The present study is an attempt to supplement the recent note by the Secretariat on the international expert group meeting on the theme "Peace, justice and strong institutions: the role of indigenous peoples in implementing Sustainable Development Goal 16" (E/C.19/2020/7) with regard to information about Eastern Europe, the Russian Federation, Central Asia and Transcaucasia.

4. The objective of the study is to identify good practices in indigenous peoples' participation in decision-making, representation, self-organization and self-governance in the region, and to propose ways in which indigenous peoples can strengthen their own institutions and processes of influencing decision-making at the national, regional and global levels.

5. The study is inspired by several articles of the United Nations Declaration on the Rights of Indigenous Peoples. For example, article 18 of that Declaration stipulates that indigenous peoples have the right to participate in decision-making in matters that would affect their rights, through representatives chosen by themselves

[1] The present note mostly concerns the Russian Federation, with only minor references being made to other countries of the region, owing to a lack of information or differences of opinion among the authors.

in accordance with their own procedures, as well as to maintain and develop their own indigenous decision-making institutions.

6. The study follows a previous note entitled “Study on indigenous peoples’ autonomies: experiences and perspectives” (E/C.19/2020/5), in which examples are given of territorial autonomy in the region in question, from the smallest *obshchinas* (communities) in the Russian Federation to republics and autonomous districts named after indigenous peoples. Therefore, the authors do not elaborate on the territorial aspect of indigenous self-governance, but rather focus on the decision-making institutions.

7. The study refers to the report of the Expert Mechanism on the Rights of Indigenous Peoples entitled “Final study on indigenous peoples and the right to participate in decision-making” (A/HRC/EMRIP/2011/2), according to which indigenous peoples’ institutions continue to receive support from communities despite, in some cases, limited recognition by the State, and that indigenous decision-making processes and institutions express a degree of indigenous peoples’ self-determination and autonomy.

8. The authors of the present study have taken a broad and inclusive approach to indigeneity based on the international normative framework and the principle of self-identification. However, they note terminological specificities in the legislation of various countries in the region, for example, the term “numerically small indigenous peoples”.

II. Normative framework

9. All States in the sociocultural region of Eastern Europe, the Russian Federation, Central Asia and Transcaucasia endorsed the outcome document of the high-level plenary meeting of the General Assembly known as the World Conference on Indigenous Peoples and thereby committed to being guided by the United Nations Declaration on the Rights of Indigenous Peoples as a minimum standard for implementing the rights of indigenous peoples.

10. However, different countries have different levels of recognition for indigenous peoples and their institutions under national law, even if the same indigenous people lives on both sides of a border. For example, the Seto are recognized in the Russian Federation as a numerically small indigenous people, while in Estonia they do not have such a status. Nonetheless, the Estonian Government provides support to the activities of Seto organizations. Every three years, a formal representative organ, the *Seto Kongress*, gathers in Estonia and has been doing so since 1921, with the exception of the period 1940–1992. Seto in both countries regard themselves as a distinct indigenous people and seek domestic and international recognition, although many Seto in Estonia also have an Estonian ethnic identity and consider themselves a subethnic group of Estonians.[2] Recently, a Seto representative from Estonia was appointed to the global task force for the International Decade of Indigenous Languages (2022–2032).

11. Russian Federation legislation poses certain difficulties for the recognition for some indigenous peoples, as the country’s constitution and federal law use the term “numerically small indigenous peoples” instead of “indigenous peoples”. The emphasis lies on the need to afford greater protection to the most vulnerable and smallest groups (fewer than 50,000 members), which limits the number of protected groups to 47. According to the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people in his report on the situation of

[2] See Ülle Harju, “Ülemsootska soovib setod kokku tuua”, Postimees, 7 September 2020.

indigenous peoples in the Russian Federation (A/HRC/15/37/Add.5), the State should ensure that numerically small peoples and their larger counterparts receive equal treatment.

12. Some regions of the Russian Federation may recognize populations over 50,000 as indigenous, applying international standards in that regard, which is different from the approach taken at the federal level. The constitutional court of the republic of Sakha (Yakutia) has ruled that the Sakha people are an indigenous people in the republic.[3] In a government programme of the republic of Karelia on the ethnosocial and ethnocultural development of traditional indigenous lands, Karelians, Vepsians and certain Russian ethnographic groups are listed as indigenous peoples to that republic.

13. In the Russian Federation, the federal law on guarantees for the rights of numerically small indigenous peoples provides for the establishment of *obshchinas* or other forms of civil self-governance based on family relatedness or territorial neighbourhood principles in order to protect traditional lands, and preserve and develop the traditional ways of life, livelihoods and cultures of indigenous peoples. The law provides for what are termed "authorized representatives of numerically small peoples", who represent their interests. Another law, the federal law on lands in which traditional use is made of nature by numerically small indigenous peoples of the North, Siberia and the Far East of the Russian Federation, provides for the establishment, in conjunction with indigenous peoples, of special protected areas where they can exercise their traditional occupations and preserve their traditional way of life. These laws are based on the constitutionally recognized individual and collective rights of numerically small indigenous peoples, including land rights and priority rights to the use of natural recourses.

14. Indigenous peoples may establish their cultural autonomy in order to exercise their ethnocultural rights and receive financial and other kinds of government support. Under the federal law on ethnocultural autonomy, cultural autonomy can be granted at the federal, regional and local levels, and the authorities at all levels are required to provide financial support for their activities. In practice, however, such support is either very limited or non-existent owing to a lack of funding. If an indigenous people forms the majority in a given municipal district, the law restricts it from establishing cultural autonomy. At the regional level, an indigenous people is restricted from establishing cultural autonomy if the region is named after it, such as in the case of the Udmurt people in the republic of Udmurtia. The aim of cultural autonomy is to preserve and develop ethnic cultural identity and not to create ethnoterritorial self-determination.

15. Many indigenous peoples in the Russian Federation assemble congresses as the main body of decision-making on behalf of the entire people. Such congresses mostly follow a bottom-up democratic process to select delegates to the main gathering. There are congresses of individual peoples and unions of peoples united by their linguistic relatedness (as in the case of the Finno-Ugric peoples' movement) or status (as in the case of the numerically small indigenous peoples' movement). The legislation does not reflect the existence of congresses and the congresses themselves do not have specific rights to initiate legislation or receive financial support. For the most part, however, the congresses are supported and attended by authorities of all levels, and they take into account the recommendations that the congresses make to them.

16. Indigenous peoples can establish their non-governmental organizations (NGOs) for specific purposes. The legislation of all countries of the region allows for

[3] Constitutional Court of the republic of Sakha (Yakutia), ruling No. 4-P of 21 October 2016.

establishing indigenous NGOs that operate with the same rights as any other NGO. Indigenous peoples have cultural, charity, human rights and other types of thematic NGOs. There are local, regional and national indigenous NGOs. Such organizations may be registered or not. Some NGOs participate actively in international affairs and obtain special consultative status with the Economic and Social Council.

17. Under the legislation of the Russian Federation, numerically small indigenous peoples may create councils that report to the head of their region in order to bring issues of concern to the attention of the authorities and participate in decision-making with regard to issues that affect them.

18. Small indigenous peoples may form councils in ethnic municipal districts in order to decide on the use of federal subsidies and decide on local issues.

19. Russian Federation law provides for the creation of ethnic administrative units, settlements and districts in places where indigenous peoples traditionally reside. This is considered an additional measure to safeguard the rights of indigenous peoples in places where they are the most concentrated. The absence of specific laws providing for concrete support measures in ethnic administrative units creates obstacles to the practical implementation of such units. In some cases, the absence of territories of traditional residence of indigenous peoples, designated by law or otherwise, prevents the full exercise of their rights. For example, in the republic of Karelia, the central election commission refuses to print ballots in indigenous languages as required by federal election law on the grounds that no list of traditional indigenous territories has been adopted.

20. The legislation allows for establishing informal unions and consultation processes.

21. In the Russian Federation, the legal concept of “foreign agents” creates certain practical difficulties for indigenous organizations that are involved in international cooperation. However, the law in question is not directed against indigenous organizations as such and does not affect the activities of all such organizations. Since its adoption in 2012, several indigenous organizations have been labelled foreign agents, which has in some cases resulted in their self-abolishment due to the additional reporting burden and the historically and culturally negative connotations of the very term “foreign agent”. For an organization to be labelled a “foreign agent”, two conditions must be met: the organization must receive foreign funding and it must engage in political activity, even if the foreign funding is not necessarily aimed at the political activity. This controversy, along with the broad interpretation of the term “political activity”, might lead to situations in which a United Nations grant aimed at supporting indigenous peoples is used to justify putting an indigenous NGO on the list of foreign agents.[4] This is especially problematic for indigenous peoples that have historically close connections with relatives or kindred peoples beyond the borders of the Russian Federation, such as the Sami, Karelians, Yupik Eskimo, and several Mongolic, Tungusic and Turkic peoples.

III. Indigenous peoples’ traditional institutions and self-organization systems

22. Historically, the indigenous peoples of the region have had their own traditional ways of setting internal agendas, discussing local issues of importance and resolving problems through consultations, conflict settlement and diplomacy with their

[4] See Office of the United Nations High Commissioner for Refugees, “World directory of minorities and indigenous peoples – Russian Federation: Karelians”, Refworld, May 2018.

neighbours, State authorities, other peoples and various institutions. These forms of self-organization, which include political institutions and collective decision-making bodies, have developed as an inseparable part of their cultures and identities.

23. At the same time, the institutions of indigenous peoples have largely been affected by globalization and the spread of Western values and democratic institutions, which indigenous peoples have started to mirror or reflect as they developed their traditional systems or established new mechanisms. Indigenous societies are no longer detached from the rest of the world. They have built relationships with the States they live in and have accepted some of the democratic principles and models in the process. On one hand, the borrowing of political concepts is determined by the need to take into account contemporary realities, political landscapes and the legal frameworks of particular States. On the other, the relationship with those States is a reciprocal process; to influence State authorities such as parliaments and central governments in their decision-making, indigenous peoples speak up and act unequivocally while maintaining a close relationship with the State. The latter process may have a slightly greater impact on cross-border indigenous peoples, whose traditional land is divided by international borders and whose traditional institutions may bear the imprint of political systems and realities of several countries.

24. As noted in the process of enhancing the participation of indigenous peoples in the United Nations, traditional indigenous authorities and representative institutions may or may not be registered under national law. Indigenous peoples insist that their traditional institutions are not NGOs and that such registration should not be a requirement. Instead, the legitimacy of traditional authorities is determined by indigenous peoples' own rules and procedures that govern their societies, and stems from the right of indigenous peoples to self-determination. That right allows them to establish, maintain and control their own institutions; authorities at all levels of government should respect and consult them on issues affecting indigenous peoples and, in some cases, on issues of general societal importance.

25. The very existence of institutions and decision-making bodies of indigenous peoples is grounded in their right to self-determination as indigenous peoples. That right is recognized by scholars as a means to protect indigenous peoples from existential threats and to secure their ability to independently regulate all aspects of life as collectives. Self-determination is considered a permanent process that correlates with indigenous peoples' right to their own development and provides for their participation in the management of State affairs.[5]

26. Under the laws of the Russian Federation, indigenous peoples may establish *obshchinas*, a form of self-organization that is specific to numerically small indigenous peoples in the Russian Federation, and cultural autonomy, which is available for all the country's ethnicities. *Obshchinas* should be registered and are entitled to financial support from the State and other benefits, in particular quotas for fishing, hunting and traditional uses of nature. An *obshchina* is the smallest form of self-organization for indigenous peoples and mostly consists of family members, relatives and neighbours. For example, in Leningradskaya Oblast, there is an *obshchina* of Izhorians that has territorial and community self-government, and there are numerous family-based *obschinas* of Sami in Murmanskaya Oblast. Along with communities some indigenous peoples establish cultural autonomy, for example Evenki cultural autonomy in Turukhansky *Rayon*, which is part of Krasnoyarsky *Kray*.

[5] Vladimir A. Kryazhkov, "The right of peoples to self-determination in the Russian Federation (on the example of the republic of Karelia)", *State and Law* (Gosudarstvo i pravo), No. 4 (11 June 2020), p. 96.

Traditional and contemporary authorities

27. The Yukaghir people in the republic of Sakha (Yakutia) elects a council of elders that represents them in relations with the authorities and delivers judgements on matters of concern to them. This practice has evolved from a tradition of electing elders who used to serve the people by advising them on hunting, fishing and other issues concerning traditional occupations. Even though there is the Yukaghir Association, the council of elders is, in a way, the main representative body of the Yukaghir people. Members of the council of elders and the leadership of the Yukaghir Association are elected at Yukaghir congresses that are held once every four years.

28. Traditional indigenous authorities tend to undergo transformation as part of the process of globalization and the wide spread of Western values and political features. Indigenous peoples may accommodate some of the political institutions of Western democracies, such as parliaments. While trying to preserve their own integrity and independence in decision-making, indigenous peoples are trying to incorporate their contemporary institutions into the overall national decision-making structures and processes of their respective countries and thus become more influential as they accept, in part, the rules and mechanisms of the dominant society of the countries they live in.

29. While the Sami people in Finland, Norway and Sweden have organized their political institutions in the form of parliaments, no parliamentarian body has taken root in the Russian part of Sápmi, the traditional land of the Sami peoples in the four countries. While the position of the regional and federal governments was not favourable to the potential establishment of a Sami parliament in the Kola peninsula, the Sami people itself did not unanimously insist on such a form of self-organization. Currently, the Sami representative body established by the congress of the Sami peoples of the Russian Federation is the *Sami Sobbar* (Sami Assembly).

Self-organization systems

30. In the Russian Federation, many indigenous peoples have their highest self-organization bodies in the form of congresses (*syezdy*), which are based on territorial representation, i.e. representatives are selected from among smaller administrative units, such as districts, through indigenous conferences. Congresses are usually held at periodic intervals and have an executive body operating in between sessions to implement their decisions. Small indigenous peoples the Russian Federation, such as the Eveny and Koryaky, convene their congresses once every four years.

31. Even though the term “people’s congress” is not used in the legislation of the Russian Federation and the procedures of peoples’ congresses are not regulated, regional governments respect the decisions such bodies adopt and work closely with their executive councils on the implementation of those decisions. In many cases, local governments provide financial support for the organization of peoples’ congresses. The congress of the Karelian people of the republic of Karelia, which is held every four years, is recognized by the republic’s government. After each session of the congress, the government and the council of commissioners of the congress together develop a road map for implementing the decisions enshrined in the outcome document of the congress, after which that road map is included in a government order. However, this well-established relationship between indigenous and government decision-making prevents Karelians from holding interregional congresses, as they fear that that would affect the exclusive relationship and influence that they have.

32. There are many indigenous peoples that live in more than one region of the Russian Federation and have established their movements and congresses on an interregional basis. For example, the congress of the Komi people includes members

from eight regions. In contrast to the council of commissioners of the Karelian people, the Komi executive body, the *Komi Voytyr* interregional civil movement, is a registered organization whose relationship with the authorities is set out in the constitution of the republic of Komi. The *Komi Voytyr* is the only NGO in the republic of Komi that has the right to initiate legislation. By contrast, in the republic of Karelia, every NGO has the right to propose laws.

Non-governmental organizations

33. As mentioned earlier, indigenous institutions are not NGOs, which does not prevent them from establishing their own NGOs if necessary. Such NGOs can play the role of a self-organizational institution. For example, the Vepsian cultural society, an NGO registered in the republic of Karelia, maintains relations with Vepsians living in the neighbouring Vologodskaya and Leningradskaya Oblasts.

34. Indigenous NGOs can be interregional, regional or local associations, unions and societies with a fixed or open-ended membership and with specific goals. Such NGOs can act as founding units of larger federal-level NGOs; for example, associations of numerically small indigenous peoples of the North in Sakhalinskaya Oblast and in the republic of Sakha (Yakutia) are, at the same time, independent NGOs and branches and founding members of the Russian Association of Indigenous Peoples of the North.

35. The Russian Association of Indigenous Peoples of the North is a good example of an umbrella institution that unites various indigenous peoples and represents them at the federal and international levels. The Association's main office is located in Moscow, which enables it to represent 40 numerically small groups before the federal authorities and at the international level. The Association is a mix of an NGO and a representative body, since its highest decision-making body is also a congress that gathers once every four years, agrees on a plan of action and selects a leadership. The Association also enjoys consultative status with the Economic and Social Council and is active in most international forums dealing with indigenous issues, including the Permanent Forum on Indigenous Issues and the Expert Mechanism on the Rights of Indigenous Peoples.

36. Another example of an umbrella organization is the Association of Finno-Ugric peoples of the Russian Federation. The Association has branches in 39 regions and acts as a representative body for Finno-Ugric peoples such as the Mordovian, Karelian, Nenets, Vepsian, Komi, Mari, Khanty, Mansi, Izhorian, Votian, Ingrian Finnish, Sami, Udmurt, Seto, Selkup, Perm Komi, Nganasan and Besermyan peoples, all of which are indigenous to the Russian Federation. They include 11 numerically small indigenous peoples recognized by the federal Government as particularly vulnerable: the Nenets, Khanty, Mansi, Seto, Votian, Izhorian, Vepsian, Nganasan, Selkup, Sami and Besermyan peoples. Since 2016, the Association enjoys special consultative status with the Economic and Social Council. The Association's main decision-making body is the congress of Finno-Ugric peoples of the Russian Federation, which convenes once every four years. The executive body of the Association is known as the council.

37. Despite the existence of an umbrella institution that covers the whole of the Russian Federation, Finno-Ugric peoples also have an international organization, the World Congress of Finno-Ugric Peoples. The World Congress is based on linguistic kinship and the desire to resolve common problems, including the critical loss of languages, the preservation of cultural heritage, combating assimilation and meeting environmental challenges. Although the World Congress includes not only indigenous peoples but also peoples that have own nation States, namely Finland, Estonia and Hungary, this form of international cooperation is deemed useful and facilitates

interaction with high-level officials and even Heads of State. For example, in 2008, the World Congress was attended by the Presidents of Estonia, Finland, Hungary and the Russian Federation.

38. Most recently, Evenki people from nine regions of the country established their organization, the Association of the Evenki People. Its purpose is to preserve the language and traditions of the Evenki and maintain their interregional cooperation and ties, bearing in mind that they populate large areas in Siberia and the Far Eastern part of the Russian Federation.

39. The Assembly of Peoples of Russia is a national umbrella organization whose aim is to protect the ethnic rights of people and of peoples. Its platform of action includes provisions specifically aimed at supporting the survival and development of numerically small indigenous peoples and their languages. One of the legislative priorities of the Assembly is to safeguard the rights of numerically small indigenous peoples and ensure that their interests are protected as the market economy develops.

Indigenous self-organization across international borders

40. Three numerically small indigenous peoples in the North of the Russian Federation work together in the international institutions of their peoples: Aleuts in the Russian Federation work together with Aleuts in the United States of America in the Aleut International Association; Chukchi in the Russian Federation work together with Inuit in the United States, Canada and Greenland in the Inuit Circumpolar Council; and Sami in the Russian Federation work together with Sami I Finland, Sweden and Norway in the Sami Council. All three institutions are permanent participants in the Arctic Council.

41. International cooperation is crucial to the existence of the Evenki people, given that they are spread across three countries; 37,000 Evenki live in the Russian Federation, 40,000 in China and around 1,000 in Mongolia. Cooperation between the three groups of Evenki is focused on supporting reindeer husbandry and cherishing traditions and cultural expressions. However, there are significant differences between the legislations of the three countries, which stands in the way of deeper cooperation between the Evenki decision-making bodies. In particular, China does not recognize any indigenous peoples on its territory; Evenki in China have national minority status. This prevents the establishment of a joint cross-border Evenki decision-making body.

IV. Participation in decision-making

42. In addition to their own institutions, indigenous peoples may establish joint bodies with government institutions or join government structures in order to advance the consultation process and promote cooperation with the State on matters that affect them. Such bodies include, but are not limited to, advisory councils, expert and consultative bodies coming under government authorities and ombudsman offices, and assemblies of indigenous peoples.

43. As described in the study of the Expert Mechanism on the Rights of Indigenous Peoples on indigenous peoples and the right to participate in decision-making (A/HRC/18/42), in the Khanty-Mansiysky Autonomous *Okrug* (Yugra), an assembly of indigenous peoples is part of the structure of the regional Duma, which guarantees indigenous representation in parliamentary work and direct decision-making at the regional level.

44. In the republic of Sakha (Yakutia), an assembly of deputies representing the numerically small indigenous peoples of the republic was established with the

regional parliament, the *Il Tumen*, in order to pursue the indigenous agenda, and discuss and promote the rights of indigenous peoples in legislative work.

45. The Council of Small Indigenous Peoples of Sakhalin, chaired by the Governor of Sakhalinskaya Oblast, was established with the aim of discussing the realization of the rights of the four indigenous peoples of Sakhalin: the Nivkhs, Uilta, Evenki and Nanai, in particular their land rights, environmental rights and the right to make traditional use of nature. The Council discusses, in particular, improvements in legislation and practical measures to protect the rights of indigenous peoples.

46. Indigenous peoples may establish long-term consultative arrangements with authorities and the private sector in order to discuss minimization of the negative impact of industrial development, or additional support measures and compensation for displacement or any impact of industrial development on traditional lands, livelihoods and traditional way of life of indigenous peoples. In particular, indigenous peoples of Sakhalin have engaged with the Sakhalin energy company in the spirit of free prior informed consent.

47. Several practices are being developed in the republic of Karelia, where two indigenous peoples reside, the Karelians and the Vepsians. Vepsians are a numerically small indigenous people of the North. Under federal law, they may establish representative councils within smaller municipal units, settlements, that must be consulted on local matters and the allocation of federal subsidies. Also, the three traditional Vepsian settlements, Shokshinskoye, Sheltozerskoye and Ryboretskoye, have ethnic Vepsian settlement status. Similarly, three districts in the republic, Kalevalsky, Prazhinsky and Olonetsky, have ethnic district status because of the concentration of Karelians in those areas. However, there is no law regulating the status of ethnic administrative units or providing for funding.

48. In order to include indigenous peoples in the decision-making process, the republic of Karelia has the Council of Representatives of Karelians, Vepsians and Finns, chaired by the head of government of the republic. The Council sets its agenda and convenes four times a year to discuss matters that affect indigenous peoples. The Council offers the government of the republic recommendations and expertise. Various government entities may have their own advisory councils that include indigenous members.

49. Maris are the titular nationality of the republic of Mari El in the central part of the Russian Federation. Their estimated population is 550,000. The representative organ of all Maris, the *Mari Kalyk Pogyn* or Mari Congress, gathers every four years with representatives from several regions of the Russian Federation and abroad in attendance. The Mari Congress held its first two sessions in 1917 and 1918, respectively; the Congress was relaunched in 1992. Similar to other indigenous representative bodies, the executive body of the Congress, the *Mer Kangash*, has taken various approaches to its relationship with the local government over the course of modern history: from opposition to cooperation in order to seek recognition and respect for its legitimate interests. For example, the eleventh session of the Mari Congress, held in 2020, was organized by a committee appointed by the head of government of the republic of Mari El and funded by the government. The committee was chaired by the head of the government, who, as some other committee members, was not a member of an indigenous people.

V. Indigenous representation in regional and international organizations

50. Indigenous organizations and institutions contribute to global and regional processes that affect the peoples they represent through direct participation in the work of indigenous-specific bodies or of the United Nations. They also contribute in their capacity as NGOs with consultative status with the Economic and Social Council, through written submissions that inform United Nations reports, through the universal periodic review process of the Human Rights Council, through human rights treaty bodies, through special procedures of the Human Rights Council and by other means.

51. In 2020, the Association of Ethnocultural Centres and Heritage Organizations (ECHO) held an expert seminar entitled “Rights of indigenous children: the Arctic context”. The seminar’s aim was to generate expertise and provide regional contributions to the study of the Expert Mechanism on the Rights of Indigenous Peoples on the rights of the indigenous child. Indigenous representatives from the region participate in the work of international organizations, such as the World Intellectual Property Organization, the Food and Agriculture Organization of the United Nations, the Secretariat of the Convention on Biological Diversity, the United Nations Educational, Scientific and Cultural Organization, and others.

52. Indigenous peoples of the region participate in various regional processes and should be able to develop their own representation in regional and international organizations to safeguard their interests and rights. The structure of the Arctic Council allows for indigenous participation through international organizations representing one indigenous people and national organizations representing many indigenous peoples. Such organizations have permanent participant status and are entitled to participate in all working groups and meetings together with representatives of member States. Indigenous peoples of the region are represented in the Arctic Council through the Russian Association of Indigenous Peoples of the North, the Inuit Circumpolar Council, the Sami Council and the Aleut International Association.

53. The Barents Euro-Arctic Cooperation is a body established by Finland, Norway, the Russian Federation and Sweden that includes a working group of indigenous peoples. The working group is an independent body that enables indigenous participation; it provides input to all bodies of the Cooperation. Currently, three indigenous peoples are represented in the working group: Sami from the four countries, and Nenets and Vepsians from the Russian Federation. Indigenous peoples convene congresses of indigenous peoples of the Barents region, which serve as the main decision-making body. There is a practice of convening indigenous peoples’ summits to enable multi-stakeholder discussions with State and private sector representatives. However, as stated in the report of the Expert Mechanism on the Rights of Indigenous Peoples entitled “Efforts to implement the United Nations Declaration on the Rights of Indigenous Peoples: recognition, reparation and reconciliation” (A/HRC/EMRIP/2019/3/Rev.1), not all indigenous peoples of the region are included in and recognized by the Barents Euro-Arctic Cooperation. Despite multiple attempts and the support of the Government of the Russian Federation, the working group of indigenous peoples refuses to recognize the indigenous Karelian and Komi peoples as qualifying for membership, referring to the legal definition of “numerically small indigenous peoples” established under the laws of the Russian Federation. However, the founding documents of the working group itself contain only the term “indigenous peoples”.

54. In the light of the system of sociocultural regions that has been operationalized in the United Nations, in particular in the context of the Permanent Forum on Indigenous Issues and the Expert Mechanism on the Rights of Indigenous Peoples, it

is critically important to promote collaboration among indigenous peoples living in the same region. However, indigenous peoples of the region in question have not established a regional caucus or platform to jointly prepare for the international meetings, including sessions of the Permanent Forum and the Expert Mechanism. There are no existing coordination authorities, no consultations are held prior to appointments to expert positions in indigenous-specific bodies of the United Nations and no joint statements are issued on matters of common interest for indigenous communities throughout the region.

55. Instead, some umbrella organizations, both those mentioned in the present study and others, tend to consider themselves as platforms for consultations between indigenous peoples. Even though such consultations could be relevant in some domestic situations, they may not be considered as regional because they do not include indigenous peoples on a cross-border basis.

56. An attempt to establish a consultation process among indigenous peoples was made in relation to the International Decade of Indigenous Languages (2022–2032) proclaimed by the General Assembly. The experience of the International Year of Indigenous Languages (2019) showed the importance of consultations to select representatives, discuss priorities and share information about concerns and best practices. Consultations that were established in 2020 included a combination of cross-border and domestic discussions in an online format. The discussions were held separately in Estonia, Latvia and the Russian Federation, as well as in Central Asia and Transcaucasia. Representatives participating in each internal discussion reported to a joint meeting for the entire region. Even though it was impossible to reach consensus because of the extreme diversity of peoples and organizations, the process has a chance to become permanent for the International Decade of Indigenous Languages.

VI. Recommendations and conclusions: ways of enhanced participation

57. In the region covered by the present study, indigenous peoples have established good practices in managing their decision-making processes and consultations with State authorities and other counterparts. They have gained experience in international participation and in influencing various issues of regional and global importance.

58. However, indigenous peoples, especially cross-border indigenous peoples, face a number of legislative and practical obstacles that prevent them from fully exercising their rights. Therefore, it is important that Member States support cross-border cultural communications and initiatives between indigenous peoples of the region to foster their common languages, heritage and traditional knowledge, as recommended by the Permanent Forum at its 18th session (see E/2019/43). In addition, Member States should cooperate and ensure that the rights of cross-border indigenous peoples are protected on an equal basis, as recommended by the Expert Mechanism on the Rights of Indigenous Peoples in its study on the promotion and protection of the rights of indigenous peoples with respect to their cultural heritage (A/HRC/30/53).

59. Indigenous peoples have the right to exercise their right to participate in decision-making on issues affecting them, free from discrimination and interference in their activities. The work of indigenous peoples' institutions and self-organization principles should be respected and protected in line with the United Nations Declaration on the Rights of Indigenous Peoples.

60. States and indigenous peoples themselves should fully respect the right to self-determination of indigenous peoples in accordance with international law. States as

well as regional and international organizations should not create obstacles to indigenous peoples' participation and inclusion. States should facilitate legislative improvements that help indigenous peoples to preserve and develop their decision-making processes and representative institutions.

61. In the light of the coming International Decade of Indigenous Languages, Member States should encourage the use of indigenous languages in education, media and decision-making processes and, in line with articles 13, 14, 16 and 18 of the United Nations Declaration on the Rights of Indigenous Peoples, create no obstacles to their use.

62. The coronavirus disease and other similar crises in the future should not be used as justification for suspending the right of indigenous peoples to participate in decision-making through their own institutions and based on the principles of self-organization that they determine.

63. Indigenous peoples, alone and in consultation with each other, have the right to determine the means and principles of their separate or joint participation in international processes and organizations, including the selection of their representatives. However, in the light of established practice in other regions, indigenous peoples in Eastern Europe, the Russian Federation, Central Asia and Transcaucasia should consider setting up a regional caucus in order to make their contribution jointly and effectively.

64. Some indigenous peoples of the region belong to more than one umbrella organization or network. For example, Nenets and Khanty actively participate in both the movement of numerically small indigenous peoples and the cooperation between Finno-Ugric peoples. Indigenous peoples are entitled to flexible, double or multiple identities and should be able to choose their partners and cooperation networks freely and benefit from participating in them. Indigenous peoples should not be discriminated against or excluded from one network on the basis of their flexible identity. Similarly, some of the northernmost indigenous peoples of the Russian Federation that live in the Arctic zone of the country and participate in the work of the Arctic Council through their national or international organizations should be able to freely choose and participate in the caucuses and processes of the sociocultural regions of the Arctic and Eastern Europe, the Russian Federation, Central Asia and Transcaucasia, including by being elected to represent their sociocultural region in various international processes.

65. Indigenous peoples and States should develop their cooperation in good faith, building on existing advanced practices. While freely determining their own agenda and methods of work, indigenous peoples' organizations and States should consult each other and strive to achieve sustainable dialogue. States should support indigenous peoples' participation in international and domestic processes.