



Third International Symposium
The Role of Non-Arctic States / Actors in the Arctic Legal Order-Making

Session on Non-Arctic Influence on Arctic Customary Laws and Institutions
Afternoon of 8 December 2017

In the session on non-Arctic influence on Arctic customary laws and institutions, Dr **Aytalina Ivanova** and Professor **Florian Stammler** will deliver a main speech “**100 years of non-Arctic development in the Arctic: Customs and institutions of conflict management in Extractive Industries in Russia**”

Discussant: **Nikolas Sellheim**

Coordinator: **Nikolas Sellheim**

The abstract of the main speech is as follows:

Half of the Arctic territory is in Russia, the majority of its natural resources are under Russian jurisdiction, and more than half of the human population in the Arctic resides there. Since the early 20th century, the development of Arctic extractive industries has radically influenced indigenous and local livelihoods. Both the legal order regulating that development process, and the corporate actors carrying it out have been exclusively non-Arctic. This means that for the last 100 years for the first time in history non-Arctic actors have dominated and determined human life, and the state of the environment in the Arctic. In this process indigenous and local peoples, who have a more profound knowledge of this environment and governed it with their own institutions, have largely been marginalised. The main reason for this is the non-Arctic motivation and agenda for human agency in the Arctic. However, in the 21st century, governance structures have changed and development agendas have become more ethically and morally correct, including a stronger emphasis on indigenous and general human rights of Arctic residents. This presentation is going to introduce Russian state authorities and corporations as non-Arctic actors and aims to answer the question: what is left of Arctic customary law after 100 years of non-Arctic domination?

Outline:

the following is the result of first brainstorming, including all possible keywords of



content. Due to time management we shall streamline them for the presentation. Time plan: we envision to dedicate 5 minutes per section.

Introduction: Aytalina Ivanova: History of Soviet Arctic extractive industries and indigenous peoples

- decree to populate the Arctic with non Arctic residents by Stalin administration, for extractive industries
- a major resettlement project worldwide: moving 10 million people between 1920-1980s to the Arctic
- resulting settlement patterns and demographic change
- major industrial areas in the Soviet Arctic
- the 'import' of territoriality in Soviet Arctic indigenous peoples governance: soviet version of autonomy
- marginalisation of indigenous culture and customs: engineered folklorisation
- le fait total social: the Soviet state industrial company as creator of Arctic customs
- uneven symbiosis? indigenous traditional economies as an open air meat factory for feeding industrial labour

Part 2: Florian Stammler: **what are customary laws and institutions in the Russian Arctic?**

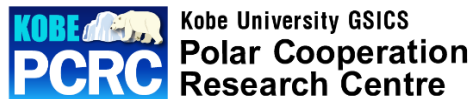
- giving and taking: indigenous worldviews as the basis of natural resources governance.
- examples of indigenous customs in Arctic industrial relations (common-pool resources, hospitality, reciprocity)
- privatisation and 'oligarchisation' of Russian extractive industries.
- the emergence of post-Soviet Russian indigenous political actors: the 'golden age' of RAIPON

Part 3: Aytalina Ivanova: **Russian legal reform after the Soviet Union:** lip-service or

thorough human-rights orientation (tendencies of autonomy and re-centralisation, example of

Yakutia)

- the example of post-Soviet ethnic 'sovereignty' under the Russian Federative umbrella



- the social life of joint jurisdiction between the centre and regional capitals

Part 4: Ivanova & Stammmer: **the 'import' of international law and ethical guidelines to Arctic** Indigenous governance in Russia

- the Russian constitution, UNDRIP, ILO 169, IFC guidelines, FPIC and social licence in

Arctic extractive industries governance

Conclusion: Florian Stammmer: **is there anything left of Arctic customary law and institutions**, and if so, what?

'closing gaps' in legislation: the rescue or the end of customary law in the Arctic?