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based on customary law and partly on international law, protecting fishing in the fjords of Finnmark County for the residents of the fjords. The fisheries are to be managed locally, modelled on the Finnmark Estate. However, the bill has been firmly opposed by the Government, and it is not likely that it will be presented to the Parliament for adoption.

Other relevant legislation, which has not been covered above, includes the Planning and Building Act (2008/71), the Minerals Act (2009/101), and the Act Relating to Motor Traffic on Uncultivated Land and Watercourses (1977/82).

ØYVIND RAVNA | TORE HENRIKSEN

See also: Alta controversy; Environment – threats and policies; Finnmark Act; Fishery industries; Minorities; Natural resource legislation – Sweden/Finland/Russia; Nature protection; Oil and gas extraction; Reindeer husbandry.

Suggested Reading

Bugge, Hans Christian (2011). *Environmental Law in Norway*. Alphen aan den Rijn: Kluwer Law International.

Falkanger, Thor (2009). *Allmenningsrett* [Common Property Rights]. Oslo: Universitetsforlaget.

NOU 2007:13 [Official Norwegian Report]. *Den nye sameretten: utredning fra et utvalg oppnevnt ved kongelig resolusjon 1. juni 2001: avgitt til Justis- og politidepartementet 3. desember 2007* [The new Saami law: report from a committee appointed by Royal Decree 1 June 2001: submitted to the Ministry of Justice and the Police on 3 December 2007]. Oslo: Departementenes servicesenter, Informasjonsforvaltning. (Includes a summary in English.)

OECD Environmental performance reviews: Norway. (2011). Paris: OECD.

Ravna, Øyvind (2011). The Process of Identifying Land Rights in parts of Northern Norway: Does the Finnmark Act Prescribe an Adequate Procedure Within the National Law? In *The Yearbook of Polar Law*, Vol. 3. Leiden – Boston: Brill, Martinus Nijhoff publishers, pp. 423–453.

Natural resource legislation – Russia. The Constitution of the Russian Federation provides the framework for legislation on natural resources and the environment. In simple terms, the 1993 Constitution stipulates the following: natural resources should be used for the

benefit of people living in the corresponding area, and these natural resources can be owned privately, by the state, or by a municipality (article 9); land owners may use and dispose natural resources freely, unless this will cause harm to the environment or violate the rights of other persons (article 36); everybody has the right to a healthy environment, information on its condition, and compensation for damages, if ecological rules are violated (article 42); and everybody must protect nature and the environment (article 58).

The Constitution also stipulates that the following issues of law come under the joint jurisdiction of the Russian Federation and the Subjects (i.e., constituent regions) of the Federation: ownership, exploitation, and disposal of land, subsoil, water, and other natural resources; use of nature; conservation of the environment and ecological safety; natural territories under special protection; land, water, and forest legislation; subterranean resources and environmental conservation; and protection of traditional living conditions and environments of ethnic communities of small peoples (article 72). These issues are regulated by federal laws, other laws, and normative acts adopted by the Subjects and not contradicting federal laws (article 76). The primary law regarding natural resources is the Federal Law on Environmental Protection (7–FZ of 2002). Moreover, the Subjects are allowed some scope for their own legislation.

The direct demarcation of competence between federal organs of state power and the state power organs of the Subjects is mostly laid out by federal laws. This is achieved through three methods: first, through general rules that permit the state power organs of the Subjects to solve environmental issues; to create and supervise the use of protected nature territories of regional significance; to plan the use of land of agricultural significance; and to protect the cultures of the original small-numbered peoples of the Russian Federation and others (Article 26.3, Federal Law 184-FZ of 1999); second, by consolidating the competence of organs of state power of the Subjects according to federal laws

of various branches, for example, regulations regarding the use of subsoil resources (Federal Law 2395-1 of 1992, article 4) and the use of land (Land Code of the Russian Federation, RF, 136-FZ of 2001, article 10); third, through approval by federal law of concrete laws adopted by the Subjects, such as the Forest Law (200-FZ of 2006), which authorizes the Subjects' own laws on citizens' rights to collect wood and nutritious forest resources for personal needs and to use the forests for hunting activities. The law on subsoil resources gives the Subjects the possibility to adopt laws and other normative legal acts concerning the extraction of general minerals and usage of local subsoil deposits (2395-1, article 18).

Relations of natural resources are regulated according to international law and international treaties of the Russian Federation. These are a component of the Russian legal system and should be given priority if they compete with the stipulated (domestic) law rules (Constitution, article 15). Such acts are, for example, the 1982 UN Convention on the Law of the Sea (ratified by Federal law 30-FZ of 1997), the 1992 Convention on Biological Diversity (ratified by Federal law 16-FZ of 1995), and the Norwegian-Russian Treaty on Maritime Delimitation of September 15, 2010 (ratified by Federal law 57-FZ of 2011), which established the boundary between the countries with respect to issues concerning, for example, fishing and hydrocarbon resources.

The use, conservation, and reproduction of natural resources are regulated by federal laws. In agriculture, the Land Code of the Russian Federation is superior and is complemented by laws on protected nature areas (33-FZ of 1995), on territory traditionally used by indigenous minority peoples (49-FZ of 2001), on land use (78-FZ of 2001), on sale of agricultural land (101-FZ of 2002), and on state cadastre (register) of real estate (221 of 2007). Regarding subterranean resources, the basic importance rests with the law on subsoil resources (2395-1-FZ of 1992) complemented by laws on agreements of production sharing (225-FZ of 1995), on state regulation of coal industries (81-FZ of 1996),



In Russia, the use, conservation, and reproduction of natural resources are regulated by Federal laws. The photo shows the Lomonosov diamond mine, located eighty kilometres north of Arkhangelsk. Photo: Sergey Yakovlev.

on precious metals and stones (41-FZ of 1998), and on gas supply (69-FZ of 1999). In forest legislation, the basic legal acts are the Forest Code of the Russian Federation (200-FZ of 2006). Water legislation is based on the Water Code of the Russian Federation (74-FZ of 2006). Laws concerning the animal world consist of the general law (52-FZ of 1995) complemented by laws on animal breeding (123-FZ of 1995), on fishing and conservation of biological water resources (166-FZ of 2004), and on hunting and conservation of hunting resources (209-FZ of 2009). Legislation on the usage of fossil fuels and mineral resources outside Russia's continental territory includes three federal laws: one on the continental shelf of the Russian Federation (187-FZ of 1995); one on internal seawaters, territorial seas, and contiguous zones of the Russian Federation (155-FZ of 1998); and one on the Exclusive Economic Zone of the Russian Federation (191-FZ of 1998).

The use of natural resources by indigenous minority peoples is regulated by the federal law on Guarantees of the Rights of Indigenous Numerically Small Peoples of the Russian Federation (82-83-FZ of 1999). These 40 peoples (each fewer than 50,000) are regarded as traditional users of natural resources, and their rights and interests (i.e., as ethnic communities by tradition engaged in hunting, fishing, reindeer herding, or other industries of similar type as part of their culture) can be violated by the use

of nature by others. These rights include being able to freely use land and widely spread natural resources; to participate in the control of land use and observance of legislation for environmental protection; to participate in decision-making on issues of protection of their natural living area, traditional lifestyle, economy, and trade; and to receive compensation for losses caused by damages inflicted on their traditional environment. These rules are specified and complemented by other federal laws, such as those on territories of traditional use of nature, on communities of indigenous minority peoples (104-FZ of 2000), on rights of applying traditional methods of hunting in the animal world (52-FZ of 1995, articles 48, 49), and on benefits for the subjects of traditional land use (Tax Code of the Russian Federation, articles 217, 261, 333.2, 395).

Part of the legislation of the Russian Federation on natural resources is made up of legislation of the Subjects of the Federation in special fields. It specifies and expounds certain federal norms on the use of natural resources and is put within the authority of organs of state power of the Subjects of the Federation as stipulated by the Constitution and federal laws (e.g., Federal law 184-FZ of 1999, article 26.3).

In Arkhangelsk and Murmansk Oblasts and the Nenets Autonomous Okrug, which are all Subjects of the Russian part of the Barents Euro-Arctic Region, laws are now passed to regulate relations in the following fields: land use (Arkhangelsk 192-24-OZ of 2003 and 655-33-OZ of 2009, Murmansk 462-01-ZMO of 2003 and 871-01-ZMO of 2007, Nenets 671 – OZ of 2005); mining with the focus on determining the order of exploration and extraction of widespread minerals (Arkhangelsk 48-4-OZ of 2005, Nenets 82-OZ of 2012); utilization of the animal world, including issues connected to reindeer breeding (Murmansk 380-01-ZMO of 2003, Nenets 341-OZ of 2002), bee-keeping (Arkhangelsk 297-14-OZ of 2006), angling (Murmansk 376-01-ZMO of 2002), hunting and conservation of hunting resources (Arkhangelsk 161-13-OZ of 2011), and traditional economic activities among the indigenous minority peo-

ples (Murmansk 984-01-ZMO of 2008, Nenets 1-OZ of 2008); and forestry with stipulations of the order of preparing timber and gathering of forest resources for personal needs (Murmansk 923-01-ZMO of 2007, 940-01-ZMO of 2008, Arkhangelsk 368-19-OZ of 2007, 38-4-OZ of 2009 Nenets 167-OZ of 2007).

When legislation on natural resources is applied, various types of conflicts can arise. First, there might be conflicts between federal and regional organs of state power because of violations of the rights of the regional organs of state power on issues related to the use of natural resources, which in turn reduces their capacity to defend the rights and legal interests of the population within their territory – and such conflicts have in some cases been investigated by the Constitutional Court of the Russian Federation (cf. statute no. 1-P of 1998-01-09 and no. 10-P of 2000-06-07). Second, conflicts might arise between indigenous peoples and the organs of state power when people are deprived of the possibility of fulfilling important rights (such as rights of free use of land) – in a number of cases no attention has been paid to establishing legal mechanisms for the realization of stipulated rights (for example, on the formation of specially protected territories of traditional land use of federal significance), and existing norms might be interpreted to the detriment of the peoples (for example, in connection with their traditional lifestyle or limitations on free use of natural resources for satisfying personal needs of nutrition). Third, conflicts might arise between territorial communities, including those of indigenous minority peoples, and users of subterranean resources. Many of these conflicts can arise due to inadequate openness of the parties performing economic activities and their lack of consideration of public opinion, the demands of ecological and ethnological experts on projects of industrial development might be disregarded, the compensatory obligations of the territories and communities in question might be neglected, and there might be violations of ecological and other norms governing economic activities.