

Working Papers on Arctic Security No. 7

A Circumpolar Convergence: Canada, Russia, the Arctic Council and RAIPON

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Working Papers on Arctic Security

This series seeks to stimulate deeper academic dialogue on Arctic security issues in Canada. Papers fall into three categories. The first includes theoretically—and empirically—driven academic papers on subjects related to Arctic security broadly conceptualized. The second focuses on the impacts of defence and security practices on Arctic peoples, with a particular emphasis on the Canadian North during and after the Cold War. The third category of papers summarizes key Canadian and international policy documents related to Arctic security and sovereignty issues.

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A Circumpolar Convergence: Canada, Russia, the Arctic Council and RAIPON

Ron R. Wallace, Ph.D., and Ryan Dean

Canada is about to enter a new phase of heightened diplomatic responsibilities in the circumpolar Arctic at a time of growing international attention to indigenous, economic, strategic, search-and-rescue (SAR), and environmental concerns. Additionally, Canada plans to submit its claim to the continental shelf beyond 200 nautical miles (NM) to the Commission on the Limits of the Continental Shelf.¹ These dynamics intersect with social, economic, diplomatic and strategic interests for Canada, while providing an opportunity to exert international leadership in the Arctic - a region that many Canadians consider to be a vital component of our national identity. Significantly, Canada will assume the chair of the Arctic Council for two years beginning in May 2013. This responsibility falls to Canada at a time when this intergovernmental forum, made up of representatives from the eight circumpolar nations (the member states) and indigenous organizations (the permanent participants), faces questions associated with new applicants from non-Arctic states and organizations seeking Observer status.² As Zilio and Munson recently commented, "As Canada heads into 2013, many of the country's political and policy talks are expected to look in a new direction: North."³

These circumstances prefigure an enhanced diplomatic role for Canada among circumpolar nations. Although much of the Arctic diplomatic discourse currently centres on the issue of non-Arctic actors interested in operating in the region, Canada's focus should closely follow events in Russia: by far the largest geographic player in the Arctic. The Russian Ministry of Justice's suspension of the Russian Association of Indigenous Peoples of the North, Siberia and the Far East (RAIPON) in 2012, and RAIPON's recent re-instatement following an international uproar (though the issues now seem to have been resolved with some controversy⁴), encourages us to re-examine Canada's Arctic relationship with Russia.

This working paper seeks to inform Canada's relationship with Russia by bringing into the dialogue the emerging circumpolar discourse and the (apparently failing) U.S. 'reset' policy with Russia. This approach better situates

¹ Canada became signatory to UNCLOS in 1993 and has been actively preparing its December 2013 submission for the United Nations' Commission on the Limits of the Continental Shelf (CLCS).

² The Arctic Council Membership is comprised of representatives from Canada, Finland, Denmark, Iceland, Norway, the Russian Federation, Sweden and the United States of America. The USA is set to assume the chair after Canada in 2015.

³ Michelle Zilio and James Munson, "Looking North: 2013 Promises Busy Year on Arctic File," *iPolitics* January 6, 2013, <http://www.ipolitics.ca/2013/01/06/looking-north-2013-promises-busy-year-on-arctic-file/>.

⁴ See Thomas Nilsen, "Moscow staged RAIPON election thriller," *Barents Observer*, April 3, 2013, www.barentsobserver.com/en/politics/2013/04/moscow-staged-raipon-election-thriller-03-04; "Ministry of Justice registered the Articles of Association," RAIPON, accessed March 15, 2013, www.raipon.info/component/article/1-novosti/3998-2013-03-14-14-14-17-37.html; "Open letter," RAIPON, accessed March 15, 2013, www.raipon.info/en/component/content/article/8-news/94-open-letter-.html.

RAIPON's suspension in the context of current Arctic international relations, emphasizing common tensions between Russian human rights/values and trade interests.

The international uproar that followed the sudden suspension of RAIPON by the Russian Federation's Ministry of Justice in 2012 appears to have motivated a calculated re-instatement of that important indigenous organization by the Putin government – one that may allow its continued participation in important Arctic diplomatic bodies like the Arctic Council. While this recent development could be viewed (cautiously) as a victory for both the Russian indigenous and international circumpolar diplomatic communities, RAIPON will continue to be an important human rights indicator of the Putin government's actions and intentions.

An enhanced Canadian leadership of the Arctic Council – one that has benefited from a careful assessment of current Russian policies and their potential consequences, especially those affecting Russian's indigenous peoples – would go a long way to creating a fair and balanced relationship with our Arctic neighbour. In so doing, it may provide Canada with the opportunity to address the developing issues surrounding human rights and freedoms within the Russian Federation.

Arctic Relations in Brief

Reports such as the 2004 *Arctic Climate Impact Assessment*⁵ and the 2008 United States Geological Survey's *Circum-Arctic Resource Appraisal*⁶ drew the world's attention to dramatic climate change in the Arctic and potential access to energy resources owing to reduce ice cover. Nationalistic rhetoric and symbolic actions raised anxieties over a 'race for resources' and the potential for conflict between the Arctic coastal states.⁷ The 2008 Ilulissat Declaration,⁸ which effectively lays out the ground rules for co-operation based on United Nations Convention Law of the Sea (UNCLOS) between the Arctic coastal states, serves as a basis for improved circumpolar relations. Norway's successful 2009 extended continental shelf claim,⁹ the settling of a forty-year Barents Sea boundary dispute between Russia and Norway,¹⁰ and the imminent agreement between Canada and Denmark over the northern maritime boundary between Greenland and Ellesmere Island,¹¹ all attest to positive regional relations and stability.

⁵ Available at "Arctic Climate Impact Assessment (ACIA)" *Arctic Monitoring and Assessment Program*, accessed February 20, 2013, <http://amap.no/acia/>.

⁶ "Circum-Arctic Resource Appraisal: Estimates of Undiscovered Oil and Gas North of the Arctic Circle" *US Geological Survey*, accessed February 20, 2013, <http://pubs.usgs.gov/fs/2008/3049/fs2008-3049.pdf>.

⁷ For an example of the media coverage during this period, see Doug Struck, "Russia's Deep-Sea Flag-Planting at North Pole Strikes a Chill in Canada," *The Washington Post*, August 7, 2007, <http://www.washingtonpost.com/wp-dyn/content/article/2007/08/06/AR2007080601369.html>.

⁸ Text available at: "The Ilulissat Declaration," *Ocean Law*, accessed Feb 15, 2013, http://www.oceanlaw.org/downloads/arctic/Ilulissat_Declaration.pdf

⁹ "UN backs Norway claim to Arctic seabed extension," *AFP*, April 15, 2009, <http://www.google.com/hostednews/afp/article/ALeqM5gQORJjsuFpxulrmjBRhjCNIQyhjg>.

¹⁰ Andrew E. Kramer, "Russia and Norway Agree on Boundary," *The New York Times*, September 15, 2010, http://www.nytimes.com/2010/09/16/world/europe/16russia.html?_r=0.

¹¹ Kim Mackrael, "Canada, Denmark closer to settling border dispute," *The Globe and Mail*, November 29, 2012, <http://www.theglobeandmail.com/news/national/canada-denmark-closer-to-settling-border-dispute/article5831571/?page=all>.

Regional governance and normative behaviour is further shaped by the Arctic Council. Though a soft law body with a limited mandate focused on science and sustainable development,¹² the Arctic Council has begun the process of negotiating binding regional agreements under its auspices, including the 2011 *Agreement on Cooperation on Aeronautical and Maritime Search and Rescue in the Arctic* (SAR Agreement)¹³ and an upcoming agreement on oil spill response.¹⁴ As the most high-profile regional entity, the Arctic Council has become the centre of attention for many non-Arctic states with professed interests in the region. The Arctic Council's struggle with the issue of granting Observer status to more non-Arctic states and organizations, such as China and the EU, illustrates growing anxiety about what international interest means for the interests of Arctic peoples and states.¹⁵

With all of the attention towards non-Arctic states place within the region and the Council itself, Russia's suspension of RAIPON was met with shock and confusion because it undermined some of the structures stable enough to support discussion of non-regional actors' involvement. Norway's Minister of Foreign Affairs Espen Barth Eide stated that the participation of indigenous peoples is a pillar of Arctic cooperation "impossible to remove."¹⁶ Inuit Circumpolar Council (Canada) President Duane Smith proclaimed that "Every member of the Arctic Council has stated their support for RAIPON and wants to see them back at the Arctic Council as soon as possible."¹⁷ The Arctic Council's November 2012 Senior Arctic Official (SAO) meeting in Haparanda, Sweden drew up a draft statement in support of RAIPON. Interestingly, SAO Anton Vasiliev, Russia's Ambassador at Large who focuses on Arctic cooperation, seemed initially surprised by the RAIPON's suspension – enough so that he signed the Arctic Council's statement of concern sent to Russia.¹⁸

Canadian pundits immediately seized on the suspension. Northern reporter Jane George anticipated that "With the Chairmanship of the Arctic Council then going to Canada, where it will be chaired by Nunavut MP Leona Aglukkaq, the problems facing RAIPON may end up getting passed on to Canada."¹⁹ Political scientist and Arctic pundit Rob Huebert succinctly stated that "All of a sudden we've got a huge curve ball about the role of the permanent participants. This is all of a sudden a brand new challenge that Canada is going to have to face."²⁰ This became a particular concern given that Minister Aglukkaq's Arctic Council agenda, centred on "development for the people of the North," sets Canada's proposed priorities as chair on a collision course with RAIPON's suspension.

¹² Evan T. Bloom, "Establishment of the Arctic Council," *American Journal of International Law* 93, no. 3 (1999): 712-722.

¹³ "Search and Rescue in the Arctic," Arctic Council, accessed Feb 15, 2013, <http://www.arctic-council.org/index.php/en/oceans/search-and-rescue/157-sar-agreement>.

¹⁴ See "Task Force on Arctic Marine Oil Pollution Preparedness and Response," Arctic Council, accessed August 28, 2012, <http://www.arctic-council.org/index.php/en/about-us/task-forces/280-oil-spill-task-force>. It was decided during negotiations in Alaska that the instrument being discussed would be a legally binding agreement like its predecessor, the SAR Agreement. Anton Vasiliev, "Meeting of Senior Arctic Officials in Stockholm," *The Arctic Herald* no.2 (2012): 60-3.

¹⁵ See "Senior Arctic Officials' Report to the Ministers," Arctic Council, accessed February 25, 2013, <http://www.arctic-council.org/index.php/en/about/documents/category/20-main-documents-from-nuuk>.

¹⁶ "Russia strangles international indigenous peoples organization as war on NGOs continues," *Bellona.org*, accessed Feb 21, 2013, http://www.bellona.org/articles/articles_2012/raipon_closure.

¹⁷ "Arctic Council officials call for reinstatement of Russian indigenous org," *NunatsiaqOnline*, November 15, 2012, http://www.nunatsiaqonline.ca/stories/article/65674arctic_council_calls_for_russian_indigenous_orgs_return/

¹⁸ "Outcomes of the Haparanda SAO Meeting," Arctic Council, accessed February, 24, 2013, <http://www.arctic-council.org/index.php/en/about/general-news-archive/641-outcomes-of-the-haparanda-sao-meeting>.

¹⁹ George, "Arctic Officials call for reinstatement of Russian indigenous org."

²⁰ Weber, "Canada Concerned as Russia Shuts Down Arctic Aboriginal Group."

Viewed through the academic narratives created to explain Russia's approach to the Arctic, RAIPON's suspension made little sense and contested Arctic Council policies. Dimitri Trenin and Pavel K. Baev have argued that Russia tends to view the Arctic through a patriotic lens – a view that Canada and Russia have in common.²¹ Both countries have engaged in nationalistic rhetoric regarding their Arctic claims and goals. Historian P. Whitney Lackenbauer has identified that “the key audience for [Canadian and Russian] confrontational rhetoric is domestic.” Internationally, both countries' messaging has emphasized regional co-operation and international law: “given the geographical realities, both countries have the most to gain from an orderly process that creates a stable environment for resource development.” Lackenbauer concludes that “the dance between Canada and Russia over Arctic issues, rich in mixed messaging, can serve the complex political interests of both parties if it is carefully choreographed.”²² The suspension of RAIPON, however, left Russia with an indefensible position in the international community. This position also undermined the regional stability enjoyed by the Arctic states – Russia most of all²³ – at a time when it is increasingly dependent upon international capital investment for northern economic development.

In expanding the scope of analysis to include the high politics of Russia's relationship with the West, we must consider recent political events within Russia in order to understand RAIPON's suspension in a broader context. To understand the RAIPON suspension, one must first look to the circumstances and events that have followed the return of Vladimir Putin to the Russian presidency.

Elections, Foreign Influences and Nationalism

President Vladimir Putin was re-elected to office on 4 March 2012. After his first two terms as president, Putin was constitutionally obliged to step down in 2008 and hand over political power to his Prime Minister, Dmitri Medvedev. He subsequently executed a deft political rotation with Medvedev to return to the presidency. According to a *CNN* article on the possible impacts of Putin's return, “Post-election Russia will look remarkably similar to pre-election Russia... because Putin was already pulling most of the strings during Medvedev's four-year presidency.” Going on to quote reporter Fareed Zakaria, the article states:

Putin, in a sense, never left. Putin was running the government and the economy on a day to day basis...While he had ceded the presidency, and therefore foreign policy, to Dmitri Medvedev, it was really a charade – Putin was behind most of the important decisions anyway.²⁴

The presidential election was marred by growing popular discontent, sparked by allegations of widespread fraud that favoured Putin's United Russia party during December's Parliamentary elections.²⁵ These demonstrations prompted

²¹ Dimitri Trenin and Pavel K. Baev, “The Arctic – A View from Moscow.” *Carnegie Endowment for International Peace*, accessed Feb 15, 2013, http://carnegieendowment.org/files/arctic_cooperation.pdf.

²² P. Whitney Lackenbauer, “Mirror Images? Canada, Russia, and the Circumpolar World,” *International Journal* 65/4 (Autumn 2010), 881, 896-97.

²³ Emerson points out that “in no other country, save Greenland, is the nation's future so bound up with the development of riches above the Arctic Circle.” Emerson, *The Future History of the Arctic*, 221.

²⁴ Nick Thompson, “What Does Vladimir Putin's Return Mean to Russia?” *CNN*, March 5, 2012, <http://www.cnn.com/2012/03/05/world/europe/russia-post-election-q-and-a>.

Russian security forces to break up many anti-Putin protests in Moscow. U.S. Secretary of State Hillary Clinton had been publically critical of the Parliamentary election process, stating that “the Russian people ... deserve the right to have their voices heard and their votes counted.”²⁵ Clinton drew a sharp rebuke from Putin who proceeded to denounce American funding of Russian election watchdogs - specifically GOLOS – which had been receiving funding from USAID.²⁷ Putin cast his reaction to Clinton’s intervention in nationalist light for his presidential campaign by alleging that foreign interests were provoking street protests and seeking to influence Russia’s electoral system.²⁸

Upon resuming the presidency, Putin adopted his nationalist election theme as a central tenet of his third term in office. His embrace of nationalism proved popular, appealing to the conservative sentiments of large segments of the Russian population and serving as a counterweight to street protesters against his administration. Maria Lipman of the Carnegie Moscow Centre notes that there is:

a growing Kremlin reliance on conservative forces, such as the Russian Orthodox Church, to counter mostly liberal opponents who staged the biggest protests of Putin’s 13 year rule over the past year, drawing demonstrators from the urban middle class... Because the protesters were modernized urbanites, the response was found in conservative morals and the government has shifted to a conservative stance.²⁹

This conservative stance in Russian public opinion is evident in the arrest and sentencing of the female punk band “Pussy Riot” for their anti-Putin “punk prayer” performed in Moscow’s Christ the Saviour Church. Public opinion was largely against the band, not because of their cat- strangling music or their criticism of President Putin, but because their profanity-laced protest within the church was viewed “as sacrilege.”³⁰ Another example of conservatism is the return to Moscow streets of the anachronistic descendants of the Russian Tsarist warrior caste, the Cossacks. These volunteer patrols (who receive free public transit but no pay) arose apparently as a personal initiative of Cossack

²⁵ Much of the Parliamentary election’s voter fraud was brought to light by the Russian election watchdog GOLOS. “Russia Expels USAID Development Agency,” *BBC News*, September 19, 2012, <http://www.bbc.co.uk/news/world-europe-19644897>.

²⁶ Michael Schwirtz and David M. Herszenhorn, “Voters Watch Polls in Russia, and Fraud Is What They See,” *The New York Times*, December 5, 2011, http://www.nytimes.com/2011/12/06/world/europe/russian-parliamentary-elections-criticized-by-west.html?_r=0.

²⁷ “The U.S. Agency for International Development, or USAID, has spent more than \$2.6 billion in Russia over the past two decades to help combat infectious diseases, protect the environment, develop a stronger civil society, and modernize the economy.” Arshad Mohammed, “USAID mission in Russia to close following Moscow decision,” *Reuters* September 18, 2012, <http://www.reuters.com/article/2012/09/18/us-usa-russia-aid-idUSBRE88H11E20120918>. For more on USAID activities in Russia see “USAID in Russia,” *USAID*, accessed Jan 6, 2013, <http://www.usaid.gov/news-information/fact-sheets/usaaid-russia>. The GOLOS Association (meaning “vote” or “voice”) was established in 2000 to protect the electoral rights of citizens and to foster civil society. It is the only election watchdog in that country independent of the government. Andrew Osborn, “Kremlin accused of silencing Russia’s independent election watchdog,” *The Telegraph*, 1 December 2011.

²⁸ Alan Cullison, “Putin Blames U.S. for Protests,” *The Wall Street Journal*, December 9, 2011, <http://online.wsj.com/article/SB10001424052970203501304577086081121083576.html>.

²⁹ Steve Gutterman and Thomas Grove, “Russian Cossacks return as part of Putin’s Moscow Street patrol,” *Reuters and National Post*, November 27, 2012, <http://news.nationalpost.com/2012/11/27/russian-cossacks-return-as-part-of-putins-moscow-street-patrol/>.

³⁰ Timothy Heritage, “A year on, Pussy Riot claim a victory in Russia,” *Reuters*, February 21, 2013, <http://www.reuters.com/article/2013/02/21/us-russia-pussyriot-idUSBRE91K0TT20130221>; Fred Weir, “Pussy Riot sentence: How did it play in Russia?” *The Christian Science Monitor*, August 18, 2012, <http://www.csmonitor.com/World/Europe/2012/0818/Pussy-Riot-sentence-How-did-it-play-in-Russia>.

leaders, but were encouraged by Putin who supported them in articles published during the March 2012 election campaign.³¹

More seriously, from the onset of his third term, Putin's Duma began enacting a steady stream of nationalistic legislation designed "to purge Russian politics and civic life of foreign influences."³² Among the first of these new laws forced NGOs (such as GOLOS) with funding from abroad to register as "foreign agents" with the Russian Ministry of Justice.³³

Building off of these laws, Putin delivered a carefully crafted diplomatic slap to U.S. Secretary of State Hillary Clinton in September 2012. While she was attending the APEC Summit in Vladivostok, the U.S. learned that Russia had chosen to expel USAID effective 1 October 2012.³⁴ The Russian Foreign Ministry announced that the decision was taken because USAID had made "attempts to influence the political process – including elections at different levels – through its distribution of grants."³⁵ USAID is estimated to have distributed more than \$2.5 billion throughout Russia since the collapse of the USSR.³⁶ GOLOS Director Lilia Shibanova described the halt to USAID's work as a "heavy blow" that would undermine the group's monitoring of local elections slated for 1 October 2012 – two weeks after the forced suspension of the USAID programs.³⁷

Russia also announced that it was not disposed to renew a two-decade old U.S.-funded agreement to eliminate stockpiles of nuclear and chemical weapons. The Co-operative Threat Reduction (CTR) Program (also known as "Nunn-Lugar") was based on a 1992 U.S. law implemented by the U.S. Defense Threat Reduction Agency (DTRA) with the associated mission of helping to prevent fissile and chemical materials from falling into the wrong hands. The highly successful program had led to the dismantling of up to 7,600 Russian nuclear warheads, 537 ICBMs, 27 nuclear submarines and 128 bombers. In so doing, however, it had increasingly attracted criticism among Russian military officials who alleged that the program allowed far too much U.S. access to Russia's military technologies and

³¹ Gutterman and Grove, "Russian Cossacks return as part of Putin's Moscow Street patrol"; Max Seddon, "The Kremlin's Texas Rangers rise again," *The Globe and Mail*, November 28, 2012, A20. Indeed, the year 2013 dawned to a new inventive determination by the Putin Parliamentarians to "cleanse" Russia of foreign influences. Proposals have emerged including: a full ban on all foreign adoptions, a requirement for Russian students abroad to return home after completing their studies and a regulation that movie theatres screen Russian films to reach a content of no less than 20%. Ellen Barry, "Russian Lawmakers Aim at Foreign Cars, Films and Schooling in Patriotic Purge," *New York Times*, January 13, 2013, http://www.nytimes.com/2013/01/13/world/europe/russian-lawmakers-move-to-purge-foreign-influences.html?pagewanted=all&_r=0.

³² Ellen Barry, "Russian Lawmakers Aim at Foreign Cars, Films and Schooling in Patriotic Purge," *The New York Times*, January 12, 2013, <http://www.nytimes.com/2013/01/13/world/europe/russian-lawmakers-move-to-purge-foreign-influences.html?pagewanted=all>; Cullison, "Putin Blames U.S. for Protests."

³³ Stuart Williams, "Russia Expels USAID for 'Political Meddling'." *AFP*, September 19, 2012. This has made it difficult for many organisations interested in investing in Russian civil society, and in particular RAIPON, from doing so. For example, the Arctic Funders' Group met this summer to discuss the implications of this legislation on supporting Indigenous peoples in the North and there was generally a consensus there that this new legislation would make it challenging to do so, if not altogether impossible. Confidential interview.

³⁴ Norman Hermant, "Russia's Decision to Expel USAID 'Regrettable,'" *ABC NEWS*, September 20, 2012, <http://www.abc.net.au/news/2012-09-20/russia-expels-usaid/4271094>.

³⁵ Williams, "Russia Expels USAID for 'Political Meddling'."

³⁶ Hermant, "Russia's Decision to Expel USAID 'Regrettable.'"

³⁷ "Russia Expels USAID Development Agency."

weapons sites. Accordingly, Russia's Foreign Ministry did not accept a U.S. proposal to extend the deal (scheduled to expire in 2013) without a major overhaul.³⁸

Veteran *BBC Russia* correspondent Steve Rosenberg explained that these events had "become something of a tradition" as Russian leaders were seeking out an external threat to consolidate domestic support. "That was true during the Cold War; it is true now." Once again, that enemy was the U.S.³⁹ Indeed, the cumulative effect of these nationalistic laws, in combination with the appeal to conservatives and conservative institutions, has been relatively successful in suppressing the mass protests that plagued Putin and United Russia since the Parliamentary elections.⁴⁰

Unfortunately for RAIPON, on 1 November 2012 it was swept up in the foreign influence laws created to halt the work of GOLOS and USAID. The Russian Ministry of Justice, citing an "alleged lack of correspondence between the association's statutes and federal law," suspended RAIPON for a period of six months.⁴¹ Indeed, the Ministry of Justice had set its sights on RAIPON for two years already, with RAIPON defending itself twice in court from Russian laws designed to stifle NGOs. While RAIPON Vice-President Pavel Sulyandzigi told the *Barents Observer* that "it remained a mystery to him as to why the organization has drawn criticism from Moscow,"⁴² he stated previously that some Russian officials disliked the group's strong international links,⁴³ and saw "the indigenous peoples are among the last barriers against the companies' and state's development of the resources" In the rapidly industrializing Russian north.⁴⁴

Russian Energy Development, Ambitions, and the Need for Foreign Capital

By 2016, Putin will have served either as president or prime minister through four successive terms since 2000.⁴⁵ Back then, Russia's economy had only begun to re-emerge from the social and economic wreckage of the U.S.S.R., thanks largely to surging international oil and gas prices and exports.⁴⁶

³⁸ "Russia Will Not Renew Arms Deal With US," *VOA News*, October 11, 2012, <http://www.voanews.com/content/russia-will-not-renew-arms-deal-with-us/1524894.html>.

³⁹ *Ibid.*

⁴⁰ David M. Herszenhorn and Andrew E. Kramer, "Under Threat of Fines, Moscow Protesters Turn Out," *The New York Times International Edition*, December 16, 2012.

⁴¹ Thomas Axworthy, "Russia turns back the clock," *Embassy*, January 9, 2013.

⁴² Charles Digges, "Russia strangles international indigenous peoples organization as war on NGOs continues," *Bellona*, November 15, 2012, http://www.bellona.org/articles/articles_2012/raipon_closure.

⁴³ Axworthy, "Russia turns back the clock."

⁴⁴ Rebecca Sommer, "Human Rights Groups and States Concerned Over Russian Suspension of RAIPON," *Intercontinental Cry* November 26, 2012, <http://intercontinentalcry.org/human-rights-groups-and-states-concerned-over-russian-suspension-of-raipon/>.

⁴⁵ The newly elected 2012 Putin regime has the potential to extend itself through to 2024.

⁴⁶ Hydrocarbon exports are a crucial part of the Russian economy constituting an estimated two-thirds of total Russian export revenues.

In 1999 Putin outlined his vision of Russia's future. Author and Arctic commentator Charles Emmerson explains that the core of his argument was rooted in the idea that:

Russia's future as a great power depended on the rational management of natural resources, valued at \$28 trillion... the relationship between the industry and state would have to be revised... What he envisaged instead was the creation of vertically integrated oil and gas companies [such as Gazprom and Rosneft] ... The state did not have to necessarily own everything, as long as its right to determine the strategic direction of the industry was unquestioned.⁴⁷

By extension, Putin intended to use the country's natural resource wealth to promote Russian power and influence abroad.⁴⁸ As such, Russia's vast Arctic oil and gas reserves are integral to his strategy. As much as 20 per cent of Russia's gross domestic product (GDP) and 22 per cent of the total Russian exports are generated north of the Arctic Circle.⁴⁹ Citing a Russian Security Council document, political scientist Katarzyna Zysk concludes that "the ultimate objective of the state policy is to transform the Arctic into "Russia's foremost strategic base for natural resources by 2020."⁵⁰

This "strategic base" is also the homeland to indigenous peoples. RAIPON has played a central role in promoting international co-operation among circumpolar indigenous peoples for 22 years. It has also played a formative role in protecting Russian indigenous peoples' rights, including as a founding member of the Arctic Council. RAIPON has also sought to protect indigenous peoples' legal interests while promoting their right to self-governance. It represents 41 indigenous groups comprising more than 250,000 people spread across 60 per cent of the territory of Russia, from Murmansk to Kamchatka.⁵¹ Unfortunately for RAIPON, its interests and peoples stretch across the northern resource base that Russia's energy strategy seeks to develop.

Modernizing and expanding Russia's Arctic infrastructure and oil and gas production with major new developments like the Yamal and Shtokman gas fields will be expensive.⁵² Studies estimate that redeveloping the Northern Sea Route (NSR), the shipping lane necessary to extract these resources effectively, will require capital investment in excess of \$100 billion.⁵³ Since the turmoil of the 1990s, when the oligarchs (individuals who had acquired massive amounts of former Soviet state assets) began transferring their considerable wealth to western banks, capital flight has been a consistent issue. Indeed, "a significant share of the ill-gotten gains from Russia's state corruption –

⁴⁷ Charles Emmerson, *The Future History of the Arctic* (New York, PublicAffairs, 2010): 202.

⁴⁸ For an analysis of this strategy, see Pavel Baev, *Russian Energy Policy and Military Power: Putin's Quest for Greatness* (London: Routledge, 2008).

⁴⁹ Stated by then and again Prime Minister Medvedev during a September 17, 2008 speech at the Meeting of the Russian Security Council on Protecting Russia's National Interests in the Arctic as cited in Katarzyna Zysk, "Russia's Arctic strategy and ambitions and constraints," *Joint Force Quarterly* 57 (April 2010): 105.

⁵⁰ Ibid., 105.

⁵¹ Jane George, Arctic Officials call for reinstatement of Russian indigenous org," *Nunatsiaq News*, November 15, 2012, http://www.nunatsiaqonline.ca/stories/article/65674arctic_council_calls_for_russian_indigenous_orgs_return/;"Russia strangles international indigenous peoples organization as war on NGOs continues."

⁵² Emmerson, *The Future History of the Arctic*, 207.

⁵³ Oleg Vukmanovic and Balazs Koranyi, "Russia's Revival of Arctic Northern Sea Route at Least 10 Years Away," *The Star*, January 25, 2013, http://www.thestar.com/business/2013/01/25/russias_revival_of_arctic_northern_sea_route_at_least_10_years_away.html.

estimated by the World Bank at 48% of the country's GDP – ends up in the western banking system.”⁵⁴ When oil and gas prices are high, Russia can afford to operate like this. When energy prices sag, however, Russia quickly becomes desperate on injections of foreign capital to make-up the shortfall.⁵⁵ Subsequently, unable to finance this development domestically, Russia is compelled to appeal to the international capital marketplace for foreign investment, technology and management.⁵⁶

As Zysk points out, “prospects for the development under economic circumstances are poor... The financial downturn and relatively low energy prices have affected investments and slowed the pace of hydrocarbon development in the Arctic.” She holds up the example of French energy company Total's failed partnership to develop Shtokman with Gazprom because it was no longer profitable to do so, given cheaper gas prices (a product of new sources of production and capital shortages resulting from the global 2008 financial crisis).⁵⁷ While Total's Arctic oil and gas development plans may reflect typical market boom and bust cycles, the Russian government – given its extreme dependency on hydrocarbon export sales – has few options to maintain capital inflows. As Emerson notes, “producing Russia's Arctic resources is not a choice – it is a strategic necessity.”⁵⁸

Russia, with an annual GDP growth rate at or below, 4% (assuming oil prices of \$80/bbl) is heavily dependent on oil and gas exports just to balance its current budgets. International Monetary Fund (IMF) Russia Mission Chief Antonio Spilimbergo notes that while the Russian economy continues to improve, inflation may reach 6.5 per cent given the effects of recent global turmoil. “The main channel for transmitting shocks will be through the oil price, given Russia's continued dependence on natural resources,” he assesses:

The oil is both a blessing and a curse and we have to ask how Russia can avoid the boom-bust cycles of the past. It will be important to diversify the economy and to use some of the revenues from the oil and gas sector to encourage other sectors of the economy to develop. But in order for this to happen, the business climate has to improve and corruption must be reduced. Transparency and fighting corruption are key issues in Russia. In order to diversify the economy and build growth potential in other sectors, the country has to attract both domestic and international investment.⁵⁹

Russian officials indicated that joining the WTO would go a long way to addressing these issues. Former Finance Minister Aleksei Kudrin supported the completion of the WTO deal. “The WTO membership will give Russia an additional 3-4 percent of the GDP growth in ten years,” he explained. “This will be approximately 0.4 percent a year. This is a serious addition.”⁶⁰

⁵⁴ Nemtsov and Kara-Murza, “Standing Up For Freedom in Russia.”

⁵⁵ “Putin Threatens Russia's Culture of Corruption,” *Stratfor Global Intelligence*, February 13, 2013, <http://www.stratfor.com/sample/geopolitical-diary/putin-threatens-russias-culture-corruption>.

⁵⁶ Ibid., 211.

⁵⁷ Zysk, “Russia's Arctic strategy and ambitions and constraints,” 105.

⁵⁸ Emerson, *The Future History of the Arctic*, 205.

⁵⁹ “Russia Needs Deep Reforms to Maximize its Growth Potential,” *IMF Survey Magazine*, August 3, 2012.

⁶⁰ In Boris Yaremenko, “Russia's WTO membership to kill domestic industry?” *Pravda.ru*, December 19, 2011, http://english.pravda.ru/business/companies/19-12-2011/120013-russia_wto-0/.

Trade, Human Rights, and the Collapse of 'Reset'?

To secure WTO membership, Putin had to implement legislation to align Russia's economy with the organization's standards. He did so, but not without difficulty: the Russian Parliament agonized over the passage of the WTO agreement.⁶¹

A major impediment for both the U.S. and Russia, however, was a piece of American legislation: the Jackson-Vanik Amendment (JVA).⁶² JVA explicitly linked trade to human rights, having been designed to deny Most-Favoured Nation (MFN)⁶³ status to countries with limited freedom of emigration. Although considered largely irrelevant after the 1991 collapse of the U.S.S.R., the JVA remained on the books. Accordingly, the Americans used it to invoke non-application, meaning the WTO agreement did not apply between Russia and the U.S. American Trade Representative Ron Kirk explained:

As a consequence, when Russia joined the WTO on August 22, 2012, all the other WTO Members enjoyed greater market access and a more predictable rules-based trading environment than the United States. Once the United States and Russia can apply the WTO Agreement between them, US businesses will be able to reap the full benefits of Russia's WTO membership.⁶⁴

Many U.S. legislators and commentators thought that the time had come to move ahead and accepted Russian membership, changing U.S. laws to accommodate that process. Hudson Institute fellow Richard Weitz expressed their sentiment. "If US troops can march across Red Square during the traditional Russian Victory Day Parade," he

⁶¹ In spite of 18 years of effort during which time Russia had been a member of international associations such as the G8 and G20, the successful admission of Russia to the WTO was, nevertheless, a close-run event. While the process of admission to the WTO for Russia had begun in 1993, Russia only received a formal invitation to join at the WTO's 8th Ministerial Conference in December 16, 2011. While these old-time champions of Russia's WTO membership continued their campaign to bring Russia into the mainline of world commerce not everyone was as convinced. Moscow had a July 23, 2012, deadline to notify the global trade body that it had passed the deal, 30 days after which Russia's WTO membership would be considered as final. The Russian Constitutional Court received a challenge launched by opposition factions (Communists and Fair Russia) within the State Duma who claimed that entry to the WTO was not acceptable under Russian Law and that it would undermine Russian economic security. On July 9, 2012, the debated "Protocol on Russia's Accession to the World Trade Organization" was ruled as constitutional by the Russian Constitutional Court. The lower house of parliament, the State Duma, approved the Bill on July 10, 2012 by a vote of 238-208 and the upper house, the Federation Council, subsequently approved it on July 11, 2012. On July 21, 2012, a mere two days before the deadline, Russian President Vladimir Putin signed into law a Bill that, within 30 days, ratified the country's accession into the World Trade Organization. After 18 years of complicated negotiations Russia became the WTO's 156th member on August 22, 2012.

⁶² The 1974 Amendment that carried the names of Sen. Henry Jackson (D- Wash) and Charles Vanik (D-Ohio) was developed to force the then Soviet Union to allow free emigration of Soviet Jews and other minorities.

⁶³ See "Understanding the WTO," *World Trade Organization*, accessed March 1, 2013, http://www.wto.org/english/thewto_e/whatis_e/tif_e/fact2_e.htm.

⁶⁴ "U.S. Trade Representative Ron Kirk Hails Senate Vote to Extend Permanent Normal Trade Relations to Russia and Moldova," Office of the US Trade representative – Executive Office of the President, accessed June 12, 2012, <http://www.ustr.gov/about-us/press-office/press-releases/2012/december/amb-kirk-hails-senate-vote-pntr-russia>.

suggested, “then a significant number of legislators and policy makers in Washington think it’s time to re-think the relevance of the Jackson-Vanik Amendment.”⁶⁵

Around this time, the Obama administration had launched a diplomatic offensive to “reset” deteriorated relations with Russia in the wake of the Bush presidency.⁶⁶ Travelling to Washington in April 2010, Russian President Dmitry Medvedev urged U.S. lawmakers to repeal the JVA, encouraged by signals from the Obama administration that it would consider repealing the legislation as part of its “reset” with Russia.⁶⁷

While U.S. lawmakers mulled over JVA and future measures linking human rights to trade, the disturbing case of Sergei Magnitsky came to light. Magnitsky was a 37-year-old anti-corruption Moscow attorney who died under suspicious circumstances in November 2009 after a year in police custody.⁶⁸ As an auditor working for the London-based Hermitage Capital Management (HCM) fund with major investments in Russia, Magnitsky had uncovered a US\$230 million tax fraud scheme involving seized assets of the fund. In November 2008, just days after accusing police investigators and tax officials of complicity in the fraud, Magnitsky was arrested on tax evasion charges by the very officials implicated by his testimony.⁶⁹ Though now deceased, Magnitsky will soon be placed on trial. Reports *CNBC’s* Steve Leisman, “The trial would be the first posthumous trial in the history of Russia – there is no record of even one of the famous Stalin show trials being prosecuted against a dead man.”⁷⁰

Following Magnitsky’s death, investigations by HCM began to uncover the extent of the theft, tracing \$134 million through bank accounts and shell companies in as many as seventeen countries. *Bloomberg Businessweek* confirmed that “millions wound up in offshore accounts and real estate owned by Russian officials, their relatives, and the former owner of a Russian bank. Authorities in four of these countries confirm that they have opened money-laundering investigations.” HCM subsequently produced evidence indicating “that a total of \$1 billion has been looted from the treasury in similar schemes over the past five years.” HCM CEO William Browder, formerly a

⁶⁵ Within the context of the diplomatic “reset,” many US lawmakers considered the JVA a political device which could be used on occasion by Congress to “irritate” the President. Richard Weitz, “The Bell Tolls for Jackson-Vanik Amendment?” *EurasiaNet.org*, May 12, 2010, <http://www.eurasianet.org/node/61052>.

⁶⁶ Douglas J. Feith and Seth Cropsey, “How the Russian Reset Explains Obama’s Foreign Policy,” *Foreign Policy*, October 16, 2012, http://www.foreignpolicy.com/articles/2012/10/16/how_the_russian_reset_explains_obama_s_foreign_policy.

⁶⁷ Within the context of the diplomatic “reset,” many US lawmakers considered the JVA a political device which could be used on occasion by Congress to “irritate” the President. Richard Weitz, “The Bell Tolls for Jackson-Vanik Amendment?” *EurasiaNet.org*, May 12, 2010, <http://www.eurasianet.org/node/61052>.

⁶⁸ For a concise overview of the Sergei Magnitsky case, see “Q&A: The Magnitsky affair,” *BBC Europe*, December 7, 2012, <http://www.bbc.co.uk/news/world-europe-20626960>.

⁶⁹ Initially, Russian authorities claimed that the funds could not be located because the records had been destroyed in a truck crash. In a follow-up to the discovery of the theft, a sawmill worker and a convicted burglar pled guilty to Russian prosecutors for masterminding the multimillion dollar theft through the filing of fraudulent tax-refund claims. The two were subsequently sentenced to five year terms. Carol Matlack, Bradley, B., Eglitis, A., and Henry Mayer, “The Magnitsky Case,” *Bloomberg Businessweek*, January 21 – 27, 2013.

⁷⁰ Steven Leisman, “A Bizarre Trial Stirs Western Concerns About Russia,” *CNBC*, January 25, 2012,

champion of Russian investments,⁷¹ stated: “We knew that in Russia the system is built on this kind of corruption. Now we have documentary proof.”⁷²

This high-profile case caused two problems for Russia: it exposed corruption and discouraged the international investments sought by Russia,⁷³ and it gave the U.S. Congress reason to continue to link human rights to trade. Congress, aware of the pending loss of the JVA while also taking cognizant of Magnitsky’s fate, developed the Sergei Magnitsky Rule of Law Accountability Act (SMRLAA). In addition to focussing on and recognizing “extrajudicial killings, torture, or other gross violations of internationally recognized human rights,” the Magnitsky Act imposed a targeted visa ban and asset freeze on individuals “responsible for the detention, abuse, or death of Sergei Magnitsky.”⁷⁴ In effect, the new U.S. law sanctioned Russians implicated in corruption or blatant human rights violations.⁷⁵

Notwithstanding the earlier pleas from Medvedev, when he called the impending Magnitsky Act “a huge mistake by American lawmakers,”⁷⁶ the U.S. Senate voted 92-4 on 4 December 2012 to impose visa and banking bans on Russian officials suspected of involvement with human rights violations. The Russia’s Foreign Ministry called the U.S. legislation a “theater of the absurd,” adding “we have to remind hyperactive adversaries of normal development of Russian-U.S. relations that their effort looks poor. Nevertheless the Russian side will have to respond.”⁷⁷ On 14 December 2012, President Obama signed H.R. 6156 (the Russia and Moldova Jackson-Vanik Repeal and Sergei Magnitsky Rule of Law and Accountability Act) into law. While imposing new legal restrictions on those suspected or accused of crimes, the Act also formally authorized Permanent Normal Trade relations with Russia.⁷⁸

⁷¹ “In 2005, after he exposed the details of an enormous corruption scheme involving many high-ranking Russian officials, Mr Browder’s visa to Russia was cancelled and he was deported from Russia, deemed to be a national threat.” Ibid. Canada is not listed amongst these havens.

⁷² Matlack, Bradley, Eglitis, and Mayer, “The Magnitsky Case.”

⁷³ Katya Soldak, “Russia Seeks Investors,” *Forbes*, January 28, 2013, <http://www.forbes.com/sites/katyasoldak/2013/01/28/desperately-seeking-investors/>.

⁷⁴ “Russia to retaliate over US Magnitsky rights act,” *BBC News Europe*, December 7, 2012, <http://www.bbc.co.uk/news/world-europe-20638613>.

⁷⁵ US Sen. Benjamin Cardin (D- MD), the author of the Magnitsky Act, emphasized that “this Bill may only apply to Russia, but it sets a standard that should be applied globally – I encourage other nations to follow our lead.” Indeed, the debate has come to Canada in the House of Commons International Human Rights Subcommittee, Bill C-339 (An Act to Condemn Corruption and Impunity in Russia in the Case of Sergei Magnitsky) as introduced by former Justice Minister Irwin Cotler. It contains parallel Canadian provisions that exert a visa ban similar to the US legislation. Similarly, the European Parliament, in actions parallel to the USA, also recommended in October 2012 that the Council of the European Union impose sanctions against those Russian officials involved in the incarceration of Magnitsky. “Moscow Slams European Parliament’s Magnitsky Vote,” *RIA Novosti*, October 24, 2012, <http://en.rian.ru/politics/20121024/176882221.html>.

⁷⁶ “Medvedev Calls Magnitsky Act ‘Huge Mistake’ by US,” *RIA Novosti*, November 29, 2012, <http://en.rian.ru/russia/20121129/177809373.html>.

⁷⁷ James Brooke, “Russian Diplomats Denounce US Visa, Banking Bans for Corrupt Officials,” *Voice of America*, December 6, 2012, <http://www.voanews.com/content/us-senate-to-vote-on-new-russian-trade-human-rights-bill/1559628.html>.

⁷⁸ “Statement from US Trade Representative Ron Kirk on the Signing of the Russia and Moldova Jackson-Vanik Repeal and Sergei Magnitsky Rule of Law and Accountability Act,” Office of the US Trade representative – Executive office of the President, accessed December 14, 2012, <http://www.ustr.gov/about-us/press-office/press-releases/2012/december/amb-kirk-statement-jvpntr>.

The Russian Foreign Ministry warned the U.S. of retaliatory measures before the Magnitsky Bill became law -- particularly related to the proposed "Magnitsky List" attached to the bill.⁷⁹ President Putin was quoted as saying: "This is very bad. This, of course, poisons our relationship."⁸⁰ He perceived U.S. legislative action as an outrageous attempt by Washington to meddle with internal Russian affairs, construing this as a direct challenge that could affect the stability of his regime.

Putin's government employed a series of carefully directed actions in response to the Magnitsky Bill, the most high-profile of which was the passing of the "Dmitri Yakovlev Act."⁸¹ Named for a Russian child adopted by Americans who died of heat exhaustion after negligently being left in a poorly ventilated car,⁸² the new law was rushed through the Duma in two days. To gain public support for the Bill within Russia, Russian television aired sensational stories of children taken to America, including some for lurid purposes.⁸³ As U.S. Ambassador Michael McFaul said, if this became law, the legislation would "needlessly remove the path to families for hundreds of Russian children each year."⁸⁴

⁷⁹ Maria Snytkova, "Jackson-Vanik Amendment: Honey is Sweet, But Bees Sting," *Pravda.ru* August 2, 2012, english.pravda.ru/business/companies/02-08-2012/121830-jackson_vanik_am-endment-0/.

⁸⁰ "Putin Says U.S. Human Rights Law Poisons Russia-U.S. Ties," *Reuters*, December 20, 2012, <http://www.reuters.com/article/2012/12/20/russia-putin-usa-idUSR4E8JL00B20121220>.

⁸¹ Russia has employed legislation that mirrors the Magnitsky Act, targeting Americans who violate human rights. See "A law on sanctions for individuals violating fundamental human rights and freedoms of Russian citizens has been signed," President of Russia, accessed January 20, 2013, <http://eng.kremlin.ru/acts/4810>. Other actions include Russian health regulators unilaterally announced new barriers to the importation of meat products from the United States. Widely viewed as retaliation for the US SMRLAA, the new Russian regulations require that all imported meat undergo inspection and testing and be certified free of Ractopamine, a US feed additive. US annual beef and pork exports to Russia valued at approximately \$500 million are now at risk due to new Russian requirements. The US Department of Agriculture (USDA) considers Ractopamine safe although this fact is now suddenly and hotly contested by Russian health officials. Ellen Barry, "Russia Announces Barriers on Imports of US Meat," *New York Sunday Times*, December 9, 2012. Additionally, in late December 2012 a Russian judge acquitted the only individual among 60 Russian officials earlier implicated by the US Helsinki Commission who was charged in the circumstances of Mr. Magnitsky's death. Prosecutors, perhaps responding within days to public statements made by President Putin asserting that Magnitsky had died of "natural causes", chose not to pursue the case and further recommended that the presiding judge drop the case. Acquit she did, having not been "presented with evidence sufficient to proceed." Andrew Kramer, "Official Acquitted in Prison Death," *National Post*, December 29, 2012. Interestingly, a sign of a dawning recognition of the changes needed in Russia occurred on February 12, 2013 when President Putin submitted a bill to the State Duma, an initiative that eerily echoes the financial restrictions of the US's Magnitsky Act. It proposes measures that would have the effect of banning Russian officials from owning foreign bank accounts -- a currency move that could, if enacted unselectively, give serious impetus and credibility to what may be an emerging anti-corruption campaign within Russia's government. Stratfor noted that Transparency International continues to rank Russia as the most corrupt major economic and industrial power through its Corruption Perceptions Index. Although Russia's currency reserves now stand at an estimated \$538 billion the proposed measures are directed at preventing the further export of embezzled funds which ultimately drain away vital capital needed for Russian re-investment. "Putin Threatens Russia's Culture of Corruption," Stratfor Global Intelligence February 13, 2013, <http://www.stratfor.com/sample/geopolitical-diary/putin-threatens-russias-culture-corruption>.

⁸² Kramer, "Official Acquitted in Prison Death."

⁸³ "Child's Play," *Maclean's*, January 14, 2013. 60,000 Russian children have been adopted by Americans since the collapse of the Soviet Union, during which time 19 reportedly have died. UNICEF estimates that 740,000 children are not in parental custody in Russia while 18,000 Russians are on waiting lists to adopt. Lynn Berry, "March to Protest Russia's Adoption Ban Draws 20,000, Energizing Anti-Putin Opposition," *Associated Press*, January 13, 2013.

⁸⁴ "Russia Bans Adoptions by Americans," *National Post*, December 22, 2012.

The New York Times reported that the Russian adoption ban was “the final straw” that ended the Obama administration’s ‘reset’ policy. Although ‘reset’ had led to notable achievements including New START and Russia’s entry into the WTO, *The Times* concluded that “after more than a year of deteriorating relations, the administration now envisions a period of disengagement.” With Obama declining a Russian invitation to visit Moscow in early 2013, “the main goal seems to be to send a message that the United States views much of its relationship with Russia as optional, and while pressing matters will continue to be handled on a transactional basis, Washington plans to continue criticizing Russia on human rights and other concerns.”⁸⁵

Connecting the Political Dots that Lead to RAIPON

Russia is critically bound to resource development as a principle means of economic development. There are pending, massive developments throughout Siberia and especially in the gas-rich Arctic regions such as the Yamal Peninsula. Charles Emmerson of London’s Chatham House noted that such developments are essential to Russia’s future. “The Russian state is very keen to develop the Arctic, because they see it as key to maintaining exports, which is in turn key to sustaining fiscal revenues and to keeping its geopolitical standing in the world,” he concludes. “For Russia, it is difficult to exaggerate the potential geopolitical and geoeconomic importance of the Arctic.”⁸⁶

Such activities will have a material impact on Russian indigenous peoples. In 1997 the Finnish oil tanker *Uikku* was the first western tanker to transit the Northern Sea Route (NSR). In 2011, the Russian gas producer *Novatek* completed the first gas condensate shipment. The following year, Gazprom’s first-ever liquefied natural gas (LNG) shipment sailed from Norway’s Snøhvit plant, the world’s most northerly LNG export platform.⁸⁷ Russia’s determination to move resources from Siberia was strengthened by the successful voyage of the LNG carrier *Ob River*, accompanied by Russian icebreakers. The first winter voyage through the NSR to Tobata, Japan erased 3,000 NM off the traditional Suez sea route. This pioneering voyage, with its consequential delivery and cost savings, confirmed Russia’s serious intent to turn the NSR into an international shipping route. Gazprom trumpeted that “the successful journey of the *Ob River* allows us to count on the full-blown usage of the Northern Sea Route to deliver Russian liquefied gas to both the Asia-Pacific region and the European market.”⁸⁸

Gazprom, which commissioned the first production facility in the Yamal in October 2012, envisages this as but the first in a series of possible natural gas megaprojects. The first Arctic LNG shipment from the Yamal peninsula is

⁸⁵ David M. Herszenhorn and Andrew E. Kramer, “Another Reset With Russia in Obama’s Second Term” *The New York Times*, February 2, 2013, <http://www.nytimes.com/2013/02/02/world/europe/another-reset-of-relations-with-russia-in-obamas-second-term.html?pagewanted=all>.

⁸⁶ Cited in Oleg Vukmanovic and Balazs Koranyi, “Russia’s Revival of Arctic Northern Sea Route at Least 10 Years Away,” *The Star*, January 25, 2013, http://www.thestar.com/business/2013/01/25/russias_revival_of_arctic_northern_sea_route_at_least_10_years_away.html.

⁸⁷ Ibid.,

⁸⁸ Ian MacLeod, “Russian Tanker Transits Arctic Ocean in winter,” *Postmedia News*, December 8, 2012, <http://www2.canada.com/calgaryherald/news/story.html?id=b70754f2-0a5b-4637-ab33-e6b282f716f2>.

anticipated to originate from the Novatek-Total Project, with possible production in 2016. Novatek-Gazprom has also announced plans to build another LNG plant at a second site on the Yamal, and another plant west at Pechora.⁸⁹

In the 1990s, one of this paper's authors, Ron Wallace, was privileged to work among the Nenets reindeer herders – one of the forty groups that comprise RAIPON – of the Yamal while employed by U.S. corporations. These herders were engaged in joint venture discussions with Gazprom to explore and develop extensive Arctic resources near the then-closed gas-hub city of Nadym. A proud and independent people who had over centuries learned and developed the skills to live off the land, the Nenets had weathered successfully the scorn of successive Soviet administrators and the Cold War consequences of nuclear fallout from the northern Soviet testing ranges of Novaya Zemlya.

In a staggering irony, meetings with the Nenets were held in the abandoned, but still useable, former camps of the Soviet gulag system (referred to by Solzhenitsyn as the "Gulag Archipelago"). The Nenets used the abandoned camps scattered along the southern boundary of their critical reindeer herd lands of the Yamal as meeting points. There Wallace was entertained by Gazprom and the Nenets in the complex's main meeting halls previously used for the "re-education" of former inmates by their Soviet hosts. It was an incredible experience for Wallace: All the westerners felt surrounded by the ghosts of so many lost, unaccounted Soviet inmates at a time when the Nenets were empowered by their first substantive international contact with the West in decades. The American oil company representatives made it clear to Gazprom and the Russian regulators that, if western investments were to be made, the Nenets would have to be consulted, their issues addressed, and their lands protected before developments proceeded.

Now that Gazprom has moved ahead independently with the Yamal development, those heady early days of Nenets' optimism for consultation, economic participation, and environmental protection of their highly sensitive, indeed vital, northern reindeer habitat and traditional lands, may well be history.

Future incursions into Nenets territory by Russian oil and gas interests may present a clear and present danger to the preservation of their lands and way of life. While environmentalists often decry the existing and potential impacts of Arctic oil and gas operations in the Canadian and Alaskan north, they fail to appreciate the levels of destruction that accompanied past Soviet (and now possibly Russian) oil and gas operations in the Arctic regions.

Recent reports give rise to optimism that the Kremlin may be making efforts to at least appear more balanced in its approaches to northern development. *RAI Novosti* reported in January 2013 that a strategy for the effective Russian domination of the NSR could be written into law. The proposed laws would establish a mandatory review of any business activities that could pose an environmental hazard, and could include provisions barring the privatization of regional airlines and closing certain regions for environmental reasons with associated bans for off-road travel in tundra areas. "While the document does make note of the need to defend the region," Roland Oliphant wrote in the

⁸⁹ Oleg Vukmanovic and Balazs Koranyi, "Russia's Revival of Arctic Northern Sea Route at Least 10 Years Away," *Toronto Star*, 25 January 2013.

Moscow Times, “it does not directly mention rumored plans to close areas like the Yamal Peninsula to non-residents.”⁹⁰

Notwithstanding the uncertain outcomes from these recent Arctic policy initiatives, Arctic commentator Mia Bennett suggested that:

The Russian government is likely “concerned” because RAIPON may be viewed as obstructing its attempts to extract more and more resources from Siberia. RAIPON was recently involved in a hostile takeover of a jade mine in Dylacha Evenk by a company owned by the head of the local security service. *Novaya Gazeta* quoted Rodion Sulyandziga, Vice President of RAIPON, as saying... “RAIPON is one of the last barriers to companies and states to the extraction of these resources and [it is] easier to use force, using selective justice, so as not to distract the extra energy, time and resources to negotiate with some indigenous [peoples].”⁹¹

Although not everyone in Russia appeared to be incensed about RAIPON’s suspension, Bennett cites an editorial in *Novaya Gazeta* that provided some calculated political advice to indigenous peoples concerned about Arctic developments. “Although this organization [RAIPON] pursues very moderate and reasonable policies compared with others,” it noted, “it should probably have shown more loyalty to the Kremlin.”⁹²

This reflects other political developments as well. In August 2012, RAIPON (along with other representatives of Indigenous Peoples of the Russian North) supported a demand to ban oil production on the Arctic continental shelf in areas of traditional land use, and it called on all of the indigenous peoples of the Arctic to join with Russian representatives in this demand.⁹³ As anticipated by Putin’s administration, this demand influenced preparations by the Arctic Council for its ministerial meetings at Kiruna, Sweden in May 2013. The draft Kiruna Statement or Declaration proposed that the Arctic be recognized as a “homeland – a vulnerable environment in need of protection,” with particular focus on the rights of indigenous peoples and the interests of all Arctic residents.⁹⁴

Such discussions potentially challenge Russian concepts of “homeland” while advancing the cause of indigenous rights – in the face of accelerating plans for Russian Arctic oil and gas development activities. This nexus must have given Putin’s government pause. Additionally, Russian officials may view RAIPON as yet another example of a Russian organization falling under the influence of “foreign entities.” After all, it has received funding from the Norwegian Barents Secretariat and also the European Commission Directorate General for the Environment. *Bellona*, the Russian watchdog, found hope in Putin’s November 2012 promise (pursuant to his newly formed Human Rights Council) to review his controversial law requiring NGO’s that receive foreign funding to register as “foreign agents”

⁹⁰ Roland Oliphant, “Russia to Submit Claims by Year’s End,” *Moscow Times*, January 23, 2013, http://www.themoscowtimes.com/special/environment/eng/russia-to-submit-arctic-claims-by-year_s-end.html.

⁹¹ Mia Bennett, “Why Did Putin Suspend Key Russian Indigenous Group?” *Alaska Dispatch*, November 24, 2012, <http://www.alaskadispatch.com/article/analysis-why-did-putin-suspend-key-russian-indigenous-group>.

⁹² *Ibid.*.

⁹³ Jon Burgwald, “An Urgent Call to President Putin to Defend the Rights of the Indigenous Peoples of Russia,” *Greenpeace*, November 14, 2012, <http://www.greenpeace.org/international/en/news/Blogs/makingwaves/an-urgent-call-to-president-putin-to-defend-t/blog/42988/?accept=403b2490a00d8aa4df06196b4e8ff462>.

⁹⁴ George, “Arctic Officials call for reinstatement of Russian indigenous org.”

with the Justice Ministry and the parallel demand that all undergo biannual financial audits.⁹⁵ Coincident with the Russian ban on RAIPON, a November 2012 Arctic NGO Forum meeting in Haparanda, Sweden focussed on petroleum activities in the Arctic – precisely when Russia was preparing its new draft Law on the Arctic designed to enshrine rights of indigenous peoples.

Not surprisingly, *Bellona* deemed Russia's actions against RAIPON as a continuation of a Russian "war on NGO's." They highlighted that RAIPON had a special consultative status in the UN Economic and Social Council, was an observer in the Governing Council/Global Ministerial Environment Forum of the UN Environment Programme, and many members of RAIPON's presidium were members of the Civic Chamber of the Russian Federation, the Expert Mechanism on the Rights of Indigenous Peoples, the UN Permanent Forum on Indigenous Issues, and the UN Working Group on Human Rights and Transnational Corporations.⁹⁶

In a 14 November 2012 address sent to circumpolar Arctic officials, RAIPON's First Vice-President Rodion Sulyandziga added that "from the moment of its establishment in 1990, RAIPON united, promoted and carried out its activities aimed at protection of the rights of 40 indigenous peoples of the North... Those were years of hope for improvement of the situation in Russia connected with practical implementation of the rights of indigenous peoples of the North, Siberia and the Far East. Today this hope is down." He termed the forced shutdown "repressive" and "an act of intimidation and rude interference" taken in advance of the 7th assembly of Indigenous Peoples planned for Russia in March 2013.⁹⁷

RAIPON chose to fight back. In November the organization filed a critical report with the UN Human Rights Council alleging that Russia had failed to live up to voluntary pledges to improve the conditions for northern Arctic residents in key areas such as land rights, food, education, health, work and self-determination.⁹⁸ The report also recommended policy improvements accompanied by a call for Russia to change its position on RAIPON.

Sulyandziga subsequently commented that Russian authorities viewed indigenous peoples as a troublesome element inhibiting Russia's Arctic development goals and aspirations. "There is an extensive hike in the level of industrialization in the north, and the indigenous peoples are among the last barriers against the companies' and state's development of the resources," he asserted. "The authorities strongly dislike RAIPON's extensive international engagement."⁹⁹ Sulyandziga also intimated that Russian authorities may have been attempting to establish "alternative organizational structures" to replace RAIPON entirely. RAIPON Vice-President Dmitry

⁹⁵ Charles Diggs, "Putin meets with new human rights council, offering dubious promises to roll back recent repressions," *Bellona.org*, November 14, 2012, http://www.bellona.org/articles/articles_2012/putin_new_human_rights_council.

⁹⁶ Charles Diggs, "Russia Strangles International Indigenous Peoples Organization as War on NGO's Continues," *Bellona.org*, November 15, 2012, http://www.bellona.org/articles/articles_2012/raipon_closure.

⁹⁷ Jane George, "Russian Indigenous Org Wants Arctic Council Support to Fight Shut-Down," *Nunatsiaq News*, November 14, 2012, http://www.nunatsiaqonline.ca/stories/article/65674russian_indigenous_org_calls_for_arctic_council_support_to_fight_shut-/.

⁹⁸ "Russia Stomps on Human Rights of its Arctic Indigenous Citizens: Report," *Nunatsiaq News*, November 26, 2012, http://www.nunatsiaqonline.ca/stories/article/65674russia_stomps_on_human_rights_of_its_arctic_indigenous_citizens_report.

⁹⁹ Rebecca Sommer, "Human Rights Groups and States Concerned Over Russian Suspension of RAIPON," *Intercontinental Cry* November 26, 2012, <http://intercontinentalcry.org/human-rights-groups-and-states-concerned-over-russian-suspension-of-raipon/>.

Berezhkov declared that “we consider this [suspension by the Ministry of Justice] an attempt to divide the indigenous peoples’ movement in Russia and replace it instead with a subservient organization willing to agree to decisions that are in fundamental contradiction with the vital interests of indigenous peoples.”¹⁰⁰

During RAIPON’s 7th assembly of Indigenous Peoples in March 2013, the outspoken and popular Sulyandziga was apparently forced to withdraw his candidacy by government officials before the third round of voting for RAIPON’s presidency, after leading the second round of votes 200-153 against his nearest rival Gregory Ledkov (a candidate needs two thirds of a vote to be declared a winner). After Sulyandziga’s withdrawal (which caused an uproar within RAIPON and led approximately fifty members of the organization to storm out of the meeting), Ledkov handily won the presidency on the third round of votes. The *Barents Observer* noted that “critical voices say RAIPON’s new President, Gregory Ledkov, will wag his tail with whatever Moscow and the United Russia party want.”¹⁰¹

Moving Forward In the Circumpolar North

What might all of this have to do with Canada, the circumpolar Arctic region, the Arctic Council, and the future of Canadian relationships with Russia in 2013? When these events are taken together, they suggest a Russia governed by an increasingly nationalistic government – clearly wary of foreign influences – pushing forward with expensive Arctic energy developments central to its national interest in the face of severe capital constraints. Subsequently, resistance by domestic civil society groups like RAIPON – stigmatized due to its extensive foreign engagement – has been pushed aside.

A common theme emerges from the RAIPON episode as well as Russia’s diplomatic back-and-forth with the U.S. in the wake of the larger ‘reset’ policy. Clearly, human rights continue to clash with trade. This may damage Russia’s relations with the United States in particular and (through the example of the treatment of RAIPON) with its circumpolar neighbours more generally. While some confusion was apparent in Russia’s suspension of RAIPON, actions taken by Russia in its bilateral relations with the U.S. have ‘leaked’ into Russia’s circumpolar relations. This has had a deleterious effect on multilateral relationships that Russia has sought to protect and enhance since 1996. Hopefully, with the recent reinstatement of RAIPON (the details of which are only now coming to light), Russia may recognize that overly-aggressive nationalistic plans aimed solely at a maximization of circumpolar territorial claims and unfettered natural resource extraction could, in Pavel Baev’s words, “leave Moscow isolated with its Arctic partners uninterested in Russia’s power games. Fulfilling Moscow’s Arctic ambitions, then, may offer more risks than rewards.”¹⁰² Another possible conclusion is that Russia’s decision to reinstate RAIPON may constitute a warning to RAIPON and the Arctic diplomatic community. The Putin government has demonstrated its limits in allowing indigenous or international actions to potentially threaten Russian Arctic energy developments. Coming at a time when Russia is exposed to heightened international diplomatic attention, the apparent policy reversal to re-instate

¹⁰⁰ “Russian Indigenous Group Seeks Letters of Support,” *Nunatsiaq News*, November 28, 2012, http://www.nunatsiaqonline.ca/stories/article/65674russian_indigenous_seeks_letters_of_support.

¹⁰¹ Nilsen, “Moscow staged RAIPON election thriller.”

¹⁰² Trenin and Baev, “The Arctic – A View from Moscow.”

RAIPON could be seen as the first sign that the Putin government may be considering moderating its stance toward the West and its own citizens – including its indigenous peoples.

These recent developments demonstrate that Canada will have to balance the linked themes of human rights and trade during its tenure as Arctic Council chair. Given Canada's stated agenda of economic development for northern peoples, it has an opportunity to demonstrate how to balance interests and values surrounding this agenda. Natalia Loukacheva had identified the potential demands that this diplomatic attention generates. "Now the task will be to get from generalities to specifics, [to] talk to states and individuals and make some hard choices." She illustrates the potential magnitude and consequences of the challenges at hand:

viewed objectively the United States is not Canada's only natural partner in the Arctic – not when you consider that Russia is by far the largest Arctic state. However, building bridges with Moscow could cast a pall over Canada's alliance with Washington – where the attempt to 'reset' relations with Moscow seems to be crumbling under the weight of disputes over strategic missile defence, Georgia, and now the 'Magnitsky Law' adopted by the Senate to replace the notorious Jackson-Vanik law.¹⁰³

A more robust understanding of recent and complex political events in Russia, interrogating the nature of Russia's domestic and international political intentions involving the circumpolar Arctic, will enable Canada to lead the Arctic Council more effectively. In working to facilitate constructive relationships between members of the Council, Canada could enhance its international reputation for human rights along with the encouragement of indigenous self-determination at a time when the Arctic is a focus of growing international attention.

Canada had a pioneering, indeed pivotal, role in the creation of the Arctic Council. Now Canada has a stellar opportunity to stand tall in its chairmanship role at the Council and constructively engage Russia through circumpolar diplomacy. In so doing, the Arctic Council may exert parallel influences to resist the sweeping (and isolating) nationalism that Putin appears to be employing against a broad range of Russian and international social, political and diplomatic organizations. The international uproar that followed the Russian Federation's sudden suspension of RAIPON seems to have occasioned a calculated re-instatement of that organization – one that may allow its continued participation in important Arctic diplomatic bodies like the Arctic Council. While this recent development could be viewed as a victory for both the Russian indigenous and international circumpolar diplomatic communities, RAIPON will continue to serve as an important "human rights indicator" of the actions and intentions of Putin's government.

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¹⁰³ Loukacheva, "Canada's diplomatic skill is about to be tested in the Arctic."

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