

ANSIPRA BULLETIN

Arctic Network for the Support of the Indigenous Peoples of the Russian Arctic
Сеть Арктических Организаций в Поддержку Коренных Народов Российского Севера

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ANSIPRA is a communication network linking Russian Indigenous Peoples' Organisations with international institutions and organisations alarmed about the future of the indigenous peoples of the Russian North. ANSIPRA's main goal is to spread information, to mediate contacts, and to assist in project coordination.

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This issue is an appendix of ANSIPRA Bulletin No. 10 (December 2002) and contains English translations of selected articles from the official periodical of RAIPON "Мир коренных народов – живая арктика" (Indigenous Peoples' World - Living Arctic) No. 11-12, 2002.

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Translations from «Мир коренных народов – живая арктика» (Indigenous Peoples' World – Living Arctic)

According to an agreement between ANSIPRA and RAIPON (Russian Association of Indigenous Peoples of the North), we present translations of selected articles of the newsletter «Мир коренных народов – живая арктика» (Indigenous Peoples' World – Living Arctic), the official periodical of RAIPON. The following part of this issue presents translated articles from Indigenous Peoples' World No. 11-12, 2002.

Draft translations were financed by ANSIPRA (articles 1,4,5,6 and 9) and Arctic Peoples Alert (articles 2,3,7 and 8). The English text was edited by Helle V. Goldman and Winfried Dallmann, ANSIPRA / Norwegian Polar Institute.

Prospects of ILO Convention No. 169 concerning indigenous and tribal peoples in independent countries being ratified by the Russian Federation

Olga Murashko

The Northern Affairs and National Minorities Committee of the Federation Council convened a roundtable to discuss the above subject on 22 November 2002. Representatives of the Federation Council and the State Duma of the Federal Assembly of the Russian Federation, the Constitutional Court of the Russian Federation, regional authorities and social organizations, including the Association of Indigenous Peoples of the North, Siberia and the Far East of the Russian Federation participated in the roundtable discussions.

It is worth mentioning that this was not the first time the question of ratifying Convention No. 169 of the International Labor Organization (ILO) has been discussed in this country.

ILO Convention 169 (1989) was the result of the revision of an earlier Convention (No. 107)—“Concerning Indigenous and Tribal Populations”—adopted in 1957. Twenty-seven countries ratified that convention. Official representatives of the USSR as a member state of the ILO participated in the discussion and adoption of ILO Convention 107.

The basic policy guidelines of Convention 107, which assumed that decision-making affecting the development of indigenous peoples should lie with the state rather than with indigenous peoples themselves, concerned the creation of conditions for the integration of indigenous peoples into contemporary industrial society. As indigenous peoples became aware of their rights, with their organizations playing an increasingly active part internationally, this paternalistic approach started to raise questions. From 1986 the process of revision of the concept outlined in Convention 107 gained momentum. The text of ILO Convention 169 (1989) included the following principal provisions:

- Traditional ways of life have their cultural values and it is essential to assist the conservation of these values;
- States should provide for the participation of indigenous peoples and their organizations in the decisions pertaining to their interests.

- Though land rights had already been defined in Convention 107, Convention 169 outlined indigenous peoples' rights to the lands traditionally occupied by them to a greater degree. These principles included: recognition of the collective or individual ownership of the lands which indigenous peoples have traditionally possessed; protection from being involuntarily moved from the lands which they have traditionally occupied; observance of traditional systems of land ownership allocation and use of primordial lands in accordance with indigenous peoples' customs (Articles 11, 12, and 13 of Convention 107).

Official representatives of the USSR (from the Ministry for Foreign Affairs and the Ministry of Labor) took part in all the sessions, which discussed, paragraph-by-paragraph, the text of each and every article of the Convention. They voted for all its rules and participated in the signing of the final document in June 1989. This is all documented in the minutes published by the ILO Administrative Council.

Subsequently, however, ratification of Convention 169 in this country failed to occur. At first, the issue of its ratification failed to enter the agenda of the USSR Supreme Soviet. Then, the question of the Convention's ratification was put off during the Parliamentary hearings at the State Duma in 1994 until the adoption of corresponding laws on indigenous peoples' rights. Formally, the ratification of ILO Convention 169 was hampered in Russia by the lack of the right of private ownership of land and the lack of special laws with respect to indigenous peoples' rights.

Nowadays, after the right of private ownership of land has been introduced in the Russian Federation and following the adoption, starting in 1999, of three federal laws on the rights of indigenous numerically small peoples, it would seem that these formal grounds have fallen away and that it is just the time to reconsider the question of Russia's ratification of ILO Convention 169.

At the roundtable of November 22 dealing with the prospects of this convention's ratification a legal discussion flared up again on the subject of correspondence between

provisions and terminology of Convention 169, on the one hand, and the Russian legislation, on the other. It should be noted that the lack of correspondence pointed out by some lawyers was immediately brushed off by other lawyers as groundless. In conclusion, the ILO representative emphasized justifiably that the articles of the ILO Convention were worded in such a way that every member state had the right to realize the fundamental principles of the convention in compliance with its own national legislation.

The final recommendations of the roundtable suggested setting up before the end of 2002 an interdepartmental working commission to identify agreement between legal terminology of the basic Russian legislation and the terminology of ILO Convention 169; carrying out the required

process of discussion and negotiation with the ILO representatives; preparing and examination of essential amendments to the legislation of the Russian Federation bearing in mind the prevailing conservation of state ownership of the lands of Territories of Traditional Nature Use and their use in the form of collective rights of indigenous numerically small peoples, free-of-charge, unlimited, and excluding the possibility of transfer of these rights.

It was suggested at the roundtable to recommend the President of the Russian Federation to submit ILO Convention No. 169 for ratification by the State Duma of the Federal Assembly of the Russian Federation when the interdepartmental commission's activities are completed.

Seminar on the legal education for indigenous peoples in Yakutsk

Olga Murashko

A seminar was held in Yakutsk from 20 through 26 October 2002 entitled "The Legal Status of Indigenous Peoples of the North, Siberia and the Far East of the Russian Federation: Application and Development". The seminar was held with the support of the International Work Group for Indigenous Affairs (IWGIA) within the framework of IWGIA and RAIPON (Russian Association of Indigenous Peoples of the North and Far East) joint project "Institutional construction and assistance with regard to the rights of indigenous peoples". Lawyers from the Public Legislative Center Rodnik participated.

The objective of this seminar was to disseminate knowledge among the regional leaders of public organizations and communes of the indigenous peoples on legal matters concerning the rights of indigenous peoples as well as to carry out in practice the protection of indigenous peoples' rights in court.

The first part of the seminar was informative and attended by about 60 persons: 26 heads of regional RAIPON departments and commune and organization representatives of the Yakutsk indigenous peoples. S.N. Kharyuchi, president of RAIPON, P.V. Sulyandziga and M.A. Todyshev, vice-presidents, and O.A. Murashko, the Association's consultant. They informed the participants on the present state of Russian jurisprudence, the rights of indigenous peoples of the North, Siberia and the Far East, and procedures and trends to amend the present legislative system. This is in view of the commission's work, under the President of the Russian Federation, to prepare proposals to divide authority and jurisdiction between federal and regional authorities, and local self-government bodies. RAIPON achieved the right to participate directly in this work in order to protect the present level of indigenous peoples' rights in Russia and, if the opportunity arises, to expand these rights.

However, until this work of introducing amendments into the legislation is completed, the present law remains valid and indigenous peoples must learn to take advantage of their current rights. Further work of the seminar was directed towards practical legal knowledge, juridical ex-

amination of specific situations – teaching participants to write documents, approaching officials, and writing complaints and applications to court officials. Practical information and legal consultation was given to more than 30 persons. Three main problems materialized during the seminar which disturbed the students: legal registration of communes of indigenous minorities; practice used to form Territories of Traditional Nature Use; and problems involving the marketing of traditional nature use products, when monopolies appear based on re-processing and sale of traditional products.

Several other events were taking place at the same time as this legal seminar. These included: a meeting of the National Organizational Commission for the International Decade of the World's Indigenous Peoples with the participation of the chairman of the National Organizational Commission, Minister of Nationalities' Affairs V.Yu. Zorina; the regular Coordinating Council of Associations of Indigenous Peoples of the North, Siberia and the Far East; and the scientific and practical conference "Social Government and Indigenous Peoples of the North, Siberia and the Far East: the Right to Territories of Traditional Nature Use and Social Protection", organized by the Institute of Problems of Indigenous Peoples of the North, Republic of Sakha (Yakutia) CO RAS.

Such a combination of different events had pros and cons for the participants of the legal seminar. On the one hand, because of the meetings with officials, there was insufficient time to carry out the business game "Defending the rights of indigenous minorities in court". But on the other hand, the participants of the seminar (most of them representing public organizations and indigenous communes from Yakutia who rarely are in Yakutsk) had the opportunity to meet directly with representatives of the federal and republican authorities, express their requests and receive first-hand information from them.

Participants of the seminar were provided with texts of all the relevant laws and normative acts and the addresses of the federal authorities to whom they could turn with various questions. Furthermore, the participants of the

seminar were presented with a set of models of legal documents to assist them in compiling applications, complaints and other documents to provide the court when they turn to it with their own specific affairs. The participants also received a model of how to address an issue in the appropriate manner to be sent to the RF Government in case a territory that is of traditional nature use is converted.

We sincerely hope that as a result of this seminar the

participants have received fundamental theoretical knowledge to defend their rights as well as the necessary practical skills. We also hope that they overcome the psychological barrier of ignorance and loneliness arising from the distance between their homes and the centers of officialdom and the headquarters of indigenous peoples' organizations. We hope they have managed to acquaint themselves with lawyers who in the future can defend their rights in court.

Conference on Gender Equality

Olga Terletskaya

In the tourist center of Saariselkä, in the northern part of Finland, women from circumpolar countries attended an international conference from 3 to 6 August on the subject "Gender equality and the status of women in the Arctic region". Canada, Russia, Alaska (USA), Greenland (Denmark), Iceland, Norway, Sweden, and Finland were represented. Ambassadors from Poland and France arrived. Representatives of the following organizations attended: the Arctic Council, the Nordic Council of Ministers, the Arctic Athabaskan Council, the Gwich'in Council International, the Inuit Circumpolar Conference, the Saami Council, the Northern Forum, the Standing Committee of Parliamentarians of the Arctic Region, United Nations, the Barents Euro-Arctic Council, and the International Working Group for Indigenous Affairs. Russia was represented by the Association of Indigenous Peoples of the North (RAIPON), and Murmansk and Arkhangelsk oblasts. Prominent women public politicians came forth with their own views as regards the status of women of the Arctic and shared their experience. The organizers of the conference consisted of the Arctic Council and the Nordic Council of Ministers as well as the Finnish Ministry of Health and Social Affairs.

The conference began on a hill in Kaunisää where the guests of the forum were welcomed by the chairman of the Saami Parliament of Finland, Pekka Aikio. The welcoming ceremony closed with a musical presentation.

The conference began with plenary sessions every working day. Presentations made by the key speakers dealt with gender equality in the Arctic region countries. The female politicians who spoke have vast experience in the political and public life of their countries. For example, there was Eva Biode heads the Ministry of Health and Social Affairs in Finland and also carries out the responsibilities of a minister on matters of gender equality. Karita Peltonen – chief advisor of the Secretariat to the Nordic Council of Ministers, Tamara Ryumantseva – deputy governor of the Arkhangelsk Oblast for social affairs and chairperson of the presidium in the oblast Council for women, Glenna Hansen – commissioner of the North-West Territory (Canada), Margaret Vinberg – Swedish Minister of Agriculture, Food and Fisheries and as of 1998 minister responsible for Swedish gender equality. It suffices to say that the governor of Lapland, the largest province in Finland where indigenous people occupied with reindeer herding live, is also a woman. Hannele Pokka has held this post since 1994, prior to which she occupied the post of Minister of

Justice and was a deputy in parliament.

Each conference day 16 parallel seminars were held with at least four lectures presented at each seminar. Discussions evolved around each paper presented during the work of the seminar. This resulted in proposals to be taken into account when preparing the presentation by the Arctic Council for the World Summit on Sustainable Development in Johannesburg, South Africa.

Well aware of the importance a global dialogue bears for sound development, the women of the Arctic region want to be heard and participate on an equal basis in the future of this planet.

That was a brief overview of the conference. Below is more detailed information on the subjects concerning the women of the circumpolar region, in what manner the conference proceeded, what the hosts offered to the guests that was of interest, the cultural program, the conclusions reached, and what the indigenous northern women took back home with them to their regions. Also, more is said about the wonderful organization of this venue. Preparations were started well in advance. The participants had all the necessary information. Thus, for instance, knowing that I was given the distinguished honor of holding a presentation, I prepared it in advance and submitted it back already in February to the organizing committee. This allowed the conference to be better prepared. The RAIPON delegation attended the conference dressed in their national costumes, prepared an exhibition of crafts made by indigenous artisans, held an original concert and in this manner won the friendship and acknowledgement of friends from other countries. The only thing that separated us was the language barrier, and even this was not insurmountable since the official events were translated and during situations which were not official we used gestures, well-known phrases, familiar to all. We, the women of the North have so much in common: Love for our native region, anxiety about the future of our children, the desire to preserve the originality of our peoples and a sense of responsibility for everything that is happening in the world today. But now everything in the order of occurrence:

Moscow

For the RAIPON delegation, the conference began in Moscow. The office of the association was located on the Vernadskiy prospect. Here we met from the Kamchatka and Kemerovo oblasts and from the Evenk, Chukotkan and

three Nenets okrugs, having traveled many thousands of kilometers from our native regions. The trip and our living expenses were covered by RAIPON for which we are deeply obliged... On August 1, the leaders of the association had an organizational meeting with us and on the 2nd of August we departed from the capital's Leningrad station on a long trip...

Helsinki

The capital of Finland, our nearest neighbour in the Arctic, is located in the south of the country. A cool and sunny morning greeted us. The representatives of the conference organizing committee met us at the railway station. In the office of the Finnish airlines, we received folders with documents and familiarized ourselves with the coming events. Since we had some time left before departure we went to see the Finnish capital...

In all we spent about 3 to 4 hours walking around in the capital of Finland. The impression was only visual. Each capital has its own virtues and distinctive features. The same holds true for Helsinki...

Ivalo

After an almost two-hour flight from Helsinki, our plane landed in the town of Ivalo in the north of Finland. The temperature was the same this summer as in our okrug. It did not rise above 9° C. During our entire stay in Finland, it never got warmer. While we were receiving our luggage and getting into the buses, we exchanged impressions and had the opportunity to take the first pictures of the land of the Saami – the indigenous inhabitants of Scandinavia. A reindeer—a real beauty—took his time and walked up to the airport building. Not paying any attention to the moving transport, he stopped right at the entrance to the airport. Quite evidently, nobody could withstand this. The ladies poured out of the buses and started to photograph the courageous animal, first from far away and finally almost hugging this wonderful animal. This is the reception we received in Ivalo!

Then on the road from Ivalo we observed small herds of reindeer several times and we were touched particularly by the little calves - *suyukoc*. The surrounding landscape was almost the same as in the surroundings of Naryan-Mar. Fir trees – not too high, pine trees, birch trees, willow herbs and everywhere the pale gray blooming heather covered the surface of the earth like a carpet. The roads across the hills were excellent, and the lakes had the cleanest water. The trip to Saariselkä only lasted half an hour.

Saariselkä

This was our home away from home for the entire stay. Saariselkä—a large tourist center in the north—well-known beyond the borders of Finland. Picturesque places, modern service, invigorating air, an exotic national cuisine (similar in many ways to our Nenets) have made it a popular place to spend leisure time. It is not empty in the winter either. They have everything needed for winter sports. The tourist compound can accommodate ten thousand visitors at the same time.

Saariselkä was our home for three days, our work place, a place where we spent our free time and communicated with representatives of all the Arctic countries. The house was comfortable and hospitable. All the possibilities were

offered to work and relax. The conference participants had audio and video appliances at their disposal, computers, and friendly guides were always ready to help. Our group from RAIPON was situated in the wing Paraspaikka... The events ended late... In spite of the fact that we came from different autonomous okrugs, three from Nenets, Chukotka and Kamchatka, the Kemerovo Oblast, the Republic of Sakha (Yakutia), we prepared a small concert. We look so similar even though we represent 40 indigenous minorities of the North of Russia...

Kaunispää hill

The highest place in the surroundings of Saariselkä is the Kaunispää hill. On top of this hill, Pekka Aikio (Finland) the chairman of the Saami Parliament welcomed the delegates of the conference. And here under the open skies a musical presentation took place. And then, according to the traditions of northern hospitality, we were offered lightly salted salmon, smoked venison and fish. Then we had hot tea with pies made of blueberries and raspberries, which was just what we needed since a strong gusty wind with rain blew the remaining Moscow heat out of us. Not even the shelters in the shape of chums were of any help. As we were returning we could all see from the top of the hill as the sun was going down an extraordinary beautiful and bright double rainbow. Well, of course, the ancient Saami earth accepted us as honored and distinguished guests!

Plenary sessions

The key speeches were made during five plenary sessions. The plenary sessions themselves began with Tarvayaraq, a cleansing ritual of the Yupik people (Alaska). It was performed by Ester Ilutchik, Mari Meid and Michele Sneider, wearing traditional costumes. Welcoming of the participants continued by Eva Biode, Minister of Health and Social Affairs, and on questions regarding gender equality in the Finnish Government, Karolin Hennen, director of the movement for the promotion of women at the UN, and Karina Peltonen, the chief advisor of the Secretariat for the Nordic Council of Ministers. The ceremonial part ended with a performance by the musical ensemble "Anjel Nieiddat" (Angeli Girls).

In order to understand what the prominent female politicians, having an important say in their respective countries, talked about, and what the topic of the discussion was, I shall name the titles of the presentations and also certain very interesting moments during the presentation. Audrey MacLaughlin, from Canada, talked on "Opening the roads: Arctic women are creating a future". Bente Aasjord from Norway gave a talk entitled "Where have all the fish gone? Men are forming a naval Arctic future". Ole Dorff, Minister on matters dealing with social welfare and self-governing of Greenland discussed "Women in the labor market and equal opportunities". Tamara Ryumantseva, deputy governor of the Arkhangelsk Oblast, Russia offered a presentation called "Conditions of life and the possibilities for women on the labor market". Arliss Sturgulevski, former senator from Alaska (USA) talked about "Understanding our past—the key to understanding the future".

"We have gathered here in order to work out a proposal for our governments concerning gender equality. Our task is to decide what can be done about the gender question.

Women should not refrain from participating in politics. In all Arctic countries, with the exception of Finland, subsidies for families, children and health care are being decreased. In the USA 35 billion of deductions are to the UN are being curtailed. All decisions on cutting down finances were made by men. There is not one country where there is a 50% participation of women in politics. It is not worthwhile getting angry, we must do something ourselves. For us women a 50% participation in politics is important even though the mass media looks upon it negatively.

...I am disappointed by the fact that no administrative bodies were represented at the Conference...

...Norwegian fish is second in size as regards export. When the oil era comes to an end, then the era of the fish will begin. The Arctic countries are the largest suppliers of fish products. Fish – that's culture. It is our future...

...Women's salaries are 2/3 of men's salaries. There are enterprises in the Arkhangelsk Oblast where the majority of workers are women... Women are not given access to the distribution of money. In the Arkhangelsk Oblast, men own 80 percent of real estate... There is no equality in the labor sector and it is particularly difficult in a rural location... at present in the village an active process of returning to old values is taking place. Revival of the village is due to women...

Men do not understand what gender equality is...

Alaska is the 49th state in the USA. The total number of inhabitants in Alaska is 626 thousand and 15.6 percent of them are aboriginals. 66 percent of men's salaries amount to the salaries of women in Alaska. Alaska has the highest level of labor resources in the USA...

The third and fourth plenary sessions were dedicated to the following subjects: "A gender approach in the self-determination of indigenous peoples" and "Suppression of women". Vigdis Stordal, an adjunct professor at the University of Tromsø (Norway), proposed the following contribution to the participants: "The Saami Parliament of Norway: access to women limited?". Fenyá Lekhanova, Vice-president of RAIPON spoke about "The role of governmental structures and NGO's in establishing a new type of relation with indigenous minorities within the Arctic region". An especially qualified person, commissioner of the Canada's North-West Territory, Glenna Hansen attracted great interest with her lecture on "Diplomatic management: a constructive element in governmental establishments" and invigorated the conference hall. She began with her own experience in life. Having been left a widow at an early age with four children, she headed her husband's company and after some time made it profitable. In the year 2000 she was appointed commissioner of the North-West Territory.

"Diplomacy is the part carried out by the commissioner. The most difficult part is to defend your honor. The basics of diplomacy is traditional knowledge. Diplomacy – a natural characteristic for women – that is strength, dedication and tact".

The fourth plenary session was the most emotional one and its theme was "Suppression of women". There were only two papers on this subject but during the discussion a large number of women took part. Some of them could not hold back their tears. This subject was then reviewed in detail in the seminar with the same title. In the seminar four

groups were named: "Breaking the silence on the suppression of women", "State of health of the Arctic woman", "Experience in rendering social assistance" and "Trafficking (trade) women and prostitution". Maria Kostina (a journalist for the oblast paper "Pravda Severa", Russia) related her personal experience, using the mass media for this purpose, in shedding light on this problem about the suppression of women. Elena Antipina from the Sakha Republic (Yakutia), Russia provided information about the "Tundrovichka" Crisis Center.

The closing of the seminar ended with Saami culture—"Northern women – new images", a seminar dedicated to Alaska and also a seminar about the experience of Scandinavian-Russian cooperation along the border.

The fifth plenary session was dedicated to the reports by the heads of the seminars concerning the work done, with an analysis of the contributions by the participants of the seminars. The Ambassador of Canada, Adele Dion presided over this part. Many participants of the conference were mentioned, including the author of these lines...

Words of gratitude were expressed to the organizers of the international conference. Hannele Pokka, governor of Lapland, Finland, officially closed the meeting. Children wearing bright Saami costumes gave the participants of the conference symbolic triangles of life, with candles burning and the sound of Saami tambourines.

Inari

The story about the conference would not be complete without mentioning the cultural program of the Saami in Inari. It fit naturally into the series of events, confirming the main postulate of the conference: under Arctic conditions there is no life without women, much has been preserved due to women, the culture of indigenous peoples of the North dating back many centuries, it is the woman who naturally bears the responsibility in present days for the future of the circumpolar peoples. The settlement of Inari is the center of a commune for Finnish Saami. It is located 70 km from Saariselkä, an hour's ride in a comfortable bus.

Siida—a Saami museum and a nature center of northern Lapland—is in Inari. The employees of the municipality of the commune arranged a warm and joyful welcome for the participants of the conference. Teuvo Niemelä, chairman of the municipal council, pronounced a welcoming speech, followed by an excursion to Siida, the oldest inhabited territory in Lapland. Archeological findings are presented here and they are nine thousand years old. The museum in Inari was founded in 1959. The modern exhibition center Siida came later. Today the open-air museum serves as an extension to Siida. On an area with a seven hectare platform the dwellings of Saami fishermen and nomadic Saami are exhibited. Means for hunting and fishing are presented, all that is used on a daily basis by the inhabitants of Lapland from olden times up to the present.

State-of-the-art technology is used to equip the Siida exhibition complex. It starts with hand-made articles, plaited, embroidered, souvenirs finished decoratively, reindeer furs manually worked on and the furs of wild animals. Traditional items represent not only daily articles but also festive clothing, silver decorations which the people of Lapland made for many centuries. But even today they look modern. Those who were interested could acquire any souvenir they wanted to please any taste and at any price...

It should also be stated that the women from RAIPON in answer to the welcome by the chairman of the commune presented a small concert and exhibition of traditional articles made by Nenets, Evens and Dolgans. Furthermore, albums were presented, books and advertisement leaflets finished with good taste about the Yamalo-Nenets and Dolgano-Nenets (Taimyr) okrugs...

The chairperson of the Arctic Council expressed general satisfaction at having met with women from indigenous minorities of the North, Siberia and the Far East. RAIPON is an influential public organization. "We are happy to see you here as representatives of indigenous peoples from Russia." and the overall opinion of the women was as follows: "We have received new strength and have seen new possibilities here".

P.S. It was strange to hear personally about discrimination from the women who come from countries with a developed democracy, from women who have achieved the heights of political and governmental power, leaders of world-wide public organizations, with decades of experi-

ence in working in this field... In the case of female representatives of indigenous peoples it is double discrimination: one because of gender and the other due to ethnicity. Men don't understand the problems of gender discrimination and do not wish to accept gender equality. Even in that Republic of Finland, the Prime Minister and Head of Parliament is a woman. As a rule women who have established themselves at the level of men, they are also mothers and often even mothers of many children. Until now I was convinced that we in our okrug are the only ones subjected to triple discrimination. I have gone through it personally. And only due to the knowledge of my mother tongue did I stay afloat. I relate a mother tongue with traditional knowledge, a part of a people's culture. For that reason I could not refrain from mentioning in my speech that life in the extreme North, in the broadest sense of the word, persevered and will continue to persevere because of the traditional knowledge indigenous women have, namely that they are the keepers of the hearth.

Why is the Federal Law on Territories of Traditional Nature Use not Working?

Olga Murashko

Unfortunately, the cause of this problem is partly rooted in the law itself. This federal law is in fact a framework. It offers neither a mechanism nor a procedure of its realization. Regretfully, nothing else could be expected since representatives of regional authorities objected to specific, concrete measures to establish Territories of Traditional Nature Use, sticking to their belief that any instructions regarding what way things had to be accomplished, and by whom, were an infringement of their sovereignty.

However, after the law had emerged, many regional administrations started to approach federal authorities with requests for information of how to carry the law into effect.

Thus, since in accordance with the law on Territories of Traditional Nature Use (TTNUs) the legal regime of each and every TTNU is determined by the Statute, the majority of regional authorities opted for taking their time until the Government of the Russian Federation would work out a model statute about the legal regime of TTNUs, though creation of a model statute is not stipulated by the said federal law. Besides, regions could establish TTNUs themselves since in accordance with the law in force they are to be set up by the decision of the organs of executive power in the Federation subjects and local self-governance. Some regional authorities did so, for example, in the Khanty-Mansi Autonomous Okrug, and in the Tomskaya Oblast.

But a second contradiction rooted in the federal laws emerges in this instance.

Organs of administrative units of Russia and local authorities are unable to take decisions about the gratuitous transfer of the majority of Territories of Traditional Nature Use demanded by indigenous peoples. This is the case when the lands in question are under federal authority—and the majority of lands occupied by indigenous peoples of the North: forests, water reservoirs, coastal and

offshore zones are in fact under federal authority. Secondly, it happens because soon after the law on TTNUs had been adopted the Land Code of the Russian Federation was passed. This Land Code does not include the possibility of gratuitous use by individuals. Now, only two forms have been left for citizens: the right of ownership and the right of leasehold.

It would be logical if the renewed Land Code could take into account the form of land use which has already been fixed in the federal law on Territories of Traditional Nature Use adopted earlier. Besides, the legislator should have taken into account the special historic, economic and ethnic circumstances of indigenous peoples. Neither the right of ownership nor the right of leasehold is applicable where reindeer pastures, hunting grounds, fishing areas, and sacred sites have been in general use in accordance with indigenous customary land use norms. It was possible for the Land Code to take this into consideration in accordance with the Constitution of the Russian Federation since this attitude of indigenous peoples towards their lands and natural resources as a common source of existence has been reflected in the Constitution. However, for some reason it failed to be reflected in the Land Code.

Now, in accordance with the standards of the Land Code, RAIPON representatives are told that indigenous peoples should rent (!) their lands after they have been put out to tender. They have used these kinship pasturelands, areas of traditional occupation and business activities, sacred sites and burial plots, and preserved them for their descendants during the past centuries. Having to rent sacred sites and burial places would be blasphemous to indigenous peoples and contradicts common sense.

Reformers of the Land Code should also have taken into account the fact that the majority of indigenous peoples'

representatives—those engaged in traditional natural resource use—live in localities far away from administrative centers and, judging by the level of their income, well below the poverty line. Traditional natural resource use for them is the only source of sustenance. It is quite evident that these representatives of Northern indigenous peoples will not be able to offer competitive bids and pay the rent. Following the standards of the Land Code, therefore, these Russian citizens will be deprived of their last sources of existence.

To overcome this monstrous injustice as well as to eliminate the contradiction rooted in the legislation RAIPON has put forward a suggestion to introduce certain changes into the articles of the Land Code. The aim is to provide individual indigenous persons and their communities with the right of permanent use of state-owned or municipal lands for traditional natural resource use in localities they traditionally inhabit and where they are involved in economic activities. This suggestion has not found any support yet.

Thus, the discrepancy between the two federal laws (the Land Code and the law on Territories of Traditional Nature Use) and the unwillingness of legislators to bring them in line with each other have caused the absence of Territories of Traditional Nature Use on the federal level.

Similar discrepancies or uncertainties in the rights of indigenous peoples to use natural resources have been identified in the federal laws On Fauna, On Hunting, On Fishing, and in the federal Forest Code.

To rectify them the way the authorities are now trying to do—putting indigenous peoples' rights concerning the use of traditional natural resources on the same footing as the rights of all the rest of the citizens, i.e. making natural resource use for traditional subsistence activities subject to payment—is tantamount to murder in the present socio-economic situation.

After all, special laws on indigenous peoples' rights are created especially with the aim of accepting special rights of indigenous peoples as a permanent feature, at least for the limited time of reviving their economy under the new conditions.

So, one of the reasons that the federal law on Territories of Traditional Nature Use is not being acted upon is in the lack of agreement between the laws. The method to overcome this problem is to improve the laws.

The second cause of the present-day absence of Territories of Traditional Nature Use at the federal level is, unfortunately, due to the sabotage by state executive agencies, starting with the federal authorities, in implementing the federal law on TTNU.

The process to improve the laws should not be cause for the suspension of the present law. Otherwise, this process itself becomes illegal. Likewise, any assumption that it is not worthwhile establishing a traditional subsistence territory since the law is on the verge of being revised or because some legally binding statutory instruments are not ready yet is illegal. Since the law was carried into effect on 11 May 2001 representatives of indigenous peoples have the right from that very date to submit requests about the establishment of TTNU and the authorities are to consider the applications and come to a decision.

Article 5 of the current law on TTNU clearly states:

“Territories of Traditional Nature Use of federal significance are to be established by decisions of the government of the Russian Federation in agreement with relevant state agencies on the basis of applications made by persons, related to numerically small peoples, and communities of numerically small peoples or their authorized representatives”.

In other words, the right of indigenous peoples is to apply while the government's responsibility is to make a decision about the establishment of a TTNU or to give a substantiated denial.

With the assistance of experienced lawyers, RAIPON has attempted to work out legally competent samples of applications relevant to the establishment of TTNU envisaged by Articles 6 and 11 of the federal law. These samples were published in the journal “Mir korenykh narodov – zhivaya Arktika”, No. 6, 2001 (Pp. 24-39). The Association has convened workshops to train representatives of indigenous peoples in writing applications for the establishment of TTNU. Such applications have been prepared, along with draft provisions about the legal circumstances concerning TTNU, and sent to the federal government.

What was the federal government's response to these applications made by indigenous peoples? The Ministry for Economic Development and Commerce authorized to give answers to indigenous peoples' applications about the creation of TTNU used to give a standard response. I repeat it verbatim: “Practical realization of the law's standards has been hampered at present by the absence of the required judicial documents regularizing the system for establishing Territories of Traditional Nature Use of federal significance and defining the regime of their functioning”. It was further noted that there was an ordinance issued by the federal government about the elaboration of a standard provision concerning Territories of Traditional Nature Use without indication of any term of its realization.

Firstly, this standard response to applications made by indigenous peoples about the establishment of TTNU contains a refusal to establish TTNU, which is based on the absence of certain statutory instruments required by the government itself to do the job. Such a response contradicts the federal law “On the Russian Federation Government”: it is, above all, the responsibility of the federal government to execute federal laws.

Secondly, the availability of a standard act is not envisaged by the law on TTNU; it is merely an intra-departmental document the government needs for itself to elaborate the mechanism of execution of the law. In accordance with the abovementioned law on the federal government, it is a direct responsibility of the government itself to work out such a mechanism. The absence of such an enforceable enactment cannot serve as a cause of refusal to execute the law. Thus, the causes of non-existence of TTNU are rooted in non-compliance of the adopted laws with each other, i.e. something the indigenous peoples are not guilty of. It is lawmakers' fault.

That is to say, both the aforementioned refusal to establish TTNU and the given reason for the refusal are illegal.

What should indigenous peoples do in case there is an evident non-execution of law? Take the case to court. And that is what exactly was done following the receipt of the first response of that kind. But even appearing in court the government's representatives failed once again to offer

anything to justify their actions apart from inarticulate promises to work out a standard act. In case their court action is not satisfied, indigenous peoples have nothing to do but to demand execution of the law appealing to a higher authority. The lawyers of the social Legal Center Rodnik, authorized by representatives of indigenous peoples to develop the case, are fully resolved, if need be, to defend indigenous peoples' interests with regard to this claim both in the federal Constitutional Court and in the European Court.

Despite non-observance of the law by the federal government, RAIPON continues to offer the authorities its cooperation. RAIPON is striving to participate in all the measures of state agencies carried out within the framework of the modern process of legislation reforms. Unfortunately, both revised versions of the Territories of Traditional Nature Use law which are currently put forward by executive agencies can hardly satisfy the indigenous peoples of the North. As it has already been mentioned, the right of gratuitous use of lands is not included in one of them.

The other measure put forward by the Ministry for Economic Development and Commerce, firstly, includes a proposed new law and the abolition of the old one, thus annulling the legitimacy of all the indigenous peoples' applications for TTNUs sent to the authorities during the past eighteen months. This proposal, justified by nothing, is unacceptable. At the same time there is a possibility to improve the law in force by inserting amendments and adding supplements. Secondly, the second variant of the law lacks certain standards essential for indigenous peoples. These include:

- The restriction of turnover of lands constituting TTNUs;
- The realization of indigenous peoples' rights to participate in the supervision over the use and protection of lands and other natural resources;
- The determination of the system to assess the environ-

mental impact of industrial projects and to participate in any managerial decisions relating to the sustainable development of indigenous, numerically small peoples, in terms of human habitat, health, employment, traditional natural resource use, ethnic and cultural integrity as well as the system of reimbursement of damages done to the environment and traditional lifestyle, and realization of programs of socio-economic adaptation of indigenous peoples to the conditions prevailing after the realization of industrial projects.

The absence of these standards is inadmissible; it contradicts international principles which the Russian Federation has accepted as binding with regard to indigenous peoples. Corresponding proposals about the insertion of these standards into the said draft law have been duly submitted by RAIPON to the federal government.

Having defended the rights of indigenous peoples of the North, RAIPON hopes to cooperate with both legislative and executive branches of power. It puts forward proposals for improving the laws as well as pushing for their realization. Northern indigenous peoples should not lose their hope: using the right given by the current legislation, they should continue to approach the federal government with their claims to establish Territories of Traditional Nature Use—the third cause of TTNUs being non-existent is rooted in the low activity of the Northern indigenous peoples themselves. It might seem to the authorities that indigenous peoples are hardly in need of TTNUs since there have been only a handful of applications about their establishment. It is high time for indigenous peoples of the North to get united in defense of their rights to their traditional lands before they are in the hands of other owners and leaseholders. RAIPON is ready to render any assistance in this respect, including workshops to help realize the rights of indigenous peoples of the North, Siberia and the Far East.

Establishment of Territories of Traditional Nature Use in the Khanty-Mansi Autonomous Okrug: Experience, problems, prospects

A. Raishev, Vice-Governor of the Khanty-Mansi Autonomous Okrug

Experience

In 1991, those engaged in traditional economic activities in the areas of the indigenous numerically small peoples of the North were exempted from land tax by the federal law On Payment for Land.

The edict of the Russian Federation President, On the Urgent Measures to Protect Places of Residence and Economic Activities of Numerically Small Peoples of the North, and the decision of the Council of People's Deputies of the Okrug adopted on its basis, "The Regulations of the Status of Lineage-Based Kinship Lands in the Khanty-Mansi Autonomous Okrug (KMAO)", became effective in 1992. Lineage-based kinship lands were granted for life as inheritable possessions. As of today, 507 lineage-based kinship areas have been organized in the Okrug, totaling 13.5446 million hectares.

Both the presidential edict and the KMAO's regulations

identified the lands used for traditional subsistence activities as traditional/priority subsistence territories (territories of traditional/priority natural resource use). The novelty of this approach was mainly the fact that, apart from the exemption from payment for land, the lands incorporated in the Territories of Traditional Nature Use (TTNUs) were transferred to indigenous peoples on the basis of inheritable life interest, which, in its turn, ensured aborigines' special rights connected with relations regarding the land plots and natural resources therein.

On the whole, the presidential edict did not grant the aborigines any other rights that would make the conferred right of inheritable life interest work. Therefore, from that moment there have been gaps in the federal legislature with regard to the conditions of industrial activities, and further regulation of relations between to indigenous peoples and others (in particular, the users of mineral deposits and other

natural resources).

At the same time, the Okrug's regulations envisaged regulation of these relations via binding contractual relations in the form of agreements between the owners of lineage-based kinship lands granted as TTNU and, for example, users of mineral deposits and other natural resources.

The fundamental features of the model forms of agreements approved by the government of the Autonomous Area included:

- Agreement of the owner of the lineage-based kinship lands regarding the locations of industrial facilities as a condition to carrying out industrial operations within the boundaries of a TTNU;
- The fulfillment of financial and other obligations aimed at the socio-economic development of the indigenous inhabitants of the kinship lands concerned;
- The identification of the status and types of kinship lands, the system for granting the right to use the kinship lands, cessation of the right to use them, etc.;
- The control over the fulfillment of conditions stipulated by the agreement on the part of the state, municipal authorities and aborigines themselves.

The above regulations have been incorporated into the Charter of the KMAO, regional laws, including On the Use of Mineral Resources, On Land, and On Dispossession and Granting of Land Plots on the KMAO Territory.

Acting on the basis of these laws, representatives of the Okrug's government have become members of the commissions which supervise the fulfillment of conditions of license agreements and the regulation of disputes over mineral resource use within the boundaries of TTNU. (These are the permanent interdepartmental commission on licensing mineral deposits and water resources, the commission to check the fulfillment of conditions of license agreements, various conciliation boards, etc.). Besides, the given authority is carried out via special governmental bodies and services: forestry, management of land resources, water protection, ecological, etc.

On the federal level, since the presidential edict of April 22, 1992 was adopted, the laws dealing with this issue did not change for many years.

However, changes have been underway recently. The following laws were adopted: On Guarantees of the Rights of Indigenous Numerically Small Peoples of the Russian Federation (1999), On General Principles to Organize Communities of Indigenous Numerically Small Peoples of the North, Siberia and the Far East of the Russian Federation (2000), and, mainly, On Territories of Traditional Nature Use (Territories of Traditional Natural Resource Use) of Indigenous Numerically Small Peoples of the North, Siberia and the Far East of the Russian Federation (2001).

Apart from making the status of TTNU more definite, the federal law has secured the situation when the state is the owner of TTNU while indigenous peoples are their users. While the owner and the user of mineral deposits used to be the main contractual parties in cases of mineral resource exploitation of lineage-based kinship lands, the institution of TTNU now stipulates that the state is the owner and user of such lands, the supervisory body monitoring their use as well as the guarantor of the aborigines' rights. Thus, the indigenous peoples rights stipulated by the Okrug's regulations about the status of lineage-based kin-

ship lands ensuing from, if it is permitted to say so, "semi-proprietary", contractual relations based on the right of inheritable life interest, have failed to acquire legal fixation in federal legislation.

Moreover, the newly adopted federal Land Code has stipulated that individuals (including indigenous peoples) shall not be granted land plots for gratuitous use. In this connection, the implementation of all the Okrug's legislative acts inasmuch as they contradicted the Land Code has been suspended, including the suspension of the regulations about the status of lineage-based kinship lands.

The institution of Territories of Traditional Nature Use is today being introduced in the Okrug. In this connection, enactment # 192 of the KMAO government, On Territories of Traditional Nature Use, was issued in the spring of 2002 to recognize lineage-based kinship lands as TTNU. On the basis of this enactment, the Okrug's government and its Duma (Assembly) are now working out the law and regulations with respect to the Okrug's TTNU.

The prevailing problems

The introduction of TTNU in the Okrug has not sorted out the main problems of:

- (1) The status of indigenous peoples as land users;
- (2) The lack of a clearly defined legislative mechanism to defend the economic interests of indigenous peoples when mineral resource are being extracted.

The presidential edict On Urgent Measures to Protect the Places of Residence and Economic Activities of Indigenous Numerically Small Peoples of the North, the federal laws On Payment for Land, On Territories of Traditional Nature Use of Indigenous Numerically Small Peoples of the North, Siberia and the Far East of RF, and On Guarantees of the Rights of Indigenous Numerically Small Peoples of the Russian Federation have established the right of indigenous peoples to gratuitous use of their lands, to compensate for damages connected with a different use of TTNU.

It is essential to emphasize that nothing new has been introduced into the federal law on TTNU in this direction though it was required to consolidate and develop the above provisions, while the provision about the protection of economic interests of indigenous peoples through compensation for damages caused to traditional economy is not even mentioned. In addition, the Land Code, recently carried into effect, has made it likely that land users will have to pay for the use of land (which will be leased) to carry out traditional economic activities.

The lack of an efficient mechanism to protect indigenous economic interests in the process of mineral deposit exploitations has been caused by the lack of the above provisions in the federal law on TTNU as well as by the precedents set by the law On Guarantees of Rights...

In our opinion, the payment of compensations should be ensured by the very fact that non-traditional methods of natural resource use are being practiced within the boundaries of TTNU. Such compensation should be determined by the size of lands which are to be industrially developed and thereby not available for traditional indigenous activities.

The problem is aggravated by the fact that as of now there is no appropriate system of rules adopted in due order even with regard to damages of precedent nature. There-

fore, the above compensation payments are subject to taxation due to the lack of corresponding federal enforceable enactments. From the point of view of taxation laws, the amounts paid as damages to the owners of lineage-based kinship lands in accordance with economic agreements are not subject to any preferential treatment whatsoever.

The prospects of introducing TTNUs in the KMAO

Debates are currently going on in the Okrug about how to move forward towards the introduction of TTNUs or the preservation of the institution of lineage-based lands. It is a problem the land status of indigenous peoples depends on, with ensuing rights and relations. I reckon that while determining or choosing the land status of indigenous peoples the earlier developed aboriginal economic activities should be taken into consideration. Thus, for example, indigenous peoples have to carry out their economic activities within the boundaries of the same territories shared with the non-indigenous users of mineral and other natural resources. Under such conditions, it seems that these mutual relations should be maintained within the boundaries of TTNUs and be regulated on a legislative basis including appropriate normative acts. Otherwise, the fundamental rights of indigenous peoples to traditional economic activities and the preservation of traditional ways of life would be undermined. The current law cannot guarantee such rights since it gives non-indigenous users of mineral and other natural resources a legalized possibility to freely operate within traditional indigenous territories, employing non-traditional methods of natural resource use, irrespective of the costs this entails for traditional land users. Under the conditions of providing indigenous peoples with the right to independently dispose of land, including in TTNUs, it is clearly just a question of time and price before lands are transferred to outside mineral and other natural resource users. Moreover, there is no room for the state authorities in these property relations, although state agencies, in accordance with federal legislation and international principles, should be a guarantor of the preservation of indigenous peoples' rights to carry out traditional economic activities and a traditional lifestyle.

In what way would the institution of TTNU sort out these questions? It is essential to take an inventory, zoning Territories of Traditional Nature Use to determine the status of each and every zone. Non-traditional activities would be totally (say, in reindeer pastures) or partially restricted (with the observance of environmental protection and other conditions). These measures should be conducive to the fulfillment of the main task – to guarantee the preservation of reindeer pastures (the basis for traditional economic activities and lifestyle of the Yugra aborigines). It will also make the fulfillment of this task dependent on the will of the state rather than on the results of individual agreements between the users of mineral deposits and the owners of lineage-based kinship lands.

At the same time, the normative basis of the kinship land institution also contains a number of vitally important provisions essential for preservation. These have been verified by practice and are ready for realization. They include mechanisms to settle land; mechanisms to protect the economic interests of indigenous peoples in situations of mineral deposit extraction; the establishment of strict sanctions for non-traditional and unlawful use of lineage-based kin-

ship lands by third parties, etc. The federal TTNU legislation currently in force, unfortunately, does not formulate clearly enough the above provisions and does not determine the mechanisms of their realization. While the available provisions are frequently proclaimed in declarative form but do not find its use in practice.

However, taking into account the possibility of adding amendments to the federal law on TTNUs, it seems that the institution of TTNU can be used to defend on a greater scale the rights of indigenous peoples to guaranteed traditional economic activities, reindeer breeding development, to authorize the state to supervise the preservation of the legal status of the said lands and to regulate their use, and, by and large, to preserve the traditional lifestyle of indigenous peoples.

- The following measures should be of top priority:
- the making of amendments and supplements to the federal Land Code in order to permit indigenous peoples to use the lands of their residence on permanent, unlimited basis;
- the adoption at the federal level of a long-term system of rules of calculating the damages caused by the exclusion of TTNU lands and their environmental degradation as a result of mineral and other resource exploitation by non-indigenous parties, with the aim of determining the mechanism for reimbursement of damages to indigenous peoples (and these amounts should be tax-exempt);
- to work out corresponding laws and provisions about TTNU at the regional level with the inclusion of the abovementioned standards and provisions;
- to make more definite and consolidate the standards in the new federal law on TTNU.

The elaboration of a new federal law on TTNU is now also underway. In its first versions, it does not contain principles of division of the given territories into territories of federal, regional, and local significance, or zoning principles, and it restricts the possibilities of regional authorities to participate in the establishment of and supervision of TTNUs. The prospects for the adoption of this new version of the law are unclear though the tendency itself is important.

In conclusion, I would like to point out that the process of TTNU formation in the Khanty-Mansi Autonomous Okrug is already underway. The first steps have been made in this direction. The experience gained and the mechanisms, founded on the normative basis about kinship lands, to protect indigenous rights have been conducive to fulfilling this task.

It should be noted in this connection that while determining model territories and project proposals about TTNUs, the distinctive features, predefined land use conditions and traditional economic activities of indigenous peoples in such regions as KMAO must be taken into account. The search for appropriate forms of land use by indigenous peoples pursuing traditional activities and users of mineral deposits and other natural resources is the key problem of today. Considering the representativeness of the problems facing the KMAO, as well as the degree of its interest in their solution, and on condition of appropriate support being rendered, KMAO should be taken as a model territory for the introduction of TTNUs.

How can Samarga Woodland Udeges live on?

Materials were published in one of our journals issues (# 8) shedding light on the circumstances of the Primorskiy authorities having put the virgin Samarga forests—"the primordial habitat and the basis for a traditional lifestyle"—out to tender and then leasing them out to the joint stock company "Terneiles" for a period of 25 years.

The forests were leased for tree-felling ten years prior to that, in accordance with the President's Edict # 397, dated 22 April 1992, "On Urgent Measures to Protect the Places of Residence and Economic Activities of Indigenous Peoples of the North" and "The System of Protected Natural Territories", adopted by the session of the Territory's Council on 28 June 1991 (decision # 145). Covering 660,000 hectares, the Samarga river basin in its upper and middle reaches had been reserved and included in a special environmental defense fund before acquiring special indigenous territory status.

The Udeges of Agzu village adhered to their traditional way of life, engaging in hunting and gathering on these lands. This used to be the only source of their subsistence since the state authorities appeared to have forgotten about their existence during the past decade: there was neither electricity nor transportation (one can reach Agzu by helicopter only), nor any supplies. It turned out, though, that it was only the local people who had passed from the state authorities' memory. The functionaries remembered well about the forests, which could be sold out. And when a buyer turned up they sold them without giving a thought about the local people.

Having learned about that by chance, Arkadiy Kaza, head of both the community and local administration, convened a general meeting on 25 August. He informed the villagers about the events and interviewed them on the next day. The results of his survey showed that 105 residents (the majority of the adult population of Agzu) vigorously opposed forest felling and were in favor of the establishment of traditional subsistence territories in compliance with federal legislation.

The Legislative Assembly of the Primorskiy Territory had earlier supported the initiative to establish a traditional subsistence territory but kept silent on 5 March 2002 with regard to the motion made by community head A. Kaza that the results of the forest tender should be nullified. I.D. Kryuchkov, a resident of the village, and, later, a group of

people residing in the Primorskiy Territory, applied to the Frunzenskiy district court of Vladivostok with a claim "about nullification of decision # 7 dated 9 April 2001 made by the Territory's Commission on holding forest tenders". The court ruled to dismiss the claim.

On 9 October 2002 the case had to be tried by the appeals instance of the Primorskiy Territory's Court.

At the same time, representatives of the joint stock company "Terneiles" were working with the Agzu population. In September, they convened a general meeting of the villagers and, as a result, the majority of the attendees approved the "Terneiles" decision to start up large-scale timber harvesting in Samarga forests.

According to the "Vladivostok" newspaper (16 October 2002), which quoted a participant of this meeting, the vote was taken only on the motion with regard to the idea put forward by "Terneiles" to set up a group of villagers assigned to define the requirements and conditions which would need to be fulfilled for the villagers to agree to timber logging in the Samarga river basin. Forty Agzu villagers attended the meeting, 19 of them voted in favor of setting up such a group, 3 voted against the motion, 4 abstained and 14 did not take part in voting. Thus, the appeal was not heard, while the public opinion of a small village was split. A small community failed to compete with a commercial company.

A new meeting of the Agzu villagers is scheduled for January 2003 to hold a vote on the list of requirements and conditions formulated jointly with "Terneiles" representatives.

Neither the Association of Indigenous Peoples of the North, Siberia and the Far East nor the Primorskiy Territory's Association of Indigenous Peoples can call for this or that decision by the Agzu villagers though they both believe that the loss of the Samarga forests would be irreplaceable for the primordial habitat and preservation of the Udege people's culture.

We can hardly offer our help to the Agzu villagers in the establishment of civilized relations with the "Terneiles" company to stave off and alleviate the unavoidable negative consequences of forest felling for their lives and their children's futures. In this connection, RAIPON appeals to the management of the "Terneiles" company with the following proposals:

*«To: Mr. V.F. Shcherbakov,
Director-General of the open joint stock company "Terneiles"»*

Dear Vladimir Fedorovich:

The Association of Indigenous Peoples of the North, Siberia and the Far East of the Russian Federation and the Primorskiy Territory's Association of Indigenous Peoples in their capacity of legitimate representatives of the numerically small peoples of the North and defenders of their rights and interests, taking into account the interests of the "Terneiles" company, which is under your guidance, with regard to traditional territories of the Samarga Udeges and the ensuing conflicts of interests, rating highly your readiness for cooperation as well as the company's excellent reputation, propose the following:

1. To conclude a special agreement between the Primorskiy Territory's Association of Indigenous Peoples and the "Terneiles" company on the development of a socio-economic development program for the Samarga Udeges' territory. The recognition of numerically small peoples' rights and interests as well as the willingness and ability to find possible

compromises should form the basis of such an agreement. Getting slightly ahead of the events as well as taking into account our recent negotiations we believe it is vital and essential to supplement the aforementioned agreement with paragraphs dealing with the observance of environmental requirements with due account of traditional knowledge of the Samarga Udeges (regarding productivity of hunting grounds, migration of animals, etc.), the educational training of representatives of the Agzu village community in the development of traditional businesses and self-governance, and the establishment of a special fund to support local initiatives. As to the details and specific nature of the agreement, its formulation will be possible after your consent to conclude such an agreement.

2. The company's consent to provide the Primorskiy Territory's Association of Indigenous Peoples with technical documentation concerning the commercial exploitation of the Samarga forest areas and, in particular, a feasibility report and the conclusion of an environmental impact assessment is one of the mandatory paragraphs of such an agreement. Among the essential conditions are the assessment of the impact of large-scale forest cutting on the traditional lifestyle and primordial habitat of the Agzu village population during and after the harvesting, definition of the system of compensation for damages caused to the primordial habitat and traditional lifestyle of the Agzu village population, as well as the development of the program of socio-economic rehabilitation and adaptation of the Agzu village population to the conditions emerging during and after the completion of the large-scale commercial exploitation of the forest.

3. To start mutual cooperation oriented at linking the "Terneiles" company up to the development programs of indigenous peoples carried out by the Association of the Indigenous Peoples of the North, Siberia and the Far East of the Russian Federation jointly with the Government of the Russian Federation, Governments of the Arctic Council and various United Nations programs. We extend invitations to such cooperation to companies with a high international reputation, recognizing and observing indigenous peoples' rights, and using ecologically sound technologies. Participation in such programs would help companies maintain their high profile.

Respectfully,

S.N. Kharyuchi,
President of RAIPON

P.V. Sulyandziga,
President of the Primorskiy Territory's Association of Indigenous Peoples»

Chronicle of court cases of the Public Legal Center Rodnik

O. Yakovleva and E. Khmeleva

The case concerning an appeal related to the Territory of Traditional Nature Use for indigenous peoples "Thsanom" lodged against the refusal by the Government of the Russian Federation, the Ministry of Economic Development and Commerce

On 3 December the Presnensk Court in Moscow deliberated a case, the first of its type in Russia, pertaining to the refusal of the Russian Federation to form a territory for traditional nature use for indigenous peoples. It refused to respond to the appeal lodged.

The results of this case are not just a coincidence. In all the actions undertaken by the federal government there is an evident lack of desire to establish territories for indigenous peoples. The main arguments put forth by the Government are the necessity to amend the legislation (Land Codex and other laws) and the need to work on a multitude of standardization acts. These tactics delay the process of establishing Territories of Traditional Nature Use on a long-term basis. There is no doubt as to the dependency of the Court on the policy adhered to by the Government.

The lawyers of Rodnik prepared and lodged an appeal on the illegal decision handed down by the Court. In our subsequent publications, we shall inform readers about the results of the appeal.

The case concerning prohibition of operations endangering the environment in the future (protection of gray whales)

On 16 May 2002 the Presnensk Court in Moscow handed down a decision refusing to respond to the appeal lodged. The lawyers of Rodnik appealed this case.

At present, the Presnensk Court is creating obstacles for the plaintiffs to appeal the decision in the annulment case. The refusal to accept the appeal "due to the lapse of time to lodge an appeal" is purely fictional and is refuted by documents included among the material in the case. The annulment appeal was returned to the applicants without an explanation for the refusal, but with an accompanying letter by the judge. Because such a letter is not a procedural document subject to an appeal in an annulment case, the court has deprived citizens of the opportunity to appeal its refusal.

The plaintiffs in this case, along with environmental organizations, activists and RAIPON, are presenting themselves as well as numerous societies and representatives of indigenous peoples from different regions.

The case of the appeal by citizens and NGOs concerning the refusal of the federal government, the Ministry of Natural Resources and the foreign oil extraction company Sakhalin Energy to come forth with information pertaining to the constitutional rights of citizens to a favorable environment

The appeal to refuse information by the federal government, the Ministry of Natural Resources and the foreign oil extraction company Sakhalin Energy was submitted to the Presnensk Court in Moscow. By his ruling, the judge of the Presnensk Court refused to accept the appeal for examination. An appeal was lodged against this ruling.

On 12 July 2002, by a ruling of the annulment case, a private appeal by lawyers of Rodnik was given satisfaction, the ruling was repealed and the appeal was forwarded for examination to the point to the court of first instance.

The date for examining the appeal on annulment for not providing information to the Presnensk Court has yet not been set.

On 10 September 2002, by the ruling handed down by the federal judge of the Presnensk Court, this appeal has not progressed forward at all and has obligated the applicants to remove the technical flaws. The technical flaws enumerated in this ruling are imaginary and the demands put forth by the judges are not in accordance with the standards (GPK) of the Russian Federation. Once again this confirms the unwillingness of the court to examine a case in which the defendants are highly-placed governmental bodies.

The applicants for this case include, among others, RAIPON and numerous associations and representatives of indigenous minorities from different regions.

Reindeer herders of the Komi Republic and oil extraction: Points of mutual cooperation and conflicts

K. Istomin

A significant part of the population in the oil extraction region in the north-eastern part of European Russia consists of Komi Republic reindeer herders. Yet oil extracting companies carry out no work with the Komi reindeer herders. Already in the very near future this could have extremely negative consequences for both parties.

A brief description must first be made of contemporary reindeer husbandry circumstances in the Republic of Komi. Seven enterprises involved with reindeer husbandry operate in the Komi Republic. The largest among them is AO Sovkhoz Izhemskiy Olenovod, which combines Izhemskiy Rayon reindeer herders in the Komi Republic. This was historically the former homeland of the Komi people and a small number of Russian reindeer herders from the Ust-Tsilemskiy Rayon. This enterprise deals exclusively with reindeer husbandry and is also, by the way, the largest reindeer husbandry enterprise in north-east European Russia—not only for the overall size of the herd (34,600 head of reindeer as of March 2001), but also for the territory used. The entrepreneurial administration (i.e. the main farmstead) is situated in the village of Sizyabsk, Izhemskiy Rayon of the Komi Republic. The sovkhos is divided into four sectors (from east to west: Bakurinsk, Sizyabsk, Brykalansk and Kipievsk). Within the boundaries of this enterprise, each sector of the reindeer driving passage has its own corridor and head manager. The sovkhos employs about 350 reindeer herders, not counting the administration.

AO Sovkhoz Severnyy is located to the east from the Izhemskiy Olenovod and has its main farmstead in the Mutnyy Materik, Usinskiy Rayon, Komi Republic. The sovkhos has a registered herd of 12,300 head of reindeer taken out to be grazed by about 150 reindeer herders. It is adjoined from the east by AO Ust-Usinsk, with a center in the Ust-Usa settlement in the same Usinskiy rayon. In addition to reindeer husbandry, this enterprise breeds cattle and

grows crops. The reindeer husbandry sector alone employs about 100 persons.

The Intinskiy Rayon of the Komi Republic has three reindeer husbandry enterprises: AO Sovkhoz Bolshaya Inta, with the central farmstead in the town of Inta; Intinsk, in the Petrun settlement; and Fion, in the village of Abez. Until recently, all three enterprises were of a mixed type, involving both reindeer husbandry and agriculture. At the end of last year, however, the Bolshaya Inta sovkhos claimed bankruptcy once again and the process of withdrawing the profitable branch of reindeer husbandry and establishing it as a separate enterprise began. As far as I know, this process has not yet been completed. The sizes of these enterprises amount to 12,400, 10,600 and 5900 head of reindeer, respectively. The total number of reindeer herders is about 300.

And, finally, the seventh reindeer husbandry enterprise of the Republic is the municipal enterprise Olenovod, under the jurisdiction of MO Gorod Vorkuta, with its central farmstead in Vorkuta. The size of its herd is 14,300 head of reindeer and the number of employed reindeer herders amounts to about 150. It differs from the other enterprises in that Nenets, rather than Komi, are the main employees. There are small numbers of Nenets reindeer herders in the other enterprises.

The seven enterprises described comprise virtually all reindeer herders of the Republic. There are no real private or farm reindeer husbandry in the Republic (they are all sovkhoses, which are cooperative –The Editor). The minor attempts to establish such enterprises in the 1990s ended in bankruptcy. The only private reindeer herding enterprises are entered in the documents of the Ministry of Nationalities. They are Nenets who have not been collectivized and who until recently were not in the possession of any documents. These Nenets stopped off regularly on the territory of the Vorktunsk Governmental Council during the winter.

The techniques used for grazing reindeer in the Republic are the traditional methods for the Komi and for most of the Nenets reindeer herders. Depending on the season, the reindeer are driven between the taiga, the forest tundra and the tundra. During the winter season the reindeer herds are located in the taiga zone and as a rule on the left coast of the Pechora and the right bank of the Usa, although part of the herd belonging to the sovkhos Izhemskiy Olenovod crosses the Pechora and is located on the tributaries of the lower Izhma. Usually in the second part of April and the beginning of May, the reindeer herders leave the winter pastures with their reindeer and migrate northwards. During the second half of May they arrive on the early spring pastures or the thawed pastures in the forest tundra, where they remain right up to the end of the thawing period at the end of May or the beginning of June. Then the reindeer herders leave directly for the tundra, where they spend the entire summer and part of the fall. In the second half of July they reach the extreme northern point of their annual migration route: the Barents Sea and the Kara Sea. The herd begins to head back south in the first part of August and once again arrives at the boundaries of the forest by the middle of October. This is where the animals are selected for slaughtering; the animals to be slaughtered then leave in separate herds to the slaughtering destinations while the main herd continues moving south and reaches the winter grazing land approximately in the second half of December. This movement pattern corresponds well to the natural migratory cycle of the wild northern reindeer and consequently its natural instincts. It must be remembered that the majority of reindeer herders in the Republic migrate with their herd the entire year. 1970s plans to introduce a "shift system" for grazing into the reindeer husbandry enterprises of the Republic were never implemented. Today the shift grazing system is applied only by the two brigades of the Barents sector of the sovkhos Izhemskiy Olenovod: Ust-Ilimsk reindeer herders work there and a large number of them are Russian.

The traditional reindeer husbandry management system can not be entirely confined within the boundaries of the Komi Republic because of certain geographical features. Only winter and some early spring and late fall grazing lands are situated in the Komi Republic. The main warm season grazing pastures of the Komi reindeer husbandry enterprises are located in the Nenets Autonomous Okrug. Both within the boundaries of the Komi Republic as well as on the territory of the Nenets Autonomous Okrug, a strip of land has been allocated to each reindeer husbandry enterprise, a so-called reindeer driving or reindeer running passage for the migration of the reindeer herders and grazing of herds. The present location and boundaries of these passages were introduced in 1974 according to the plan made by the Committee for Land Development and have not changed since then, at least officially.

What is the relationship like between the Komi reindeer herders and the oil workers? It is a well-known fact that the extracting industry, like all industrial activities, influence traditional economics and this happens in two ways: first, due to the change in environmental conditions in the region, destroying in turn the ecological foundation of traditional production; and, secondly, due to changes in the social and economic circumstances, which inevitably alter the social arrangement as well as the priorities of people with

traditional ways of life.

The environmental effect of oil extraction on reindeer husbandry is mainly the destruction of ecosystems in reindeer grazing pastures brought about by polluting them with extraction products, with garbage, and by destroying the upper layer of the soil with extracting equipment and construction machinery. The combination of these factors makes it impossible to use the land for reindeer herding.

The laying of pipelines and soil improvement canals or tracks are widespread features that constitute obstacles for the migration of reindeer herds. Though not significantly environmentally destructive in themselves, they render some grazing pastures inaccessible for the herds. In addition, there is another factor to consider: sound pollution of the territory, which has not yet become an object for research in our country. Reindeer herders have told me more than once that it is impossible to let the reindeer graze in the proximity of working oil rigs, roads, pipelines, settlements for oil extractors and other places where helicopters fly regularly. Reindeer are afraid of noise; they often stampede and consequently do not graze sufficiently. This is particularly sad during the winter season since the reindeer frightened by the noise leave the food holes dug up by them in the snow and never return. The digging of new holes is quite exhausting for the reindeer and in the long run can cause death by starvation.

The severity of the environmental effects depends on the reindeer husbandry methods practiced in the area and on the geographical location of the region. According to information received from the Komi reindeer herders, the most destructive consequences for reindeer husbandry is the pollution of winter grazing land in the taiga zone. High quality pastureland is required for Komi reindeer husbandry, particularly where there have been reductions in the quality of the land available for grazing. Furthermore, as suggested above, the biggest danger to grazing land in the winter comes from sound pollution.

The social and economic effects of oil extraction on reindeer husbandry are related to the general changes occurring in the economic status of the population living in the region of the reindeer herders, combined with the social composition, purchasing power, etc. Also of note is when reindeer herders migrate into a previously unsettled zone which is now occupied by the staff of oil extraction facilities. These two factors contribute to a unique effect on reindeer herders and reindeer husbandry as a whole. The way that the oil companies look at it, the presence of relatively well-off oil workers opens up new markets for reindeer herders. This could stimulate the growth of new reindeer herds, as has happened, for example, in Yamal. However, cooperation can easily turn into ugly and conflict-ridden circumstances, such as when reindeer belonging to reindeer herders were shot by personnel of the oil rigs. Cases like this are not a rarity in the Bolshezemelsk tundra.

These processes are already in full swing in the Komi Republic, where the influence of oil extraction on reindeer husbandry enterprises in the Republic is handled quite unfairly and in an extremely unequal manner. In the Komi Republic, oil extraction chiefly impacts the reindeer husbandry enterprises in the Usinskiy Rayon (the "Severnny" and "Ust-Usinskiy" sovkhoses). In the taiga zone, their reindeer migratory routes are situated on the deposits of Vozeysk (north and south), and Usinsk (north, east and

west). In addition, passages in the south cross over the track of Usinsk-Haryag. All this is best expressed by the reindeer herders. According to them, there is currently an insufficient amount of sovkhov and winter grazing land in their passages available. This makes it absolutely impossible to increase the number of herds in the sovkhov. Moreover, the reindeer herders are convinced that the future expansion of development of the Usinsk deposits will make it necessary to curtail the number of reindeer. Quite stringent limitations concerning the number of reindeer have already been introduced into the sovkhov. These matters evoke a strong sense of unrest and dissatisfaction among the Usinsk reindeer herders. Information received from reindeer herders is confirmed by such objective and documentary indicators as the relatively low weight of the reindeer to be slaughtered. Due to these indicators the Usinskiy sovkhov is listed at the bottom every year of all the sovkhov in the Republic.

Oil extraction also directly touches upon the migratory route of the sovkhov "Izhemskiy Olenevod". On the whole the situation is better here because oil extraction operations currently occur only in the northern (tundra) part of the passage (Haryaginsk deposits) and therefore only affect summer pastures. The reindeer herders of this sovkhov take note of the difficulties when grazing reindeer in the summer, due to the construction of the Haryaga-Naryan-Mar track and they also connect these construction activities to that of oil extraction.

Even though, according to reindeer herders, oil extraction development on the lands used by the "Izhemskiy Olenevod" does not pose an immediate threat to further development of reindeer husbandry and to the increase of herds, but only creates a problem during the driving out time, there is a feeling of anxiety among reindeer herders for the future of their traditional livelihood. They are aware of plans to begin oil extraction in the Izhemskiy and Ust-Tsilemskiy Rayon of the Republic, the rumors being spread around concerning the scale of the planned drilling, the sites and consequences for reindeer herding are probably slightly exaggerated. Similarly, during my stay among the reindeer herders of this sovkhov in the summer of 2000, there were rumors in the brigades that keeping domestic reindeer (with the exception of riding bulls) was to be banned as soon as oil extraction begins, due to insufficient winter pastures. It is highly probable that fragments of rumors concerning the problems of their colleagues from the Usinskiy Rayon have reached the ears of the Izhma reindeer herders.

Whatever the reason, the attitude of the Izhma reindeer herders to oil extraction is extremely negative and loud discussions are heard about the necessity for joint actions to prevent this from happening. Dissemination of such ideas is promoted to a large extent by numerous reindeer herders in the sovkhov, whose residential area in one rayon is small and who have numerous family ties. Nearly all reindeer herders of the sovkhov fully support the activities of this "Lastin movement", to which I shall return later.

In the passages of the other four reindeer husbandry sovkhovs of the Republic, direct oil extraction is essentially not being carried out. There is only one operating oil rig in the "Bolshoy Inta" passage and in the passages of the "Intinsk", "Fion" and the "Olenovod" enterprises there are only surveying drills. In spite of this, the average environ-

mental effect of oil extraction is felt even here. Thus, the "Bolshoy Inta" autumn pastures that border the tundra are used every year during the winter period by the "Rassvet Severa" sovkhov, Nenets Autonomous Okrug. The "Bolshaya Inta" reindeer herders informed me that the Kharutinty themselves (reindeer herders of "Rassvet Severa") explain their behavior due to not being able to use their own winter pasture near the town of Usinsk: "there is no Iceland moss there, towers all around, oil workers shoot the reindeer and many dogs run around". The violation of passage borders by the Kharutinty leads to a reduction of food products on the "Bolshaya Inta" territory and a justified rage is evoked. In this manner the tensions grow between reindeer herders of neighboring sovkhovs, a factor, unfortunately, which does not promote brotherly love between reindeer herders and oil workers.

Regarding social and economic effects of oil extraction to the subject of reindeer husbandry in the Republic, we should state that a significant correlation exists among the Komi Republic's reindeer husbandry enterprises between the economic state of the enterprise and the proximity of its slaughtering points and central farmstead to the oil extraction region. Nearly all the reindeer husbandry enterprises today (with the possible exception of the "Olenevod" enterprise, concerning which there is contradictory information) have managed to overcome the consequences of the crisis in this branch in the beginning of the 1990s and approach—in some cases, even exceed—operating without losses. Today, three out of seven reindeer husbandry enterprises are considered essentially profitable. The first enterprise in line for profitability is the reindeer husbandry division of the "Bolshaya Inta" sovkhov; since a division for animal husbandry and agriculture, considered to be very unprofitable, is also part of this sovkhov, the enterprise as a whole has been unprofitable until recently. At present the reindeer husbandry division is separating from this enterprise and establishing an enterprise of its own and will thus probably give the Republic the first highly profitable reindeer husbandry sovkhov.

The reindeer husbandry divisions of the sovkhovs in the Usinskiy Rayon is also profitable, strange as it may sound given that these are among those enterprises where oil extraction effects are most appreciable. Reindeer husbandry profitability in these sovkhovs, as far as I know, can be attributed to the maintenance of high prices for the reindeer products. In the case of the Usinskiy sovkhov, this is explained by the high purchasing capacity of the inhabitants of this favourable oil extracting area. Apparently, the success of the "Bolshaya Inta" reindeer enterprise can be explained by the advantageous location of the slaughtering facility adjacent to the town. The meat is reprocessed there and can then be transported cheaply by rail to the industrial towns of more southern rayons of the Republic, particularly to Pechora and Uhta, where the high purchasing capacity of the population is also assured to a large degree through oil extraction. It can thus be concluded that the change in the economic status of the indigenous herders in the Komi Republic is on the whole more positive in those rayons where there is oil extraction. However, the profitability of the enterprises does not directly indicate a higher standard of living for reindeer herders.

Unfortunately, the appearance of a new group of settlers—the staff of oil extraction installations—in the rayons

where reindeer herding takes place, does not have the same positive assessment. The relationship between oil rig operators and Komi reindeer herders is very complicated and contradictory. Discussions with informants indicate frequent visits to the oil rigs by reindeer herders since they serve as an important source of products and materials such as cloth, kerosene and tarpaulin. These products are bartered for with meat and *kamus* [skin from reindeer legs for footwear – The Editor]. In addition, the oil extracting installations serve as important channels for communication with the outside world, especially for those brigades without walkie-talkies or who are in such areas where the obsolete equipment of the reindeer herders does not permit proper communication.

This could be looked upon as a positive effect but in all the reindeer herding brigades that I have investigated there were tales of deception. In the opinion of the reindeer herders, the oil workers are constantly attempting to cheat them and they cannot be trusted at all. For instance, reindeer herders have been sold low-quality goods for artificially raised prices, they have been encouraged to become inebriated. This is aggravated by the wide distribution of vodka and other alcoholic drinks to the reindeer herders. There is also the shooting of reindeer: numerous Komi reindeer herders have informed me that it is better to make a wide circle around the operating oil rigs, not only because of the dirt, but because the danger is great of losing many reindeer which the oil workers will kill.

As the amount of oil extraction increases the reindeer herders observe an increase in feral dogs, especially in the vicinity of Usinsk and large oil extraction settlements (Kharyagi, Verkhnekolvinska, etc.). The dogs cause a noticeable loss to the reindeer herds passing by. On the basis of this it can not be a surprise that the herders' relationship to the personnel of the oil rigs is on the whole negative and hostile even though the reindeer herders admit that among the oil workers there are also good people.

The negative social and environmental effects of oil extraction evoke substantial restlessness and a feeling of protest among the reindeer herders. Hindering specific measures that the reindeer herders can take, there is almost a total absence of legislation in the Komi Republic concerning the activities of the reindeer herders; there is also an absence of an organizational base among the herders.

The Komi people do not officially belong to the minorities of the North. The law on tribal land possession—if it is ever introduced—does not apply to the Komi reindeer herders since there is no tradition of land ownership. Historically, the right to pasture land among Komi reindeer herders existed in the form of use rights of migratory routes (*vergi*) belonging to separate families. Research shows that frequently two groups of reindeer herders, connected by kinship, migrated along one *vergi*. However, these groups can not be considered as “tribes”. Today, territory for deer driving passages are entirely at the disposal of reindeer husbandry enterprises, and the legal basis for the application of a tribal land possession law to these enterprises is quite contradictory.

In the territory neighbouring the Komi Republic, the only legislation regulating land use by reindeer husbandry enterprises is the so-called “Leasing Agreement at a Nil Rate”, which was concluded between the forestry enterprise of the rayon in question and the reindeer husbandry

enterprises, whereby one contract provides the right to land use by all enterprises in the rayon. In accordance with such agreements, the forestry enterprise offer territorial pastureland to the reindeer husbandry enterprises for grazing reindeer, without the right to use them in any other manner, and no payment for the pastureland is collected. A map is usually attached to the agreement indicating the borders of the pastureland offered to all enterprises. Similar agreements are drawn up with the enterprises of the Nenets Okrug, which make use of pastures in the winter on the territory of the Komi Republic.

A significant particularity of such agreements is that the forestry enterprise retain the right to review the borders of the allotted lands, to discontinue the agreement, and to reallocate the lands to other enterprises, including for other kinds of utilization as long as they do not directly conflict with reindeer husbandry. There is no legal specification of the activities that inflict loss on reindeer husbandry and it is quite difficult for reindeer husbandry enterprises to defend their rights, particularly since claims may be directed not to the reindeer breeders themselves—the users of the territory—but to the forestry enterprise.

Concerning pastureland territories of the Komi enterprises located in the Nenets Autonomous Okrug, here the situation is even more complicated. When speaking about a legal basis to use these territories, both the directors of reindeer husbandry enterprises as well as the officials from the Ministry of Agriculture usually refer to some contract between the Komi Republic and the Nenets Autonomous Okrug which regulates the handing over of the pasture land to reindeer husbandry enterprises. I was not able to find the text of this contract, however, and the directors and officials I questioned were not familiar with the specific requirements of the contract. Some of the directors of reindeer husbandry enterprises (particularly from AO “Sovkhoz Izhemskiy Olenovod” and “Bolshaya Inta”) refer, though, to their responsibility to pay for the use of the pastureland to the Nenets Autonomous Okrug yet they all acknowledged that actually they make no such payments and are not even sure of the amount they are supposed to be paying.

When speaking about the absence of an organizational base, it is worth mentioning that at present the Republic has no reindeer herder associations. The Komi organizations that do exist, such as the Congress of Komi People, Komi Kotyr, and even the regional Komi-Izhma association “Izvatas”, do not handle, in practice, the problems of reindeer herders. I want to remind you that only one of the 11 Komi ethnic groups are involved in reindeer husbandry and even within its framework, reindeer herders comprise only a very unimpressive percentage. Only environmental organizations show some interest in the problems of reindeer herders in the Komi Republic, in particular the association “Clean Pechora”, yet they are not considered as directly representing the interests of reindeer herders.

In spite of all the difficulties mentioned there are, however, many indications that a movement is afoot which is just making an appearance and which has the goal of defending the rights of reindeer herders and representing the interests of reindeer husbandry enterprises. Notable initiatives of this kind are coming both from above (from the entrepreneurial administration) and from below (from the reindeer herders). During a private discussion last October,

the former director of a sizeable reindeer husbandry and agricultural shareholders' association "Sovkhoz Bolshaya Inta", Sabil T. Zakirov, stated that at a recent meeting of directors for reindeer husbandry enterprises in the Komi Republic, a lively discussion was in progress concerning the possibility of beginning legal proceedings against oil extracting companies with the aim of fining them for polluting the reindeer grazing land due to emissions and oil spillages.

The director added that even though at this moment there was no opportunity to demand payments from oil companies for their use of lands, fines causing losses to reindeer herding enterprises were in principal possible. Zakirov also stated that in his position as director of a rather successful reindeer husbandry enterprise in the Komi Republic he intends to become the first to initiate such proceedings, with regard to oil spills, against the oil rig within the boundaries of the "Bolshaya Inta" lands. In the event that his initiative is successful he will be supported by other enterprises, in particular by the sovkhoses "Severnoy" and "Ust-Usinsk". We discussed this with him at length, and talked about the possibility of using photographs of these places (to be disseminated via internet) as evidence of the damage caused to the pasture land by the oil installations. All this confirms that the management of reindeer husbandry enterprises is fully prepared to begin proceedings in the near future on defending the right to manage pastureland.

And the first sign from the grassroots of the growing movement was the protest activity by the inhabitants of the kinship village Lasta in the Izhemskiy Rayon. The beginning of this activity started in April 2000, when there were plans to work on an oil deposit in the Sebys reserve, a traditional hunting territory for the Lasta villagers. In the beginning the unorganized protest of the villagers quickly turned into an organizational structure, as did its newspaper "Veskyd Serni", which was published very irregularly and with a very restricted circulation. The original aim of the movement was to stop the cutting down of trees in the forest and the construction of the towers in the Sebys reserve. But in a very short time, as can be seen in "Veskyd Serin", a demand appeared for monetary compensation from the oil company to the local population for using the territory. The movement was met with strong opposition by representatives of the rayon administration and the Komi Republic, even though it was supported by the Ministry of the Environment and environmental organizations. The conflict subsided on its own when the Sebys deposits turned out to be unsuitable for industrial operations and the building of the towers ceased.

The folding up of the plans to exploit the deposits did not, however, bring an end to the organized protests. Last summer the movement joined the association "Clean Pechora" and with it wide access to financial means. The main objective of the movement is now to protect the local population from the consequences of industrial exploitation of territories and its final aim is a system to organize monetary compensation for the use of territories. Even though reindeer herders were never a part of the Lastin movement,

the interest of the organization towards them is becoming more and more intense recently. And the majority of the reindeer herders from the Izhemskiy Rayon openly support the idea of the movement. In conclusion, the appearance made by the movement to defend the reindeer herders can be expected in the very near future.

The message in essence is that it would be very reasonable and wise for the oil enterprises to pay more attention to the reindeer herders in the Komi Republic. It is still possible for the oil companies to avoid demonstrations, widespread popular movements and legal suits. To accomplish this, the negative effect on reindeer husbandry associated with oil extraction must be mitigated and the positive influences must be strengthened. The easiest measures include forbidding the oil rig staff to keep dogs, hunting rifles and fishing gear (except for protection needed against predators) and to prohibit bartering with the reindeer herders with vodka. These rules must be strictly enforced. Such measures could ameliorate quite drastically the negative relationship between the reindeer herders and the oil workers.

Moreover, companies could organize mutually advantageous cooperation with reindeer herders to provide the latest products and materials needed. This type of cooperation already exists to a certain extent but without any profit for the company. One of the options available could be the purchase by oil workers of venison from reindeer that suffer from hoof disease. The reindeer husbandry in the Komi Republic loses many animals every year due to this illness. The meat of these animals is completely acceptable for consumption. As is well known, only the lower part of the animal's leg is affected, causing its death because it can not keep up with the herd during migration. At present, the sovkhoses permit their workers to use the meat for consumption. The number of dead animals quickly surpasses the annual food requirements of reindeer herders and the surplus corpses are just left on the tundra. Some enterprises, in particular "Bolshaya Inta", have managed to organize their removal by helicopter; however, the cost of such meat is too high. Organizing the purchase of meat for oil rigs would be advantageous for both the oil workers, who would obtain food at an incredibly low price, for the sovkhoses, which would receive profits previously lost, and for the reindeer herders themselves if part of the meat payments were to be given out directly to them in the form of products and services (communication, transport, etc.). Such actions will also help change the relation to the oil workers to the sovkhos management, which now only sees enemies and potential adversaries in court disputes.

It is clear that these measures would not solve the fundamental problem of land use conflicts. The only way out that I see is the distribution of compensatory payments to the reindeer herders in the Komi Republic, a practice applied in the Nenets Autonomous Okrug. Organizing this remains a problem requiring special investigation. But if this is not taken care of now, the problem will inevitably and very quickly remind us of its existence in a much more acute form.

Reader's letter***Hello, "Living Arctic"!***

This is in response to your request of sharing a story of our village, our school, and our people with you. We wanted to make our remote northern village known in other parts of our country. We do have something to share and to talk about. Our village's fate is possibly quite similar in its history and traditions to that of other indigenous villages in the North. Se-Yakha has its own history like any other big or small town or village. We hope that it will be interesting for you and your readers to learn about us.

E.V. Chemyakina, Editor of the school newspaper "Tusovka"

At the ends of the earth

The North is a mysterious land of snow and frosts. A small village with a sonorous name of Se-Yakha is lost in the boundless splendor of the tundra. It is translated from the Nenets as "the river's song". Se-Yakha is on the river of the same name. This little river's deep water fails to get warmed thoroughly during the short, though, at times, hot northern summer. This land has become the motherland, a beloved little corner of Russia not only for the Nenets (the indigenous people) but also for people of all nationalities from the entire former Soviet Union.

Se-Yakha can be found on Russia's 60-year old map with no indication of many big northern towns of today. The village's history started in the 1930s, only then, seventy years ago, one could hardly call Se-Yakha a village or a settlement for it was in fact a trading post – a trading, supply and delivery station for procured produce. Now, one can have an idea of what this area looked like some seventy years ago through sheer imagination provided it is based on old inhabitants' recollections...

Winter. A polar night. The Gulf of Ob, even in the grip of ice, looking menacing and unfriendly; the mouth of the Se-Yakha River and the endless tundra beyond; and the hills nearby with small wooden dwellings in between, shriveled up in the cold northern wind raging in the ravine. That was the very place the future village originated in. The settlement consisted of five structures – a warehouse, a store and three dwelling houses. In 1933, a post office was added to them (its building has survived until now).

Today, if you approach Se-Yakha by helicopter you will not see just a few structures but a well-proportioned layout, though small as it is, of already shabby houses (because of long use), not unlike in many remote villages in the North. Right in the midst of them there will be a modern green-and-red building of a new school dominating the residential area. Welcome to Se-Yakha of 2002!

Many towns in this country would be envious of our beautiful school. All favorable conditions for acquiring knowledge the modern man needs have been created for the children coming over here from the tundra by helicopter every year in September. Nenets children who used to huddle together in a choom all their life are provided with spacious rooms of the boarding school; hot nourishing meals always await them in the dining-hall while attentive educators help them do their homework and arrange various extracurricular activities for them.

There is an excellent gym hall as well as a library, a

dining hall, an assembly hall, and a computer classroom equipped with the latest PCs in our school. Children can visit a psychologist and have a consultations about personal problems; there is also a speech therapist's consulting room known to have practiced successfully. The young Se-Yakhans come to their large, light classrooms to study history, English, chemistry, biology and other subjects offered in the school curriculum. The native language and literature of northern peoples are also taught – the favorite subjects of indigenous schoolchildren whose number is an overwhelming majority there. 438 pupils out of the total of 529 are Nenets.

Upbringing and education at the Se-Yakha boarding school are based on ethnic traditions and specific features of culture. Experienced teachers fond of their profession guide the kids through the country of knowledge. For example, the teacher of geography and fundamentals of market economy, Oleg Petrovich Gorbunov, was the winner at the pedagogy contest in Salekhard, becoming the Yamalo-Nenets Autonomous Okrug's Teacher of 2002. Soon, Oleg Petrovich will be defending the Area's honor at the upcoming All-Russia Contest.

The system of self-governance is well developed at school, thanks to which children get prepared for independent lives in society. There is a Republic of Boys and Girls (RBAG) headed by a president annually elected by general secret ballot. Important matters are looked into at the Presidential Council; the Ministries of Finance, Educational Labor, Culture, Mass Media, and Law and Order deal with the Republic's affairs. The Finance Ministry is preoccupied with distribution of the school currency – "Yamalchiks", which children can use to buy various goods at the school store.

A school video studio is functioning actively, its programs transmitted every Sunday in the nearby villages. The spot television reports broadcast by the school station not only help the villagers know more about boarding school life but also give them a chance to see their fellow villagers and hear the news from enterprises.

A good many possibilities have been offered to our schoolchildren interested in journalism. The newspaper "Tusovka" ("The Jamboree") has a staff consisting of senior pupils who show a great fondness for this interesting work. The newspaper makes it possible for the schoolchildren to develop their creative abilities and since the RBAG is a model of a society "Tusovka" is assumed to be the

Republic's information center.

The Se-Yakha school is a small country where childhood reigns.

That is how it is today...

But let us return to the past where we have left the newly built settlement.

1934 was the beginning of the development of collective farms (kolkhozes) in the northern parts of Yamal. In 1939 "the wind of change" reached this remote corner of Russia. The kolkhoz named "Krasnyi Yamal" was formed in Se-Yakha. Kolkhoz members lived in their chums — some settlement that was, we would say! Chairman Neliko Khosievich Okotetto was elected at a general meeting; the reindeer herders entrusted him with such an important and serious post. Leonid Malovich Okotetto became chairman of the village council. They both had to shoulder an extremely heavy task of building the settlement.

At that time the local school was already opened for the children of tundra inhabitants. The school, established in 1935, did not bear much resemblance to the modern one. Let us enter its building. Until 1987, it was a school for children receiving primary education only. You would have to walk along a narrow, dark corridor. Classrooms would be on your left a dining room and teachers' living rooms heated by small temporary iron stoves on your right; homemade paraffin lamps covered with one-liter glass jars threw a dim light in the classrooms.

Let us bow down in memory of the first schoolteachers, in admiration of their courage, diligence and enthusiasm. They were the first. There was a wonderful family: the Belovs, Ivan Dmitrievich and Nadezhda Aleksandrovna (only their names have been saved within living memory of the local old-timers).

The years passed by, and the settlement was growing. It was a tough job to build houses in the severe conditions of the sinister, icy North. Have a look around — not a single tree; there are no walls abundantly provided by Mother Nature in the taiga, and no thick forests. Timber was shipped up here by tugboat and it was quite a sweat to lift the materials painstakingly from the cargo hold with the help of a hand crane. Then, dogs, man's ancient assistants, would be brought to the pier to carry the materials to the site where a house would soon be built.

It is interesting that only the newcomers lived in these houses at first for the Nenets refused vehemently to abandon their chums; they could not understand what the village was needed for and did not want to part with their predecessors' centuries-old lifestyle. Similarly, the tundra inhabitants heavy-heartedly gave their children to attend school classes. Reindeer herders were literally forced to yield to progress, to change their life and see farther than their own chum anticipating the future.

In 1961-1962, the kolkhoz "Krasnyi Yamal" and the kolkhoz named after Lenin united to form a sovkhos (a state farm) "Yamal'skiy". Geramnur Khabirovich Kadyrov remained its director for twenty years, to be replaced by Rafis Salimovich Askarov, whose efforts have accounted for further development and consolidation of the sovkhos ever since. For example, from 1963 the sovkhos has been engaged in Arctic fox breeding. A fur farm is equipped for this purpose.

By and large, the development of this northern village has been connected with geological prospecting in the

north of Yamal. The tundra inhabitants came across a phenomenon hard to understand and, therefore, frightening — the earth was burning! All of a sudden hills would blow up. It would have inspired sacred fear among the Nenets but the new times have changed them and they started to ask scientists rather than gods and sorcerers for information about the burning question. That is how natural gas was discovered. When the gas deposits were tapped the territory adjacent to the village started to be used as base by many organizations of Gazprom (a hydrocarbon extraction company). Gas prospecting went on with participation of Se-Yakhans — employees of the Circumpolar Geological Surveying and Prospecting Expedition, resulting in the discovery of one of the biggest gas deposits - Bovanenkovskoye. Communication via air routes connecting the village with many northern towns has become more brisk.

We do not really feel up to recollecting the time when news would reach us only in the summer, with the arrival of steam ships, when we lived with paraffin lamps while billions of electric lights were shining all across the country. But how great the Se-Yakhans' joy was when the roar of a crawling tractor broke the silence of the village! It happened in 1963. In 1967, electricity came to the village houses, and running water was available in the 1970s. Municipal services became a fact of life in 1990, dozens of years later than in the "Mainland", as the local residents call the rest of the country.

The school was transformed along with the village itself. It used to face its own hard times. In spite of the difficult conditions of work in the newly fitted out settlement, schoolteachers happened to find time for discussions and studies to eliminate illiteracy among adult tundra inhabitants. These classes used to take place in a teashop not far from the school. There were also traveling teachers who would move from place to place along with the "Red Chum" all across the tundra and teach the tundra inhabitants, adults and children alike, how to read and write. The "Red Chum" existed for ten years — from 1943 to 1953.

The new school building was only built in 1956. Until that time the school remained a primary institution. The transfer to an eight-year schooling system began in 1967 and the first graduation took place in 1972. There were only five school leavers. Then, in 1977, a decision was taken to turn the Se-Yakha boarding school into a secondary school. Many school leavers threw in their lot with it, coming back to their native school after graduation from teachers' training colleges and institutes. The latest twenty years make up the period of turning the school into what it has become now — a cultural center of the village.

The Se-Yakha boarding school principals were Vyacheslav Lyanzberg, Robert Vladimirovich Lee, Victor Ivanovich Kharlamov, and Vladimir Dmitrievich Karpov. They have left the village for the far-away towns but, undoubtedly, their memory will continue to cherish the image of a small school at the ends of the Earth. Mikhail Mikhaylovich Romanov has been the school's principal for the last decade.

Our journey has come to an end taking us back to nowadays. The construction of a new modern hospital is now underway, and soon we will join the world wide web. Life is marching on, and the village is still developing and expanding.

Someone who knows the whole history of the village,

since he is its creator, has taken us through the past and present of Se-Yakha - the head of administration, Nikolai Lachevich Okotetto, who was, still a youngster way back in 1955, became deputy chairman of the kolkhoz at the age of 18, and from March 3, 1961 (Nikolai Lachevich mentioned this date smoothly) until now has smoothly fulfilled the duties of the village council's chairman (only the name of

his position has changed). We came to an end of our traveling in time at his office. I can see a volume of verses by the famous Nenets poet, Leonid Lapsui on the desk of Leonid Lachevich with a bookmark put between the pages. Yes, we shall wind up our journey to the back of beyond with these lines:

A Remote Village

Se-Yakha, a village on the bank of the Ob,
The great river's baby breast-fed by the Mom,
All covered in white by the piercing storm,
While clouds above chase the lights of the North.

Its roots are deep down hemmed in by the ice,
Its armor of ice is well made by the frosts,
Snow clouds get thicker and the wind's playing dice
And sinister blizzards make darkness so coarse.

Though when the wide river's high water for joy
Would lick off the crust with a bustling wave,
The thawed out village is well seen on its soil,
A cordial host for the spring swans to mate.

Se-Yakha has straightened its shoulders today,
Its hunters' keen ear having heard the good news,
So facing the land rover its speech is sedate
And greeting the guests it's to share its views.

A hunter has met a geologist warmly,
And oil's rushing out once freed from obscurity.
All dressed in blue fox fur, so rich, so homely,
Se-Yakha is nursed by the waves like a beauty.