First published in Rebuilding Identities. Pathways to Reform in Post-Soviet Siberia, edited by Erich Kasten, 2005, 197–216. Berlin: Dietrich Reimer Verlag

— Electronic edition for www.siberian-studies.org

Clan Communities Among the Northern Indigenous Peoples of the Sakha (Yakutia) Republic: A Step to Self-determination?*

ANNA A. SIRINA

Introduction

From the time of *perestroika* until 1996, there were no Russian Federation laws relating to Northern indigenous peoples other than presidential decree no. 397 "O neotlozhnykh merakh po zashchite mest prozhivaniia i khoziaistvennoi deiatel'nosti malochislennykh narodov Severa" (1992).[1] Most of the Northern regional administrative bodies passed temporary laws and principles that applied to the territories of traditional occupation. Meanwhile, the specific ways in which land could be used were not clearly defined. The only exceptions were in two regions, the Khanty-Mansiisk autonomous okrug and the Sakha (Yakutia) republic (SYR), where in 1992 the Law "O kochevoi rodovoi, rodoplemennoi obshchine korennykh malochislennykh narodov Severa" (1992, 1996)[2] was adopted.

This article deals with the formation of clan communities in the Sakha (Yakutia) republic, which was closely related to problems land ownership and self-determination by Northern people both in the economic and political spheres. This process advanced rapidly in the period 1992-1994 but slowed in 1995 with the re-establishment of a policy of state protectionism. By 1997 there were 207 clan communities in SYR, encompassing about 47.2 million hectares of land (93% had a right of heritage) (Statisticheskii sbornik 1997a (2) 40–1; 1997b; Sirina n.d.).

The intention of administrative bodies in the northern regions was to bring local laws into line with the Federal law "Ob obshchikh printsipakh organizatsii obshchin korennykh malochislennych narodov Severa, Sibiri i Dal'nego Vostoka Rossiiskoi Federatsii" (2000).[3] Yakutia was the first region where clan-based communities were organized. Both how they were organized and the way they worked in the Sakha republic before 2000 deserve special attention.

The national movement in Yakutia, and the law

The Sakha (Yakutia) republic enjoys special status as a Northern national republic. The republic's nationality policy is predominantly aimed at unifying all national groups that occupy the region, but with special priority accorded to the Sakha (Yakut) people (Pravitel'stvennyi vestnik 1998, No 1 [23]). Living on a territory of 3,103 square kilometers is a population of

1,003,700. Among them are approximately 25,000 Northern indigenous people, or some 2,5% of the total population. These people find themselves "between Scylla and Charybdis," because the Yakuts (who number 391,000, or about 36% of the total population) and the Russians constitute the vast majority.[4] During the Soviet period, Russian culture and Russian language were dominant. Today, the Yakut culture and language have priority status. Given these circumstances, the processes of self-determination for Northern indigenous peoples advance in their own distinctive way.

The development of nationality policy in the USSR, and later in Russia, culminated in a conscious policy promoting national self-determination and the enhancement of the political status of certain regions, including Yakutia. This change in status was reflected in a name change for the republic and people, and in certain structural reforms as well. The position of President was introduced, along with a two-chamber Parliament. A treaty was signed with the Federal government (1995), and Yakutia began to pass its own laws. It is in this context that the political activity of the Northern minorities has emerged, encouraging great interest in their own culture and history. In 1989 the Eveno-Butantaiskii national region (*raion* in Russian, *ulus* in Yakutian) (52,300 square kilometers in size) was established, along with the association of the Northern indigenous numerically small people of Yakutia. In 1992-93 congresses and conferences were held involving the Evenk, Even, Chukchi, Yukagir and Dolgan peoples. Some leaders expressed a wish to establish separate autonomous regions, the object being to develop greater political independence. Participants at these congresses spoke of the need for special legislation governing minorities (Materialy 1993, 10, 70).

Between 1992 and 1999, the Sakha republic, together with the Khanty-Mansiiskii and Yamalo-Nenetskii autonomous districts (*okrug*), led in the establishment of legal rights for the Northern indigenous peoples. In contrast to the Western Siberia regions, where there is a practical need for treaties among hunters, reindeer-herders and transnational oil companies, in Yakutia it was the process of self-determination by Northern indigenous peoples within the borders of the national republic that led to the passage of legislation.

In Yakutia, between 1992 and 1999 seven laws were passed designed to clarify the legal status of the indigenous peoples of Yakutia and to provide them with a legal basis for asserting their rights as numerically small Northern peoples. This entitles Yakut leaders to speak of "… achieving a legal breakthrough, compared to Russia as a whole, along the road to establishing the legal status of numerically small Northern peoples" (Sirina n.d., 1997).

The laws that were passed represent a compromise between the system of state legislation and the reconstructed common law of the "traditional" society. The first such law passed in Yakutia was the Law "On the nomadic clan and clan-tribe community of the Northern indigenous minorities (1992, with some changes and additions in 1996). It defined the broad area of what constitutes a subsistence economy, along with how such an economy can develop and function. Laws regulating traditional forms of economic activity and the problems of self-determination were introduced later.[5]

What characterizes these laws is the guarantee by the state of Yakut economic development and the wish to establish a single "Yakut" multination. These guarantees are mainly verbal, since no adequate financial base exists, but they have been realized to a degree, and this makes possible the existence of many clan communities in the republic. Whereas in most Northern regions, such as Magadan and Kamchatka provinces, Khabarovskii and Primorskii territories, where the territorial principle was the basic factor underlying the laws, in the Sakha republic the principle of social unions (so-called "clan communities") was fundamental. This meant that maintaining the traditional economy (hunting, reindeer-herding, fishing) and semi-nomadic mode of life on the occupied territories became the main criteria of the community, along with obtaining land and other property. But what is meant by the term "traditional use of nature?"

The rubric "tradition" is regarded as an objective phenomenon in Russian legislation. At the same time, the state role is essential in constructing it (Ssorin-Chaikov 2003, Donahoe 2004). "Tradition" and "traditional culture" have become the "golden key" in obtaining legal rights for natural territories that are being used in traditional ways. Soviet anthropologists argued that, especially since the 1970s, Northern indigenous peoples had been losing their traditional culture. The formal designation of "traditions" has led to a change in the approaches and methods of scholars. Recently, they have begun to talk about the survival of traditions. They are paying greater attention to cultural continuity under the new conditions, and the preservation of tradition is seen as a strategy toward this end. Cultural change does not mean the loss of "traditional" culture as a whole, and modernization does not inevitably destroy tradition.

In Russia this period has been characterized by the reorganization of the Soviet state economy into a capitalist market economy. The policy of Soviet paternalism toward Northern indigenous peoples was held up. There arose a series of questions concerning new economic structures for the former Soviet enterprises and organizations dealing with reindeer-herding, fishing and hunting. Specifically, who would own the land and technical

resources? And how would these changes be brought into effect? While such issues were being studied and discussed by various state structures, the people themselves began to organize economic units, which later came to be known as clan communities, and acquired official status designating them as subjects of a subsistence economy. During this initial stage in the process, the driving force behind the formation of these communities was the simple need to survive under the new economic conditions.

The second motivation, especially in mining areas, was the wish to acquire formal rights to land.

> "We began to organize our communities because miners are working here. We initiated this because of land. When gold miners begin to dig up the land, they pay money directly into the town budget. We were receiving nothing. Why should their money go to the town budget? The land has been taken over by the communities so that we will receive the revenues directly from the gold miners. They have to work directly with us, not with the town administration" (Sirina n.d., 2001).

Maltan means "Sharp Turn"

The reaction to these new entities from local authorities was negative. There was fear of losing such large territories in marginal zones, which were not suitable for "normal living" but were very rich in mineral resources and had great strategic importance. Another fear concerned whether these communities had any chance to survive under the harsh market economy conditions that prevailed. Protectionism, which was proclaimed by the republic in 1995, showed that the introduction of market relations had failed among fishermen, reindeer-herders and hunters.[6] It became clear that, in the absence of government support, a new organization of the economy was required if these new economic units were to survive:

> "There are many who would have preferred to retain Soviet [i.e., state] farms, but at present the government is unable to support them […]. It is easier to lend some support to these new structures, which have emerged and which are assuming responsibility for their own fate, along with everyday subsistence" (Sirina n.d., 1997).

Given the negative reaction by authorities to their development, it was difficult to register the new economic units. Officials simply refused to register such organizations. They exploited their good relationships with members of the government and held private talks with local elders, thereby leaving most people without information. Meanwhile, the indigenous peoples of the North could find neither good lawyers nor literate advisers.[7]

A good example of this misunderstanding between the authorities and the clan communities can be seen in the history of one particular economic cooperative enterprise. The reindeer-herding clan community *Maltan*, in Momskii district, was registered following a two-year struggle over its legal rights. Only with the help of the Sakha republic's court of arbitration was it possible to register the enterprise. How this was done illustrates that there were ways of coping with problems that did not correspond to the procedures of Federal legislation.

Initially, the general meeting of the *Iskra* state farm decided to divide the farm's property and to give each worker individual shares. The intention was to organize a clan reindeer-herding community. Reindeer-herding had represented the main activity of the *Iskra* state farm. The *Iskra* reindeer state farm was one of the largest in Yakutia in Soviet time. In 1996, there were 19 thousand reindeer in Momskii *ulus*, 8451 of them were grazing in the state Unitarian enterprise (GUP) "Momskii," 11,355 were in GUP "Iskra" (Statisticheskii sbornik 1997d). Its products were sold to the mining settlements. In addition to reindeer-herding, they had also developed other economic branches. Without support from government and the miners, all branches of the former state farm became unprofitable and even lost money. That's when most of the reindeer herders decided to organize their own enterprises.

A group of 57 people set up *Maltan*. 45 of them were reindeer herders from the former *Iskra* farm, and the other 12 were pensioners who had worked all their lives in reindeer-herding. They wrote a letter to N.G. Zakharov, chairman of the republican parliament's commission on human rights, interethnic relations and the affairs of the numerically small peoples of the North.

> "… it took a long time to come to this decision. It was not easy for us to agree on the initial economic focus of activity. However it was also impossible to endure the existing mismanagement any longer. This mismanagement had created poverty and destroyed reindeer-herding as an economic branch. The number of reindeer herders in the *Iskra* state farm is only 47, while there are 216 workers in all. 36 people of them are managers. Most of the enterprises the people in this *sovkhoz* (state farm) deal with, such as pig breeding, road construction, marble and gold mining, are unprofitable. Today we have decided to work independently and ask only what the existing law allows" (Sirina n.d., 1997).

The documents required for registration were submitted, but local officials did not register their own shares. Meanwhile, at the very same time,

a state unity enterprise was created and registered. This deprived *Iskra* members of rights to their property, since no one had expressed in writing a wish to hand their shares over to the agricultural ministry. Reindeer herders then petitioned officials in the agricultural ministry, parliamentary deputies, and finally the president of the Sakha republic, insisting that their rights not be violated and demanding help to solve their problems. They also explained their situation on TV and radio and threatened to take their reindeer to the Magadan region.[8]

Those planning to be part of the cooperative organized a meeting and expressed their thoughts:

> "I have been involved in reindeer-herding since my childhood. Now I am a brigadier, and my job as a reindeer herder is dear to my heart. Five months have elapsed since we decided to organize our own enterprise in accordance with the law. The soviet farm administration has violated all the laws and refused to give us our shares."
>
> "Why do they [members of the commission] not see the shortcomings of the *ulus* (district) administration? They [the local administration] are persecuting reindeer herders who want to join the cooperative. They come and take away our rifles, even though we suffer from problems with wolves. They even took away our long-range radio. They refuse to give us tents or stoves. The officials neglect the reindeer herders who have got old. I provide help to my child and grandchild even now. […] I am a woman of 70 years. I ride from my village to the nomadic camp by horseback, a trip of two days. The commission can't cover this distance. My son, when he saw a lynx eating a baby reindeer, had to kill it with a knife, because he did not have a gun. Give back us our reindeer and our shares, and we will elect our own leader. I feel sorry for the reindeer, which have been left to fend for themselves. We have been forced to do so by court order. I've asked God to take care of those reindeer" (Sirina n.d., 1998).

The existence of the *Maltan* cooperative enterprise was officially recognized by the court of arbitration, since it satisfied regional and federal laws. Then, due to the efforts of its leader, who had good ties with lawyers in Yakutsk, the cooperative enterprise was finally registered. The lawyers recommended registering it as a producing cooperative farm, rather than as a clan community, as this was in accordance with federal laws.

The social and ethnic structure of clan communities

Some scholars, leaders and state managers have spoken about the revival of clan communities, which is not in accord with reality. For one thing,

"the nomadic clan communities," "the tribal communities," and "the clan enterprises" are the instruments of regional politicians and aboriginal leaders. By employing such terminology, politicians emphasize the need for the state to support the traditional Northern economy. And aboriginal leaders draw the state's attention to the poor socio-economic and cultural position of the natives.

The use of the old terms in the new legislation was criticized by many scholars and leaders, because the current situation of Northern indigenous people differs greatly from that of earlier times. At present, the social organization of Northern people is based on family and territorial principles, not on clan and tribal ones. The introduction of this new terminology evidently makes political sense. It was needed to emphasize in law the specific features of the new farms, which consist in the "traditional" subsistence economy and way of life.

Northern indigenous people have been undergoing processes of acculturation and assimilation, and borrowing features from the cultures of others. Some 50-80% of all Northern indigenous children born in 1996 had parents belonging to different nationalities (Statisticheskii sbornik 1997c, 29–30). In many places, historical, cultural and social development make regional self-consciousness take precedence over ethnic identity. This new and alternative kind of self-identification is encouraged in Yakutia, particularly among non-Yakut people (Balzer 1997, 81).

These laws allow as members of the community not only Northern indigenous people, but also people of different nationalities who are engaged in hunting, fishing or reindeer-herding in the places of traditional occupation. Only those engaged in the traditional economy are being admitted to membership in the clan communities. If the husband in a family is a herder, and his wife is a nurse who works in a village hospital, she can not be admitted as a member of the community. The reason for this is related to the issue and nature of property and shares, especially when the reindeer herds were divided.

In 1997 the republican law "O pravovom statuse korennykh malochislennykh narodov Severa"[5] was proclaimed. It granted rights not only to members of the community, but also to citizens belonging to other social and ethnic categories, if they live permanently in the North and engage in traditional forms of economic activity (Sirina 2000). These same rules were retained and incorporated into the federal law "Ob osnovnykh printsipakh organizatsii obshchin ...".[3] Membership in the community is therein expanded to include those who live permanently in the North and are engaged in traditional economic activity (clause 8, FL "Ob osnovnykh ..."). This formulation, along with some other elements, had been called

"Russian style," akin to the way land claims were dealt with in the Russian North (Fondahl *et al.* 2001). The decision to expand membership was based on the high rate of assimilation and acculturation among the Northern indigenous peoples, as well as on traditions of relationships among people of different nationalities.

A favorite theme for foreign anthropologists working in Siberia is that of identity (Anderson 2000; King 2002; Donahoe 2004). Some of them believe that the categories of race, ethnos, and even sex are artificial and have been socially constructed (Donahoe 2004, 64–109, 250–73). As a severe critic of the "a priori" approach, B. Donahoe criticizes Russian federal legislation dealing with indigenous people for its "relational" character. The term "relational model" was introduced by T. Ingold, for whom indigenousness is relational to, and inseparable from, inhabiting the land. For example, B. Donahoe insists on making a clear distinction between indigenous people and non-indigenous ones, even if they live under the same conditions and practice the same "traditional" activity. "… non-aboriginal people should not be considered "indigenous," nor should they be granted the same rights and concessions simply because they live a life on the land ..." (Donahoe 2004, 209–21). This conclusion is only possible if one avoids taking into account the history of ethnic processes in the North, and the significance of an multi-ethnic environment and of cultural diversity for cultural dynamics and further development (cf. Kasten 2004). Furthermore, there is a disparity and contradiction between the theoretical approaches used in academic papers and those applied in legislative texts. In American legislation, Indian identity and privileges are based on ties of blood, which is a version of the primordial approach. By contrast, Russian legislation is in some sense "relational".

Current Russian legislation on aboriginal people fails to include those who are not engaged in the traditional economy but still have strong ties and associations with their nomadic relatives and neighbors. Federal legislation does not take into account those Northern indigenous people who live in a mixed social environment and pursue traditional activities, but do not choose to organize themselves in the communities (*obshchiny*) and, for a variety of reasons, do not intend to claim their traditional lands (as in Amur province) (Turaev 2004, 148–9).

A form of property

In real life the clan communities proved to be economic units both in their structure and basic functions. One main reason the clan communities were established was the desire of the Northern peoples to be the owners of the land they occupied and had traditionally used and looked

after. They wanted to acquire clear rights to pursue their individual private activities, such as hunting, reindeer-herding and fishing. They wanted to become the subjects of their own property.

In the process of privatization, the property had been acquired free of charge. The communal property consists of all shares belonging to members of the community, as attested to by the specific terms of the treaty that was signed. These shares were distributed only among current herders and pensioners who used to work in this field. The shares consisted mainly of reindeer, but also of certain technical resources. New economic unions also inherited the debts of the previous state farms. Those who wanted to leave the community could redeem their shares only in the form of money, and sometimes this money was paid out over a specified period of time. These arrangements helped to maintain the common property.

Land ownership

The land has never been regarded by the Northern indigenous peoples as a form of private property. Land use had a collective and temporary character. According to the common law, land distribution is based on the principles of long-term and uninterrupted land use, inheritance and oral agreements with neighbors.

During the period of Russian domination in Siberia, land use systems acquired certain features of the exclusive-use model, but the right to the common use of land and resources was partially preserved. The situation varies from one part of the North to another, and in different villages and communities. Where a community consists of the entire village, there have usually been no problems with land use; people solve any problems themselves, within their community. Where a single-family-dominated community appears and lays claim to huge territories for traditional activities, however, problems immediately arise. For example, the family of Evenki Kulbertinovy from Olekminskii *ulus* claimed 1.3 million hectares of land. And what about the rest of the local population? They were entitled to claim the same land as well. The local administration suggested they should create an association of communities with the joint right to own land and distribute it (Fondahl 2003).

The new system of exclusive land use for separate families failed to find support among the Evenki of South Yakutia, Evenki autonomous okrug and a number of other regions. The objections were along the following lines. "Why should this land not belong to us if we were born here? We have been living on our land. What is the point of having a clan-based community? Why, if we were all born here, should a community have a special right to land? All this land is ours. When were these communities

organized? During Gorbachev's time. There is no point to such a community. But they have obtained official papers for the land. I am not part of the community, and neither is he. Should we all be forced to just hang there between heaven and earth? Our land is our land. My parents lived and pursued a nomadic existence on this land. Everywhere. All the people were nomads together. They did not say: "It's my land." They did not divide up the land, they joined together in making agreements and plans" (P. Afanas'eva, in Sirina n.d., 2001).

Questions of land use are the most fiercely contested issues among aboriginal peoples these days. V. A. Keimetinov, the former indigenous political leader and scholar, believes that "a territory must belong to the state and must be inherited not by a private person, but by the entire community and clan" (Sirina n.d., 1999).

The main criterion for the formation of clan communities is hunting, fishing and reindeer-herding on the clan's "traditional" lands. Ethnic structure plays a lesser role. According to local legislation, local authorities have a right to give land to the community free of charge and for an unrestricted period of time. (Sometimes a rent is charged.) Such land remains unalienated. It is "the property of the peoples of the Sakha (Yakutia) republic. They can not be deprived of this land if it is needed for industrial purposes."[9] Thus, the clan communities, as well as state and collective farms, have established a right not to pay rent for their lands.

Clan communities have a right to rent out a portion of their territory for agricultural activity, as well as to the mining industry, as long as this agreed to by the local authorities. The clan community and the mining company must sign a treaty, without which the land can not be rented and a license is not granted. One local community leader has argued:

> "Laws have been passed concerning the clan communities, but they do not work. We are not taken seriously. Geologists may come to do their work in accordance with a treaty, and they tell us, 'Let's prospect for this or that, and we will pay you directly for your reindeer pastures.' Later on, though, it will turn out that you can not catch up with them. So, you signed the paper. Everything was OK. But then they went away and problems arose. There is no money, no this, no that. We depend on ourselves. Do you understand me? It is good that we are on friendly terms; we are like one family. We help each other out. The republic gives us some subsidies for reindeer-herding, and is beginning to pay a salary to reindeer herders" (Sirina n.d., 2001).

The right to land ownership is declarative, because there can be several landowners on the same territory, including clan communities. Local

authorities have the right to claim any land they need for governmental purposes and for mining development. There is no right to a veto. The reindeer herders understand this indifference to their land rights. They say: "Those, who have their own land have the authority. They do not want to share their authority with anyone. We apply our own strategy of land use, and the head of the *ulus* can change it. That is why we want to be the actual owners of the land" (Sirina n.d., 1997).

The republican government has proclaimed that 20% of all territory would be allocated for the use of the republic as national parks and reserves. There are five different types of territories preserved. The Northern indigenous people have the right to use these lands for their traditional activities. For instance, the Momskii national park was established on the territory of the former *Iskra* state farm. There has been a minor but noteworthy trend for people in clan communities to move back onto the land of their ancestors and attempt to re-establish settlements that were liquidated in 1960.[10]

Property rights to reindeer

Traditionally, domestic reindeer were private possessions; when the Soviet regime was established, they were expropriated by the state. Existing laws provide for private, municipal and state forms of ownership of reindeer. Property in the clan communities is both collectively shared and private. This means that the reindeer herd belongs to all the people as a group and to every individual in the community, according to their shares. Which poses a question: does the pre-existing state ownership of reindeer remain as a form of property? The republic offers financial support only for reindeer that are in collective, state and municipal possession, not for privately owned deer. There is a special norm, set up in each enterprise by its managers, to govern the number of private reindeer. A special monetary policy is used to regulate the number of such private deer. This system is strictly adhered to by the economic association *Tompo* (the former state farm "Tomponskii" in the Tomposkii *ulus*), which has provoked much dissatisfaction among ordinary reindeer herdsmen (Sirina n.d., 1998).

Property for biological resources

Clan communities have priority rights to the use of biological resources (Law "On clan community ...", clause 16) and enjoy certain monetary privileges related to such use. The law on fisheries, for example, grants the Northern indigenous peoples privileged rights to fish (clause 26). Members of clan communities also have the right to cut wood without payment or restriction, if they need it for heating and building purposes. Where

what is caught will be used for food or clothing, they also have the right to hunt hoofed animals (excluding those that are listed in the Red Book), to hunt or trap fur-bearing animals, and to fish without a special license (clause 24, Reindeer-herding law). The law on hunting (clause 17), which was introduced a year later, makes this rule more specific: hunting to feed the family may be done without a license and free of charge. The situation with regard to licenses differs in various parts of Siberia.

In fact, these rules simply reaffirmed the ordinary right of Northern indigenous people to their resources, which had always existed. According to the draft of the law "On the status of national *ulus* ..." (1999), the people are entitled to make local decisions on issues related to hunting, such as who gets to hunt on which range and under what conditions. But this does not correspond to existing federal legislation governing nature preservation. Co-management of natural resources has not yet been established.

The community economy

The management principles and membership rights in clan communities are comparable to those that prevailed on former collective farms. A general meeting of members of the farm had the right to elect their leader, to discuss all questions relating to the farm's development, and to plan their future work. Their property was collective and did not formally belong to the state.

According to current local laws, the clan community is a self-governing entity. The general meeting may decide all questions, and it elects a governing board and its head for a five-year period. The latter exercise both executive and practical functions. The community resolves all issues concerning its economic life, such as development plans, defining its borders, sharing hunting plots, distributing income and so on. According to the legislation, since they are the owners of the communal property, clan community members are not hired workers. The leader of the community has a right to employ contract workers, including managers. Clan communities enjoy certain income privileges, notable freedom from taxes and privileged access to credit. However the state, which subsidizes production, wants enterprises to show an economic profit. Thus the question may arise: will clan communities preserve "traditional culture" or will they promote their own socio-economic development?

The traditional forms of economic activity pursued by the Northern indigenous people of Russia were undergoing drastic changes in 1990s, one the most important being the de-modernization of the economy. Overall, in Northern regions reindeer-herding decreased by 40% from the

1990 level, and in some regions by 50 to 80%; the traditional economic branches are in a crisis. Total agricultural production decreased by around two thirds from 1991 to 1997 (Materialy 2000). Aside from the clan communities there are 51 state and collective farms, 157 state enterprises (agricultural companies, joint-stock companies and unified state enterprises), 67 cooperatives, 3,906 peasant farms, 2 reindeer-herding operations, 2 fur-farms, and 7 horse-breeding production units (Statisticheskii sbornik 1997a [1], 57).

The contribution made by the communities to overall production is very low – only 1,7%, of which 30% of the total comes from the production of reindeer meat. The main thing for many communities is their own physical survival, rather than earning income. Although the total number of reindeer in the republic is 215,800, only about 70,000 belong to the clan communities (Statisticheskii sbornik 1997a [1], 63–7). Currently, many communities have no more than 100. Hunting and fishing were also in a very deep crisis. The situation has become more or less stable now.

In the 1990s, some scholars and politicians believed that the clan communities could survive without government assistance while remaining absolutely free in how they managed production and realized the benefits from it (Gorochov 1992). However, the supposedly "free" market prices were, in fact, monopolized ones that remained very low, especially under conditions characterized by a very inadequate transport infrastructure and the prevalent socio-economic crisis in Russia as a whole. Soon after the communities were formed, they found themselves being boycotted by government departments. In Northern districts, reindeer herders, hunters, and fishermen had significant involvement in the activities of the republican enterprises *Sakhabult* (Hunter), *Baluksyt* (Fisherman), and *Taba* (Reindeer), which had been established on the basis of the state (republican) agricultural complex *Sever* (North). These republican structures had been organized to carry out a policy of government assistance. They evolved into monopolistic commercial enterprises that benefited from a high level of federal and republican support (Androsov 1998, 44; Sirina n.d., 1998).

There has been a tendency to unite these communities, the goal being to re-organize their economic activity to yield greater production and improved sales. Since 1994, many clan communities have united and established economic unions, such as: *Oron* (incorporating Evenks clan nomadic communities in South Yakutia); *Tompo* (based on clan communities from the Tomponskii *ulus*); *Kazach'e* (a combination of production cooperatives in the Ust'-Yanskii *ulus*); *Orolchach & Chaila* (combining a number of northern enterprises in the Nizhnekolymskii *ulus*); and many more in other *ulusy*. (Pravitel'stvennyi vestnik 1998, Vol 3 [25], 42; Sirina

n.d., 1997-1999). This process was encouraged on the republican level. These unions are reminiscent of the *kolkhoz* of the Soviet period, when a collective farm would bring together a relatively small number of people, rent land from the state, and act as the owner of all material and technical resources. All relevant issues were resolved collectively.

Some communities, such as the Yukagir community *Tekki Odulok*, tried to develop non-traditional activities, such as gold mining, but this was not successful. The economic weakness of the clan communities throughout the Russian North can be explained in terms of both internal and external factors. Among the external ones, the main reason for failure is the inherent shortcomings of the legislation on which they are based. For one thing, their dependence on all levels of administrative structure is very great. In addition, the economic source of the community's well-being is not officially defined, even though it has to come, at least in part, from revenues generated by mining companies working in the North. Other causes of failure include an unfair sharing of the means of production, the lack or absence of qualified managers, and the prevalence of industrial and bureaucratic lobbying. The subjective, or internal, causes of misfortune are partly a legacy of the Soviet paternalistic system. There have also been preserved some former inter-clan disagreements. Moreover, the clans are egalitarian societies with strong traditions of collectivism and mutual aid, which does not equip them well for coping with the chaos of market competition.

Clan community status

Some of the national intellectual leaders believe that it may be possible to achieve self-determination within the framework of the community. Others think that the potential status of clan communities has not been wholly realized, and that its role has been diminished to that of economic activity alone (Materialy 1993, 68; Krivoshapkin 1997; Arktika's days, Robbek's speech in Sirina n.d.). There is no unanimity on this question among national leaders. V. A. Keimetinov, who worked within the republican governmental structures during the late 1980s and early 1990s, recalled:

> "The Association of Northern Indigenous Peoples of the Sakha Republic, along with leaders of the Institute of Problems of the Numerically Small Peoples of the North believe that I have betrayed the interests of the indigenous people. Because I did not support the clan-based communities. I argued that it was not the only possible form of economic organization. The way the communities have been

> organized means that we will move to a system of private property. I expressed this opinion in scholarly papers and at the conferences. I was opposed to clan communities and local self-management based on the clan communities, and I found myself alone. My political career is over, but the scholarly one has just begun. My opponents said that the only appropriate form of self-management was a clan community. I replied that this was wrong. In 1992-1993, my colleagues recommended that each clan community should also serve as the local governing organ. I opposed this, arguing that the state is not going to have direct relations with each family and each clan, so it is necessary for them to join together" (Sirina n.d., 1999).

Some of the leaders have changed their minds about this question. In 1992, M. P. Pogodaeva was one of the indigenous leaders who took part in the creation of legislation on Northern indigenous peoples in Yakutia. Seven years later, she partially changed her point of view and became more cautious about this issue.

> "I am sure that nowadays the communities are primarily economic structures. A century has passed since the time when we lived in the *obshchiny*. There have been so many changes. People have been absorbed into the sphere of the Russian state and deal with its different governmental structures. […] There is self-regulation in every community. For example, there are 950 people in the village of Topolinoe, but only 100 of them are engaged in reindeer-herding. Can the community be an organ of self-government for the entire village? We should be careful in answering this question" (Sirina n.d., 2000; see also Pogodaeva 1999).

In the actual life of the republic, the clan communities have proven to be little more than economic unions. They also serve as local authorities with certain governing functions, while functions of social organization belong to the Association of Northern Indigenous Minorities. At the same time, communities in the more densely populated villages and regions that retain traditional occupations try, to a degree, to assume the role of local authorities.

There are local governmental structures in every village and district. It is hard to see how the communities can succeed in implementing self-government within the local governmental structure, especially when they lack the financial means. There are only a few positive examples in Yakutia. One is the village of Berezovka, where the population consists mainly of the Even people. There Ms. A. Volkova, head of the association of local clan communities, was elected head of the village administration as well.

There are no mechanisms in place for implementing Article 7 of the law "Ob osnovnykh printsipakh organizatsii obshchin ..."[3] which states: "In places where numerically small peoples live in compact groups, the organs of local government may grant certain powers to the communities of numerically small indigenous peoples and their associations and units." The 1992 law assigned nomadic people to definite and specific territories: "Reindeer and sable do not accept boundaries as established by people. They may move instead into a different territory, which can result in quarrels and misunderstandings between communities" (Rumyanzev 1998, 31). Local people thought that the creation of national territories, at least in areas where traditional occupations are still practiced, is the only way to avoid these contradictions.

There is no legal status for ethnic territorial, regional or local bodies in the republic. Five *ulusy* have gained official status as national territories within the framework of republic. And there are 30 national and nomadic councils, but in fact they have much in common with the administrative establishments (Marfusalova 1998, 31). The draft of the law "About the status of national *ulus*, *nasleg* (rural administration), and nomadic councils of the Northern indigenous minorities" was approved in June 1999 and sent for amendments. The means that in the Sakha republic the formation of national territorial bodies has begun. According to this law, the issue of national administrative-territorial bodies will be dealt with through referendum or at meetings of all citizens of any particular territory where the number of Northern people is no less than 30% of the total population. People believed that the passage of this law will provide a genuine opportunity for Northern peoples to manage their own affairs, but since that time it has never been adopted, as I far as I know.

Postscript

The Northern-focused element in the policies of the Yakutia republic plays a very important role. This is shown by the fact that Yakutia takes part in the development program of United Nations. The ex-president of the Yakutia republic, M. E. Nikolaev, was elected vice-president of its Northern Forum. The problems of Northern minorities are being used to apply pressure on the Russian federal government, the object being to obtain additional federal funds and resolve ecological problems. Foreign countries have viewed these problems with interest and understanding, because they have their own experience in dealing with such problems and want to establish close economic and political ties with the Sakha Republic. Self-government is one of the main problems confronting the peoples of the

Russian North. Until now, they have continued to be regarded simply as an object of state management, and not as an equal partner in cooperation.

This paper was mainly written four years ago, and since that time many events have occurred. The law "Ob osnovnykh printsipakh organizatsii obshchin ..."[3] stated the general principles of how Northern minorities can organize their communities. These principles differ on some points from the republican law.

According to contemporary Russian legislation on Northern indigenous peoples, they have to organize themselves into a community in order to claim their territory for traditional land use. They need the right on their territory, to carry out traditional economic activities and to receive revenues from mining. This concept of a territory that is in traditional land use, as expressed by politicians with the help of scholars, is quite vulnerable from the historical point of view. The law does not state clearly that the territory is an economic base that should provide a livelihood, and this hindrance to genuine self-management. Under federal law, the communities are non-commercial public organizations. They are inevitably subject to pressure, therefore, to cooperate with the mining companies.

The federal law "O territoriiakh traditsionnogo prirodopol'zovaniia korennykh malochislennykh narodov Severa, Sibiri i Dal'nego Vostoka" (2001)[11] provides no hope to national leaders who may seek to create new national (autonomous) entities based on the territories on traditional land use. This is because the order of creating, managing, and governing these territories lies within the sphere of legislation pertaining to environmental issues. Moreover, most of the territories that have been in traditional land use are on land subordinated to federal law and management.

In accordance with instructions from the government of the Russian Federation, the Ministry of Economic Development has worked on a new legislative project relating to these issues. The official reason to improve the existing law was that it has not been working properly. A new version of the federal law "O territoriiakh ..." has not yet been accepted, in part because the law mentioned above is not in accordance with the Land Code of RF. In my opinion, a right to the territories of traditional land use, as well as a right to renewable natural resources, must be given not only to communities but to all economic structures of the Northern indigenous peoples that are engaged in traditional hunting, fishing and reindeer-herding activities. At the same time, the rights of indigenous people who live within the boundaries of national settlements should be guaranteed in future legislation.

Notes

* This chapter is based on data, collected with financial support from the MacArthur foundation and RGNF. Much of what is written here was presented at the conference „Postsocialisms in the Russian North" at the Max Planck Institute for Social Anthropology in Halle/Saale in 2000. I am grateful to Mrs. T. P. Kostyreva, L. P. Kostyreva, and Mr. V. A. Grishchev for helping me with corrections on an earlier English version of this paper and, at a later stage, to Tom Koppel and the editor of this volume, Erich Kasten.

1 "On urgent measures for defending the dwelling places and traditional economic activity of the numerically small Northern peoples" (1992).

2 "On the nomadic clan and clan-tribal community of the indigenous numerically small peoples of the North" (1992, 1996).

3 "On the general principles governing the organization of the clan communes of the numerically small indigenous peoples of the North, Siberia and the Far East of the Russian Federation" (2000).

4 Statisticheskii sbornik 1998, Vols. 1-2, 7. In rural parts of Sakha (Yakutia) republic lived the following indigenous populations: 12,974 Evenks, 420 Chukchi, 6,367 Evens, 896 Dolgan, and 550 Yukagir (Statisticheskii sbornik 1997b, No 143/4293, 21). According to the 2002 Census (data published on the site www.perepis2002.ru, there are 18,232 Evenks, 11,657 Even, 1,272 Dolgan, 1,097 Yukagir, 602 Chukchi.

5 Specifically, these laws are: "Ob olenevodstve" (On reindeer-herding) 1997, "Ob okhote i okhotnich'em khoziaistve" (On hunting and the hunting economy) 1998, "O rybolovstve, rybnom khoziaistve i okhrane vodnykh bioresursov" (On fishing, the fishing economy and water bio-resource protection) 1999, "Ob osobo okhraniaemykh territoriiakh respubliki Sakha (Yakutia) " (On the specially protected nature territories of the Sakha [Yakutia] republic) 1996, "O pravovom statuse korennykh malochislennykh narodov Severa" (On the legal status of northern indigenous minorities) 1997, "O Suktule Yukagirskogo naroda" (On the Suktuul of the Yukagir people) 1998, "O statuse natsional'nogo ulusa, naslega, kochevogo soveta korennykh malochislennykh narodov Severa" (On the legal status of the national *ulus*, *nasleg*, and nomadic councils of the northern indigenous minorities) 1999, and some others. See also: Sirina 2000.

6 Postanovlenie No 521 "Ob osobykh merakh gosudarstvennoi podderzhki vedeniia traditsionnykh otraslei, zhisneobespecheniia i sotsialnoi zashchity sel'skogo naseleniia Arkticheskikh ulusov" (On special measures of state assistance with regard to the traditional branches of the economy, livelihood and social security of the rural population of the arctic *ulusy*) (1995).

7 Interview with M. P. Pogodaeva (Sirina n.d., 1997); Interview with A.S. Gabushev (Sirina n.d., 1999).

8 Interview with S. Pitimko (Sirina n.d., 1997; see also: Fondahl and Sirina 2003).

9 "Zakon o kochevoi rodovoi, rodoplemennoi obshchine" (Law on nomadic and clan community) (1992, 1996).

10 Pravitel'stvennyi vestnik 1997. No 5(21); Materialy ... 1993, 85; Sirina n.d., 1997).

11 "On territories of traditional natural resource use of the indigenous numerically small peoples of the North, Siberia, and the Far East of the Russian Federation."

References

Anderson, David G. 2000. *Identity and Ecology in Arctic Siberia*. Oxford: Oxford University Press,

Androsov, Nikolai 1998. Arktika, problemy i pyti ikh resheniia. Problemy Arkticheskikh ulusov respubliki Sakha. [The Arctic, problems and ways of their solution. Problems of the arctic *ulusy* in the Republic Sakha] *Pravitel'stvennyi vestnik* 1(23): 39–47.

Balzer, Marjorie Mandelstam 1997. Mezhetnicheskie otnoshcheniia i federalizm na Severe [Interethnic relations and federalism in the North]. In *Tolerantnost' i soglasie,* V. A. Tishkov (ed.), 69–90. Moskva: IEA RAN.

Donahoe, Brian J. 2004. A Line in the Sayans: History and Divergent Perceptions of Property Among the Tozhu and Tofa of South Siberia. Ph.D. dissertation. Indiana University.

Gorochov, Semion N. 1992. Rodovye obshchiny – poslednii shans na vyzhivanie i sokhranenie narodov Severa kak samostoiatel'nykh etnosov. In *Chelovek i Sever: istoricheskii opyt, sovremennoe sostoianie, perspektivy rasvitiia, Part II* [Clan communities – last chance for survival and preservation of the peoples of the North as independent ethnoses], V. N. Ivanov (ed.), 35–9. Yakutsk: Yakutskii Nauchnyi Tsentr SO RAN.

Fondahl, Gail 2003. Through the Years. Land Rights Among the Evenkis of Southeastern Siberia. *Cultural Survival Quarterly* (Spring): 28–31.

Fondahl, Gail, Olga Lazebnik, Greg Poelzer, Vasilyi Robbek 2001. Native 'Land Claims', Russian Style. *The Canadian Geographer* 45(4): 545–61.

Fondahl, Gail and Anna Sirina 2003. Working Boarders and Shifting Identities in Northeastern Siberia. *Geoforum* 34 (4): 541–56.

Kasten, Erich 2004. Variatsii tantseval'nykh i muzykal'nikh traditsii v meniaiushchemsia kontekste: sokhranenie nematerial'nogo kul'turnogo nasledііa [Variations of dance and music traditions in changing contexts: preserving the non-material cultural heritage]. The Fourth International Echolot conference, December 1-2, 2004, Moskau: State Tretiakov Gallery. http://www.siberian-studies.org/publications/PDF/kasten2004b.pdf.

King, Alexander 2002. Reindeer Herders' Culturescapes in the Koryak Autonomous Okrug. In *People and the Land: Pathways to Reform in Post-Soviet Siberia,* E. Kasten (ed.), 63–80. Berlin: Dietrich Reimer Verlag.

Krivoshapkin, Andrei V. 1997. Problemy mestnogo samoupravleniia korennykh malochislennykh narodov Severa [Problems of local self-government of the indigenous numerically small peoples of the North]. In *Respublika Sakha (Yakutia) na rubezhe XX-XXI vekov: ukreplenie gosudarstvennosti,* V. N. Ivanov (ed.), 57–63. Novosibirsk: Nauka.

Marfusalova, Avgusta D. 1998. Metody i formy gosudarstvennogo protektsionizma na Severe [Methods and forms of state protectionism in the North]. In *Narody Severa: puti, problemy razvitiia,* P. S. Maksimov (ed.), 66–70. Neriungri: Izdatel'stvo Yakutskogo Gosudarstvennogo Universiteta.

Materialy ... 1993. Materialy s"ezdov malochislennykh narodov Severa Yakutii

(1989-1993 gg.) [Materials of the congresses of the numerically small peoples of northern Yakutia]. Yakutsk.

Materialy ... 2000. Materialy vserossiiskogo kongressa "Korennye malochislennye narody Rossii na poroge XXI veka: problemy, perspektivy, prioritety" [Materials of the All-Russian congress "The indigenous numerically small peoples of Russia at the threshold to the 21st century: problems, perspectives and priorities"]. Sankt-Peterburg: Prosveshchenie.

Pogodaeva, Maria P. 1999. Deputat ot olennoi tropy [Deputy from reindeer track]. *Severnye Prostory* 5-6: 40–3.

Pravitel'stvennyi vestnik 1997-1998. Yakutsk.

Rumyanzev, Nikolai A. 1998. Khoziaistvo evenkov Yuzhnoi Yakutii: sostoianie, problemy [The economy of the Even in southern Yakutia: condition, problems]. In *Narody Severa: puti, problemy razvitiia,* P. S. Maksimov (ed.), 66–70. Neriungri: Izdatel'stvo Yakutskogo Gosudarstvennogo Universiteta.

Sirina, Anna A. 1999. Rodovye obshchiny malochislennykh narodov Severa v respublike Sakha (Yakutia): shag k samoopredeleniiu? [Clan communities of the numerically small peoples of the north in the republic Sakha (Yakutia): step to self-government]. In *Issledovaniia po prikladnoi i neotlozhnoi etnologii*, No 126, V. A Tishkov (ed.). Moskva: IEA RAN.

— 2000. Zakon i zhizn'. Opyt zakonodatel'nogo uregulirovaniia traditsionnogo prirodopol'zovaniia v respublike Sakha (Yakutia) [Experience from legal regulation of traditional nature use in Sakha republic]. In *Juridicheskaia antropologiia. Zakon i zhizn'*, N. I. Novikova and V. A. Tishkov (eds.), 196–211. Moskva: Strategia.

— n.d. Unpublished field notes and private archival materials.

Ssorin-Chaikov, Nikolai V. 2003. *The Social Life of the State in Subarctic Siberia*. Stanford: Stanford University Press.

Statisticheskii sbornik 1997a. *Sotsial'no-ekonomicheskoe polozhenie Respubliki Sakha (Y) za ianvar'-dekabr' 1996 g*/ (2 vols.) [Social-economic situation of the Sakha republic]. Yakutsk: Tsentral'noe statisticheskoe upravlenie Respubliki Sakha (Yakutia) TSSU RS(Y).

— 1997b. *Nekotorye pokazateli ekonomicheskogo i sotsial'nogo razvitiia raionov prozhivaniia malochislennykh narodov Severa i Arkticheskikh raionov v 1980, 1985, 1990-96 gg.* No 143/4293. [Some indicators on the economic and social development of the *raiony* occupied by numerically small peoples of the North and of the arctic *raiony*].

— 1997c. *Estestvennoe dvizhenie naseleniia Respubliki Sakha (Yakutia) v 1996 g*. No 53/4214 [Development in population in the Sakha republic].

— 1997d. *Chislennost' naseleniia RSY na 1.01.1997* [Census RSY]. No 40/4201.

— 1998. *Sotsial'no-ekonomichesko polozhenie Respubliki Sakha (Y) za ianvar'-dekiabr'* 1997 g/ (2 vols.) [Social-economic situation in the Sakha republic].

Turaev, Vadim A. 2004. Evenki Amurskoi oblasti: sotsial'no-demograficheskie i etnokul'turnye protsessy [The Evenks of the Amur district: social-demographic and ethnocultural processes]. In *Narody i kul'tury Sibiri: faktory formirovaniia i razvitiia,* A. G. Generalov (ed.), 135–50. Irkutsk: Irkutskii Mezhdunarodnyi Institut Obshchestvennykh Nauk.