
LAND, DEMOCRACY, AND INDIGENOUS RIGHTS IN RUSSIA

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Recently, issues of development (Osherenko 1995, Poeltzer 1995), property rights and privatization (Hann 1998) in Russia have focused much scholarly attention.¹ As scholars discuss the political dimensions of models of ownership, civil society and privatization indigenous rights issues move slowly to the fore. Although there exists a host of approaches and agendas regarding, for example, development and privatization, scholars agree that these issues need to be connected to larger processes of democratization. In the current moment of the “uncertain transition” (Burawoy and Verdery 1999), indigenous rights groups work to push the frame of democracy and the constitution to incorporate the complex interrelations between peoples and the land, waters, plants, animals, and other natural resources in which indigenous knowledge and economies are rooted, and through which core institutions and values are created and ensured.

In the context of Russia’s shaky democracy and entrenched corruption, these arguments are - to some extent - provoked by the fact that legal and property issues have not been settled and that democracy and constitutional rights in Russia are not stable but still in the making. The debates over land and indigenous rights in Russia are ardent and informed by indigenous fears of “loss of sovereignty” (Nerkagi 1996). After all, what kind of democracy will emerge in the multinational Russian Federation? How will the Russian constitution recognize and accommodate cultural diversity? Will cultural rights be inscribed in the law, and will their inscription lead to social justice? What happens when indigenous people begin to strive for the recognition of their worth, their homelands, and their cultural distinctiveness? Deeply seated within the difficulty to legally ground indigenous claims within a “multinational” political formation (Russian Constitution, article 3), such uncertainties expand into much broader debates on territory, property, and the democratic polity (Pika and Prokhorov 1994). The key question this essay seeks to understand is: how does the Russian Federation recognize and accommodate indigenous rights? And, as a corollary, what kind of possibilities exist for indigenous activists to fight the conditions of political and economic disfranchisement whose effects are also terribly material.

As social and political thinkers from Katherine Verdery (1996) to Richard Rorty (1998) remind us, we have reasons of our own for raising these questions. Increasingly, the recognition that culture is an irreducible and constitutive aspect of politics and the conviction that civic traditions lead to greater social equality and justice seems at risk. Indigenous social movements across the Americas, Australia, and Asia have begun to argue for differentiated citizenship formations, involving both constitutional and legal recognition of their particular histories and the rights that follow from them. In the wake of recent debates about cultural diversity and national identity, the works of the political and moral thinkers Charles Taylor (1994) and Michael Walzer (1997) pivot on the question of whether and how modern, liberal nation-states can and do recognize the worth of their interior, ethnic, and indigenous traditions. These questions are also crucial for our understanding of Russia's constitutional associations and formations. But from the perspective of indigenous subjects in Russia, I think, a more fundamental issue is frequently at stake. Whom and what does the nation recognize when it embraces indigenous subjects in its constitution and law, and what are the conditions of this recognition? How does the state respond when indigenous groups claim title to their lands? These questions do not easily resolve but interpenetrate each other, encompassing post-socialist (and post-colonial) anxieties and aspirations in the context of democratization.

In the early 1990s, with the formation of democracy and growing internal pressure for decolonization, Russia began to address indigenous demands for territorial properties and rights

more directly. One important impetus in this direction was the landmark meeting in March 1989 of indigenous representatives in the Kremlin.² At this convention (attended by Mikhail Gorbachev and Nikolai Ryshkov on the first day) indigenous leaders voiced their concerns about the effects of political domination, gave emphasis to the social dignity of indigenous people, and argued for respect for their traditions, beliefs, and cultural identities and institutions. One corollary of this argumentation was the demand that indigenous peoples in Russia, as culturally distinct societies, should be in possession of their own representative political bodies and institutions. Indigenous leaders explained that their understanding of democracy meant freedom from political and economic domination by others; the right to their own governments and laws; free and agreed-upon political and legal relations with the government of their country; control over economic developments and their cultural, linguistic, and spiritual life; the right to participate in the international community, and the right to own and govern their own territories and lands.³ Given indigenous desires to confer legal authority to their claims and demands, their representatives strongly pushed for the creation of a federal law that would recognize these claims (“Basis for the Legal Status of Indigenous Peoples in Russia”). In response to these indigenous demands, on December 12, 1993, the Duma ratified article 69, chapter 4, of the Russian Constitution.

Article 69 of the Russian Constitution reads, “The Russian Federation guarantees the rights of numerically small peoples in accordance with the generally recognized principles and norms of international law, and the international treaties of the Russian Federation.”⁴ In expressing respect for indigenous institutions and by acknowledging language rights (article 68) and control of economic development and cultural life, the article recognizes indigenous peoples as distinct societies, possessed of their own beliefs and identities. Yet in recognizing the distinctiveness and dignity of indigenous subjects, this article is informed by what moral philosopher Charles Taylor has characterized as the janus-faced “politics of recognition.” That is, the process of acknowledging (for example, by the state or the nation) the particular histories, traditions, and identities of subalterns (indigenous, marginal, etc.), while simultaneously cohering the nation through a body of laws that strengthens and ensures the future of the state and its institutions. From the perspective of indigenous peoples, then, a perfect double bind is created by the law's simultaneous expression of respect for the worth and distinctiveness of indigenous peoples, while reserving for itself the right to politically frustrate this recognition when indigenous demands happen to disagree with, or even contradict, the national law. In contemporary Russia recognition in the form of cultural and political ownership of the land is a central theme in the struggle over the conditions of recognition, and by extension democratization.

Land comes to characterize a form of property increasingly desired and contested by all citizens within the Russian Federation. Local debates surrounding territory and land that divide Russia's citizenry suggest and resonate with the difficulties inscribed in the constitution. The constitution claims that indigenous people have the right to actively express their own identity but can do so only within the limits of the legal frame of the state. In the multinational democracy of Russia – as in other liberal nation-states -- the issue of indigenous property rights and land is raised when the rights of *all people* to the land are in question. The constitution says that “all people” are in possession of the *same* rights, and the extension of equal citizenship rights implies universal equality and equal treatment before the law. Yet in local contexts the generalizing tendency of such laws causes problems. To exemplify this, I relate some local commentaries from the village of Tymlat at Kamchatka's northeastern shore.

One Russian man with whom I talked about issues of privatization said, “Land is a problem. People (indigenous subjects) think that they can just take it because they say it belongs to them. But my family has lived here for many, many years. The land belongs to us all. That is how it was earlier [during the Soviet period], that is how it should be now. This is Russia. This is our land.” Another person said, “What do they want? They don't even care about the land. Listen, I know the tracks in

the tundra better than some of these Koriak men. What do they know? Sit around all day in the village and drink.”

Many Koriak women and men I knew contest such statements. Reindeer herders in particular claim that the “land is our home” that makes “our spirit light” and helps “us take care of the animals that live in it.” In indigenous commentaries a sense of the land as home, and the complex interrelations between people and the land, waters, animals, and plants are profound marker of identity. These relations also frame and inscribe the commitment to the land more than any other cultural characteristics and attributes. “The whites are newcomers. They never lived here. They do not know the tundra the way we do. They never lived on the land.” Another reindeer herder said: “They [whites] don't know the land. They never lived on it. I am a reindeer herder, and I spent all my life in the tundra. I know where I can travel. I live with the animals. And I want to make sure that this is true for the next generation. Not only humans. Animals too.” In arguing that these interrelations are productive of indigenous identity, indigenous subjects frame and form their identities through categories of belonging that are culturally specific. These are also categories that do not exist before the law, and thus point to the contingency and historical particularity of property and democratization.

I suggest that it is precisely this difficulty to ground democracy and the law that are at play in the work and formation of indigenous activists. Because indigenous representatives know that the issue of indigenous status and rights in Russia are highly contested, and because they know that they need stronger, transnational alliances to bolster their claims, they have begun to seek support in wider international arenas. The difficult and somewhat successful indigenous organizing at the UN has led to Russia's ratification of The UN Draft Declaration on the Rights of Indigenous Peoples.⁵ On May 18, 1999 the United Nations Environment Programme (UNEP) announced that the Russian Association of Indigenous Peoples of the North (RAIPON) had been elected to the Global 500 Roll of Honor for outstanding contributions to the protection of the environment; in addition RAIPON has become a permanent member of the Arctic Council.⁶ But because indigenous subjects feel that there is no sufficient recognition, not within the government and not in the constitution, they also feel that they should appeal to something larger, something that comprises the whole nation. It is at this point that indigenous subjects couch their demands within a language of political morality.

Part of this discourse of morality is the invocation of transnational, almost transcendental, values such as sincerity, uprightness, and honesty. On March 18, 1996 the Russian Federation Association of Indigenous Peoples of the North, Siberia, and the Russian Far East sent a document entitled, "Discrimination against the Indigenous People of the North in the Russian Federation" to the President of the Government of the Russian Federation, Boris N. El'tsin, and to the Chairperson of the Federation Council and State Duma, Victor S. Chernomyrdin. The document describes the atrocious situation of indigenous peoples in the North, and appeals to the Russian Government to take the human rights of indigenous peoples seriously. The last part reads, “[...] we appeal to [...] all *honest* (my emphasis) citizens that have contact with the higher organs of power TO SUPPORT OUR CALL (the authors' emphasis) in the name of survival [...] of indigenous peoples of the Arctic and preservation of their lands.” The appeal to honesty, here, characterizes a strategic intervention that involves an inherent part of a larger, culturally unspecified morality. Because government leaders, no matter how precarious the situation in Russia is, cannot afford to lose face or to incur the dismay of international donors, they have promised to address indigenous demands in a more direct way. In the meantime, indigenous leaders say that nothing happens and explain that the “government remains indifferent to our repeated appeals.”

This letter is no solitary event. In international indigenous discourse, appeals to basic human rights are frequently framed in moral terms. Democratic and liberal nations – I have here specifically Australia and Canada in mind – turn the fulfillment of such rights into a site of dignity and respect and thereby produce a “civil” nation capable of recognition and affect. As if deeply inscribed into the

matrix of the nation's everyday life, politicians and the public unify the nation by upholding such rights, casting a pall over their abuse. For the time being, however, in Russia the appeal to a communal morality has a deeply agitated ring to it, resonating with the events of recent Russian history. Instead of shaming the nation into some general acknowledgement of shameful past wrongdoings, Russia at large remains indifferent to indigenous demands. Why is this? In contemporary Russia, the discourse of shame is complicated by the fact that Russians, as one group within the multicultural nation, can and do claim that, like anybody else, they too have been harmed and wronged; a claim possible because of the repressive practices of Stalinist Terror and other acts of the Soviet regime.

The appeal by indigenous leaders to liberal ideals such as honesty and respect, then, reintroduces the original question, albeit in a slightly different version and with a twist. For indigenous peoples who claim their lands, the biggest bone of contention is probably whether citizenship rights can transcend cultural particularities and difference. Indigenous subjects question if justice must always mean that laws and policies should enforce equal treatment for all citizen groups. When morality becomes the ground for arguing for recognition and claiming land, then the struggle for recognition is situated in two very different registers. On the one hand, indigenous peoples deploy a rhetoric of national identity, a language of citizenship and rights. On the other hand, the process of recasting the relations of the state to indigenous peoples as a moral responsibility rather than as a relation between two sovereign subjects is potentially harmful to the claims indigenous peoples seek. For the right to grant rights is still in possession of the state.

Given this emphasis on the land and on the particular claims attached to it, what is this thing for which Koriaks demand recognition and respect? Is it just their "special" relationship to the land that, as they argue, differentiates them from other social groups? The way in which indigenous subjects articulate their relationship to the land is, in a broader sense, part of a particular identity formation I call here *cultural citizenship*. What I am naming here "cultural citizenship," I quite emphatically want to emphasize, does not promote a facile view of identity as easily taken on but condenses the relationships (land, humans, animals) as a grounds for a beginning to think about democracy and property in different ways. To take these relations serious, and to incorporate them into article 69, challenges the idea of a legally homogenous citizenry within the state by recognizing particular histories, traditions, and identities that such relations produce.

Notes

¹ This essay is a slightly revised version of a talk given at the 98th annual meeting of the American Anthropological Association in Chicago 1999. I thank Sascha Goluboff and Nancy Ries for their gracious invitation. I also wish to express my thanks to Bruce Grant for his comments.

² On March 30-31 1989, indigenous people of the Russian Socialist Federal Soviet Republic of the Soviet Union met to establish an association of their own. The members of the Association of the Small Peoples of the Soviet North have been increasingly criticized by indigenous political activists at the grassroots level for what they see as the formation of an international indigenous elite that spends its time traveling and in meetings and loses touch with the conditions "on the ground" they supposedly fight for.

Since the founding of this organization, other indigenous associations have emerged. For example, in 1990 the Association of Indigenous Minorities of the North, Siberia, and the Far East of the Russian Federation was founded. In addition, smaller indigenous grassroots organizations were founded across Siberia and the Russian Far East. For a more detailed description of one such organization in Evenkiia in southeastern Siberia see Gail A Fondahl, "Graining Ground? Evenkis, Land, and Reform in Southeastern Siberia", *Cultural Survival Studies in Ethnicity and Change*, Boston: Allyn & Bacon, 1998.

³ Dahl, Jens, "The 26 Small Peoples of the Soviet North", IWGIA Document 67, 1990), pp. 11-21. Taksami, Chuner, "Opening Speech at the Congress of Small Indigenous Peoples of the Soviet North," IWGIA Document 67, 1990, pp. 23-43.

⁴ The categorical distinctions between "indigenous people" and "minorities" have been highly contested by the member states of the United Nations. The USSR insisted that it had no indigenous people, only minorities, and was therefore not accountable to such laws. In these definitions indigenous identities are frequently equated with the specific colonial histories of the Americas and Australia. In the current constitution, the rhetoric of "indigenous people" and "minorities" is used interchangeably.

⁵ The Government of the Russian Federation has accepted the United Nations Draft Declaration on the Rights of Indigenous Peoples. However, no indigenous association or representative organization in Russia holds consultative status before the UN - as, for example, the Great Council of the Cree in Québec, Canada.

⁶ The Arctic Council, established in September 1996, is an environmental association between eight arctic states: Norway, Denmark, Iceland, Sweden, Finland, Russia, Canada, and the United States. As one effect of growing internationalization which also affects the Arctic, the council promotes and encourages cooperation between scientists and indigenous peoples (International Arctic Science Committee), among indigenous peoples (Arctic Leaders Summit), and within the organizations of local and regional governments in the Circumpolar North (Northern Forum).

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