

INTRODUCTION

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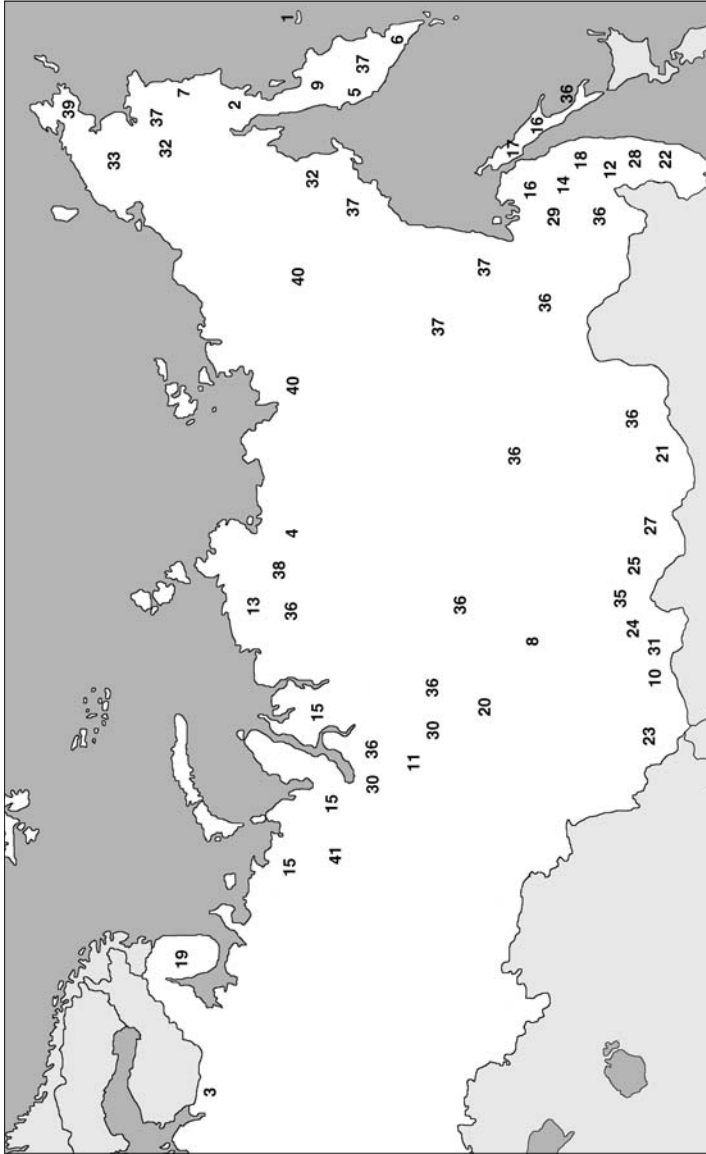
The Arctic region is inhabited by a number of indigenous peoples with distinct cultures, histories and ways of life. These peoples live in 7 nation states (USA, Canada, Denmark, Norway, Sweden, Finland and Russia) and come under their respective political systems and jurisdictions. In Russia, the indigenous peoples are designated “numerically small indigenous peoples”. In order to be officially recognised as such by the Russian Federation, a people cannot number more than 50,000 individuals. To date, there are 45 peoples recognised in this way in Russia, 41 of which are peoples living in the Russian North, Siberia and the Far East.

Every indigenous people in the Arctic has experience of negotiating its position and rights within a particular nation state, ruled by a set of cultural, historical and legal rules and patterns usually differing from the traditional customs and institutions of the indigenous peoples. Over time, indigenous peoples have gained immensely diverse experiences in dealing with their respective nation states. Their reactions to political systems and strategies vary, and depend on many factors. Comparisons, exchanges of ideas and information can lead to new understanding, visions and motivation to continue dialogue with the states in which indigenous peoples live, and to continue the struggle for protection of their rights. This book is the outcome of a Round Table meeting in Moscow in March 2003 at which indigenous peoples from Russia discussed and exchanged experiences with people from Alaska, Canada, Sápmi and Greenland. This is further dealt with in the article by Olga Murashko. Before taking up key points from the discussion in Moscow, a short overview of the administrative structure of the Russian Federation should help the reader not familiar with Russian indigenous politics.

Administration in the Russian North, Siberia and Far East

The indigenous peoples living in the Russian Federation fall within a number of administrative rules and legislations, depending on the province in which they

Numerically Small Indigenous Peoples



- 1 Aleut
- 2 Alyutor
- 3 Vepsians
- 4 Dolgan
- 5 Itelmen
- 6 Kamchadal
- 7 Kerek
- 8 Ket
- 9 Koryak
- 10 Kumandin
- 11 Mansi
- 12 Nanai
- 13 Nganasan
- 14 Negidal
- 15 Nenets
- 16 Nivkh
- 17 Oroch
- 18 Orochi
- 19 Saami
- 20 Sel'kup
- 21 Soyot
- 22 Tazy
- 23 Telengit
- 24 Teleut
- 25 Tofalar
- 26 Tuba
- 27 Tuva-Todzhins
- 28 Udege
- 29 Uchi
- 30 Khant
- 31 Chelkan
- 32 Chuvan
- 33 Chukchi
- 34 Chulym
- 35 Shor
- 36 Evenk
- 37 Even
- 38 Enets
- 39 Siberian Yup'ik
- 40 Yukagir
- 41 Izhma-Komi

live. Administratively, the Russian Federation consists of 89 units, which in Russian are called *subjekty* (subjects). They include 21 republics, 6 *krais*, 50 *oblasts*, 2 capitals (Moscow and St. Petersburg), 1 autonomous *oblast* and 10 autonomous *okrugs* (or “autonomous districts”). In this book, we use the term province for the *oblasts*, *krais*, etc. The provinces have 2 representatives each in the Federation Council (the upper house of parliament). The following gives an overview of the regions and their level of autonomy.

1. 21 republics - nominally autonomous with a supposed right to secede, each has its own constitution, president and parliament; it is represented by the federal government in international affairs and is supposedly home to a specific ethnic minority.
2. 49 *oblasts* - most common, regular administrative unit with a federally appointed governor and locally elected legislature.
3. 6 *krais* - similar to *oblasts* but usually more peripheral and less populated.
4. 1 autonomous *oblast*
5. 10 autonomous *okrugs* - more autonomous than *oblasts* but less so than republics; usually with a substantial or predominant ethnic minority.
6. 2 federal cities - major cities that function as separate regions.¹

Some regions have a fairly progressive indigenous legislation and some degree of guaranteed participation. In other regions, politicians and the administration completely neglect the rights of indigenous peoples (see also the article by V. Turaev in this book). With the general trend being towards centralization in Russia, the question arises as to whether indigenous peoples will lose their special rights in the regions or gain stronger legislation due to federal intervention. This remains to be seen but the articles in this book give some idea of what is needed and what visions would be useful for indigenous peoples.

Some of the provinces are expected to be merged into larger territories, starting with Krasnoyarsk, which is likely to be joined with the Evenk Autonomous Okrug and the Taymyr Autonomous Okrug.² A regional referendum is scheduled for April 17, 2005 and this will decide on the merging of the three provinces.

The federal provinces are further divided into so-called federal districts, of which there are seven. These districts are governed by a governor, appointed by the president. A link with these governors may be crucial for the political movement of the indigenous peoples (see also the article by Todishev).

The so-called numerically small indigenous peoples in Russia have gained rights under Article 69 of the Constitution and three federal laws. The Russian Federation also guarantees the rights of small indigenous peoples in accordance with the generally accepted principles and standards of international law and international treaties of the Russian Federation. Specific rights include the pos-



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|-----------------------------------|------------------------------|----------------------|
| 1. Murmansk | 13. Primorye | 25. Khakassia |
| 2. Nenets Autonomous Okrug | 14. Sakhalin | 26. Kemerovo |
| 3. Komi | 15. Jewish Autonomous Oblast | 27. Novosibirsk |
| 4. Yamalo-Nenets Autonomous Okrug | 16. Amur | 28. Tomsk |
| 5. Khanty-Mansi Autonomous Okrug | 17. Chita | 29. Omsk |
| 6. Taymyr Autonomous Okrug | 18. Buryatia | 30. Tyumen |
| 7. Sakha (Yakutia) | 19. Irkutsk | 31. Sverdlovsk |
| 8. Chukchi Autonomous Okrug | 20. Evenk Autonomous Okrug | 32. Moscow |
| 9. Koryak Autonomous Okrug | 21. Altay (Kray) | 33. Saint-Petersburg |
| 10. Kamchatka | 22. Krasnoyarsk | 34. Arkhangelsk |
| 11. Magadan | 23. Altay (Republic) | 35. Karelia |
| 12. Khabarovsk | 24. Tuva | |

Federal Districts



- | | |
|----------------------------------|---|
| 1. Central Federal District | 5. Siberian Federal District |
| 2. Southern Federal District | 6. Urals Federal District |
| 3. Northwestern Federal District | 7. Privolzhsky (Volga) Federal District |
| 4. Far Eastern Federal District | |

sibility of being exempted from land and income taxes; a supposed priority right to certain natural resources; the right to substitute military service for alternative civil service; and the right to collect retirement benefits at an earlier age. However, the implementation or practical application of these laws is not ensured and a concrete mechanism is lacking. Furthermore, the three existing laws that protect the rights of indigenous peoples in Russia (and which will be described further in the following articles) have been revised, and important articles removed. Since the Round Table meeting in March 2003, many developments have taken place that have changed the situation of indigenous peoples. Many of the articles were written before these major changes. However, they are still of relevance in order to document what was in existence, as well as what the authors thought were crucial factors for the further development of the rights of indigenous peoples. The book concludes with an article analysing the new situation since September 2004.

Nation-states and indigenous peoples

Nation-states express themselves via very many different political systems, both in their principles as well as in their practice. But all Arctic states nowadays declare themselves to be democratic, with a multiparty, or at least a two-party, system. The actual practice of democratic politics, however, depends very much on the government of the particular nation-state. The Scandinavian countries, for example, are famous the world over for their humanistic approach, their multi-ethnic policies and their emphasis on the equal rights of every citizen. And yet indigenous peoples find themselves confronted with a surprising attitude of reluctance and opposition when it comes to discussing collective rights and land rights.

In a so-called modern democracy, representativity through political parties and elections are the main principles of governance. A majority wins over a minority and the majority then decides the further actions of the state. An adult franchise gives every individual over a certain age an equal vote. Every vote carries the same value. In some nation-states, the participation and actual influence in politics of minority groups is secured by, for example, quota regulations - some interesting examples can be found in the first article by V. Kryashkov in this book - but indigenous issues must compete with other issues that may be of more interest to the majority population, as Eva Josefsen very rightly puts it in her case study on the Saami parliaments. The fact that indigenous peoples are peoples with collective rights further challenges a political system based on a majority vote. Indigenous peoples' participation in electoral processes and in party politics has, in many places, not been able to halt the process of their dispossession

and marginalisation. Indigenous organisations and peoples have sought different solutions, however, some of which are described in this book.

Decision-making and participation

There are many reasons for people's participation or not in political systems around the world. The most simple are probably the person's political consciousness, their interest in the issues raised during the election, and a "feeling of being able to influence the results". But the level of electoral participation is also often connected to promises, such as community support or socio-economic development, made by (non-indigenous or indigenous) politicians. Some parties and candidates take up subjects that relate to indigenous issues and promote the indigenous peoples' agenda and concerns such as, for example, recognition of their identity as indigenous people, of rights to land and resources, the promise of democratic participation in development programs etc. Another motivation for going to the ballot box can be a relationship to or affinity with one of the candidates. In that case, the relationship may be more important than the goals and aims of the respective candidate.

Indigenous peoples have chosen many ways of participating in politics:

- Joining and/or standing as candidates for mainstream political parties, in which case the candidates follow the party line but can also have an influence over party policies regarding indigenous issues and can put issues on their agenda. Indigenous party candidates are, however, not directly representing an indigenous people or community. In a conference on indigenous peoples' participation in political parties in Iqaluit in 2000, the former first Inuk Member of Parliament in Canada, Peter Ittinuar, explained that he decided to defect from the New Democratic Party to the Liberal Party in order to be able to gain more advantages for the Inuit by being a member of the ruling party. Inuit in Nunavut have commented several times that the interests and concerns of the Inuit people are more important to Inuit politicians than the agendas of the parties they join. The ultimate aim of being a party member is to achieve rights for their people. In Sápmi, participation in national political parties has taken very different forms in the three countries: while in Finland Saami run for election as members of national political parties, the Swedish Saami have rejected mainstream party politics. In Norway, on the other hand, the Saami run for election by putting forward their own Saami lists. Running for a mainstream party can, however, lead to individualism, opportunism and cooptation into the system, which can result in the marginalisation and disempowerment of indigenous peoples. It can also lead to divisions within the communities,

for example, if several members of the same community run for different parties and therefore divide their supporters.

- Indigenous peoples have sometimes formed their own political parties, as in the case of Greenland and Sápmi. Indigenous parties are often weak at national level but have more influence at municipal, community or regional level. In Greenland, indigenous parties were formed through the indigenous movement in the 1970s and constitute the political realm of Home Rule. The Saami in Sweden established their own political parties, and these are represented in the Saami parliament. The Saami in Finland, on the other hand, have not established indigenous political parties but decided to vote for individual candidates. In Norway, again, the Saami parliament comprises representatives of Saami organisations, local lists but also Norwegian political parties. In the case of Nunavut, Inuit have not yet formed political parties through which to run their new government but have retained the old system of electing the members of the Legislative Assembly as individuals unaffiliated to political parties. The designers of the Nunavut political system took care to ensure that the rules governing Nunavut's legislature could operate equally well with or without political parties.³ Greenland has a self-contained political structure whereby all parties are entirely Greenlandic.
- Participation in electoral systems can also simply take the form of voting for candidates that have indigenous issues on their agenda. Some indigenous people run as individual candidates in elections and, in some cases, seek a political career outside the indigenous movement. Many Alaska Natives have had very successful mainstream political careers, as Gordon Pullar emphasises in his paper. In 2002, the first Alaska Native was elected to a state-wide position, as lieutenant governor; in the Northwest Territories and Nunavut in Northern Canada, the Premiers are both indigenous. The past premier of the Northwest Territories, Stephen Kakfwi, was previously President of the Dene Nation and moved from a position as head of an indigenous organisation to head of a public government (and, as such, representing both indigenous and non-indigenous residents). The actual input of these individuals is highly dependent upon their respective situations and agendas, and is often contested. They can make an important difference to indigenous communities and to regional politics. In many cases, however, they are not representing a particular community or indigenous group and are thus not accountable to their communities. Consequently they do not necessarily have to follow the agendas of indigenous organisations or support the aims of their indigenous communities. There is a constant risk that they may be more interested in personal gain and

influence. But it must also be stressed that participation is not an individual decision everywhere. In some indigenous communities, the group decides on the degree of participation and selects candidates in a traditional way, who then represent the group in the national political system. The crucial factor here is to find ways of making individuals accountable. Participating in national politics can also be a venue for limited autonomy or representation within the framework of the wider state.

- Some nation states provide for partial representation by means of a quota system. Denmark, for example, provides space in the national parliament for two persons elected by the Greenlandic population and two by the Faroe Island population. These members of parliament represent their specific interests and lobby particularly in discussions concerning their territories. In Russia, some provincial governments have developed advisory bodies to the provincial parliaments, quotas for candidates from indigenous peoples to the parliaments, and advisory council mechanisms for communities and organisations. Some of these mechanisms function quite well, others look good on paper but are not implemented in practice. Many of the following articles will describe these bodies and their functions within the provincial administration. However, there is no national mechanism for indigenous representativity in Russia and, unfortunately, no indigenous person was elected to the national parliament (the State Duma) at the last elections.

Finding old/new ways

Many indigenous politicians and leaders (in the Arctic and elsewhere) refer to traditional custom whereby decisions are taken by consensus after consultations and long discussions. The emphasis is on decisions being made collectively and the opinion of elders is given special respect and regard because of their wisdom and experience, or else it is the chiefs who make the decisions following consultation with their advisors. The question of minority and majority vote is not relevant in the same way as in a Western democracy. Indeed, as Daryn Leas mentions in his paper, elections and votes are often seen by the communities as counterproductive because of the constituents' inability to be actively involved in the political decision-making, because winners and losers are created, and because a short-term view of governance is fostered – i.e. to the end of the term in office only. Some Yukon First Nations hence see the voting process as being a competitive and divisive way of reaching decisions.

The differences between the two systems of governance can marginalize indigenous peoples, who do not participate due to a lack of understanding. Remote

communities, in particular, confronted with a lack of mainstream education and communication, are generally failing to take part in the activities of wider society. However, in some regions, new and old forms of governance, constituting a mix of traditional and Western styles of governance, can be found.

What is apparent in many forms of traditional governance is its specific relevance to a particular community or group of peoples, and therefore the very local importance and emphasis. As we can see in the case study on the Yukon territory, the First Nations in the Yukon have included a formula in their self-government negotiations that gives the individual indigenous peoples (or First Nations as they are called in Canada) and communities the possibility of choosing their own particular way of “electing” representatives and leaders. The consequence of this community-based choice is a variety of political systems in different communities that are designed to suit the people directly on the ground.

In such regions as Nunavut and Greenland, where the indigenous people form a majority in a particular geographic and political territory, the electoral process serves to promote the indigenous peoples’ agenda, concerns and issues and leads to indigenous representation. Being a majority in a regional government allows for a public government that represents the interests of the indigenous peoples without excluding the other inhabitants of the area (i.e. everybody can vote independent of their ethnic affiliation).

In other regions, indigenous institutions, such as the Saami parliaments, secure a certain level of involvement in national politics while being clearly separate from the national political institutions.

Indigenous peoples can challenge the state system by offering more viable decision-making processes and introducing self-governance that is appropriate to their particular circumstances. The positive aspects of indigenous peoples’ systems must therefore be strengthened. Consensus-building, mechanisms of accountability, representation based on the people’s collective decision, the role of elders in decision-making based on their wisdom and experience should all be taken into account. Likewise, raising awareness of the wider civil society, mass education and unity-building can be an ongoing way of dealing with the electoral process and strengthening the indigenous peoples’ movement for self-governance.

Challenges for indigenous politics

The importance of alternatives to national political systems and of indigenous peoples’ right to choose their own form of political participation is clear and also brings with it a number of challenges for indigenous governments, leaders and organisations.

A very basic component of negotiating and discussing self-government, which is mentioned often in this book, is community and grassroots involvement and



Baikit, Evenkia. Photo: Thomas Köhler

Nenets reindeer herding. Photo: Nina Meshtyb



the importance of the legitimacy of leaders and negotiators. The **feeling of local ownership** of a process and of an agreement or institution is seen in many examples as a central basis for a legitimate mandate for negotiation and representation.

In Canada, for example, both the Yukon negotiating team and the Nunavut negotiators experienced their constituencies' rejection of a first proposal as the people did not feel they were sufficiently consulted during the process. The leaders began a process of intensive community consultations and redrafted the proposal, which was then accepted. The lessons learned were important for the consistency and wide respect and acceptance of the now existing final agreements exists. As Daryn Leas states in his paper: "Based on the experiences of the Yukon First Nations, a community will only embrace a constitution if the citizens of that community were involved directly or had the opportunity to participate in the development of that constitution." In Nunavut, as well as in Greenland, the final agreements were put to a vote and were approved by an overwhelming majority, which gave them additional legitimacy. In Canada, all land claims go through a ratification process on the part of the indigenous people whose rights would be affected by the claim settlement.

Land claims and self-government negotiations or agreements can also lead to factions within the indigenous movement. The *Alaska Native Claims Settlement Act* led to a discussion about "who is native". Later, the legitimacy of Alaska Native tribes became an issue within the indigenous population in Alaska when tribes that were organised under the *Indian Reorganization Act (IRA)*, formed pursuant to an act of the US Congress, and the villages that never adopted IRA constitutions and formed "traditional councils", started to argue about the true legitimacy of the one or the other. One of the principle reasons for this development is certainly that the US government has tried to control indigenous peoples' self-organisation. However, as Gordon Pullar states in his paper: "Many if not most traditional people living in remote communities not only were not involved but also may not have even been aware that the settlement negotiations on their behalf were taking place."

In the Northwest Territories (NWT) in Canada, indigenous peoples are now negotiating regional land claims and self-government agreements after an attempt to reach a single land claim agreement for all Aboriginal groups in the Territory (with the exception of the Inuvialuit) broke down in 1990, due to different ideas and visions. The individual First Nations are different, and separate agreements may reflect their wishes and particular relations to the territorial government more accurately. It has to be stressed that indigenous regional organisations in the NWT and Alaska (as well as in the Yukon) represent different indigenous peoples - as compared to Nunavut and Greenland, with an almost entirely Inuit population, and Sápmi with the Saami people as one indigenous people -

and to reach consensus and a proposal that everybody can agree on can be more difficult.

In Greenland, the legitimacy of those negotiating self-government was never seriously disputed. The reason for this is largely that the elected leaders have a strong mandate to negotiate on behalf of the Greenlandic people. The historical development of the island made Greenland fairly homogenous and nobody nowadays disputes that the Greenlanders belong to one people. Their spokespeople therefore speak for a nation and are part of a political system that is widely accepted as the legitimate system among Greenlanders. It is the system that has the legitimacy and gives a mandate to its representatives.

Saami parliaments exist in Norway, Sweden and Finland. Saami elect their representatives to the parliament and the parliaments have the mandate and the obligation to represent their constituency in the respective nation-state. The forms of elections and representativity are different and have been described above.

Another challenge is **capacity building** at the local level in order for the indigenous constituency to understand the political negotiations and processes. The capacity-building component is not only important during the negotiation process, however, but a requirement for the functioning of any indigenous political body or institution following its creation. Problems of a lack of indigenous staff exist in many regions and can lead to a greater involvement of non-indigenous advisors and bureaucrats than originally planned for. This is not only mentioned by Daryn Leas as one of the priorities in the Yukon but also taken up in numerous accounts of the new Nunavut territory, where the government was initially understaffed and the continuing shortage of Inuit with post-secondary education has led to an influx of non-Inuit people from southern Canada to fill the new positions. In Greenland, the need for Danish staff in the Home Rule administration leads to monolingual Greenlanders feeling further discriminated as the bureaucratic system is dominated by the Danish language. As a general rule, one can observe that the lack of indigenous people is mainly a problem on the administrative level and not so much on the political level, where a majority of the politicians are indigenous.

A very relevant element for Saami politics are the Saami institutions. The Saami university college, the Saami institute, Saami radio etc. provide the Saami parliaments and the Saami organisations with an institutional basis that supports their political work and which they can use for gaining or distributing information. The work of the institutions enables the Saami politicians not only to react to the political discussions and decision-making of the national state but to be pro-active and take up discussions and initiatives. This model shows the need for capacity building and the development of a knowledge frame.

Awareness of a self-government agreement on the part of the state bureaucrats is certainly not an issue to be underestimated. The negotiating team usually consists of an elite government group. Ordinary government officials, however,

are rarely adequately informed of the fact that certain sections of the self-government agreements may require that they do their jobs differently (for example, by giving preference to indigenous-owned companies who are bidding for a government contract). There is an awareness in principle that a self-government agreement has been reached but, among senior government officials, little appetite for spending the resources required to fully implement the agreement ("we created Nunavut - what more do you want"?!).⁴ An agreement does not end with its signing but has to be presented to a wider public and made common knowledge in the country.

Conclusion

Any democratic space available in the dominant system can be utilized for advancing the interest and the collective benefit of the indigenous peoples. The successful use of these spaces will depend greatly on the unity and strength of indigenous peoples, rather than on reliance upon a few indigenous leaders. Likewise, the political, economic and social realities confronting indigenous peoples should lead to collective responses and actions to advance their interests in the electoral process and should aim to prevent worsening violations of their rights.

The formation of alliances with other groups and sectors at the local, national and international levels for the promotion of indigenous peoples' rights, protection of their resources, democratic participation and representation of all democratic sectors within the nation-state can lead to political gains and more democratic space inside and outside the electoral process.

Given the unwillingness of many states to accept the ancestral rights of the peoples and their ongoing policy of treating the territories of the indigenous peoples as internal colonies, legal forms of struggle, including the electoral process, can be considered. Nevertheless, lobbying for the recognition of ancestral land rights, adopting and implementing international instruments promoting indigenous peoples' rights and other collective actions of the indigenous peoples are of fundamental importance.

Current scenarios of globalisation and resource exploitation also have to be integrated into the strategies of indigenous peoples and into their struggle for survival. The political empowerment, or any form of self-governance, of indigenous peoples therefore must include control over land and resources.

An exchange of experiences between indigenous peoples from different Arctic regions and a discussion of negotiating strategies and challenges should be supported in any way possible. The experiences of indigenous peoples, however, are very different (this cannot be stressed enough) and the same strategy will not apply in every region or community. It is important that indigenous peoples are able to decide for themselves what kind of political system they want to practise,

how and if they want to join the national political discourse and activities and how they want to form their own government, be it through a consensus style of decision-making, through a party system or another alternative. It is also important to give space for and acceptance of internal discussions, litigation and conflict. After all, real participation and a feeling of ownership lead to the voicing of concerns and to the challenging of processes; raising concerns and criticism also shows the existence of a capacity to participate actively – i.e. the basis of a healthy society. □

Notes

- 1 Wikipedia, the free encyclopaedia: www.en.wikipedia.org
- 2 The consequences of merging *subjekty* into joint administrative units was discussed at length in the Coordinating Council of the Russian Association of the Indigenous Peoples of the North in October 2004, held in Krasnoyarsk.
- 3 Jack Hick personal communication, 2005
- 4 See forthcoming work by Jack Hicks in this regard.

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