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Questions of Formation of Territories of Traditional Environmental Management

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In the given article we analyze the notion of «a territory of traditional environmental management» (TTEM), consider social-economic and legal problems of the TTEM conception. The authors suggest certain approaches to solution of present problems of the concept of the territory of traditional environmental management, which are based on TTEM criteria, on stages of TTEM realization and on a complex substantiation of TTEM. Our approach to definition of borders and the character of usage should correspond to the following conditions or criteria of determination, which can be formulated the following way:

The criterion of «necessary sufficiency» of the territory's size, its natural resources reserves and etc. in order to provide a normal ecological balance of combined components of the feeding landscape on the given territory sector. The most important condition of the given criteria fulfillment is drawing TTEM borders along the natural geographic lines of the given territory (for example, rivers, streams, water-partings and so on.).

The criterion of «functional legal capacity» of the system of traditional household keeping. The size of the territory must optimally correspond to the demands of the settled traditional household activity and must have a necessary margin of safety in case of its load being increased, for example, because of its population growth. Correspondingly, the territory in Siberian and the Far East taiga zones will be of one size, it will be of another size in forest tundra, and of a third size in tundra and mountain tundra, thereat increasing while going from south to north.

The criterion of «rational independence» of management structures from the activity of the authorized state organ of power and economic organizations. Here, the optimal way out can be to form a coordinating organ (the board of TTEM management) out of representatives of the local administration, economic organizations and population (clans); this board will coordinate their activity concerning the territory usage and management together with the TTEM Administration, which head is appointed in coordination with the Authorized Representative of the native population.

Keywords: territories of traditional environmental management, native small-numbered peoples of the North.

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In literature the term «territories of traditional environmental management» (further – TTEM) is used in several meanings. And it is most frequently used in its wide sense as a notion of some geographical space, where at presence the process of traditional environmental management takes place. In this case, the process of factual usage acts itself as a TTEM determination criterion.

On the acceptance of Federal Law № 49-FL «Concerning the territories of traditional environmental management of the native small-numbered peoples of the North, Siberia and Far-East of RF» on 07.05.2001 (further – FL № 49) this word combination is more often used as a juridical term. Thereat, we observe a certain misunderstanding, as far as the territories, being in reality used in traditional environmental management, do not always have a corresponding official status. The same term is often used in its historical meaning, when they suppose the territories, which have been used for traditional environmental management in the nearest past and the native peoples still have a right to claim for these territories.

Thus, the term TTEM can be used in three different meanings:

a) factual TTEMs, for which the native peoples' rights, as a rule, have been fixed this or that way, but they do not have the TTEM status in correspondence with FL № 49;

б) historical TTEMs – the territories, which are for the moment not being used for traditional environmental management, but it is possible to restore the native peoples' rights for them;

в) juridical TTEMs – the native peoples' rights for them are officially fixed and they must

have the TTEM status of federal, regional or local value in correspondence with FL № 49.

At present time, they have not formed any TTEM of the federal level within the frames of FL № 49. The results of TTEM formation of the regional level are also rather humble. Thus, for example, there is only one traditional environmental management territory «Popigay», which is of regional level in the Krasnoyarsk region (according to the solution of the administration of the Taimyr (Dolgan-Nenetskiy) Autonomic District on 23.12.2003 № 495). In the course of time of TTEM «Popigay», the Dolgans, who have lived and performed their activity within its borders, have not registered their accommodation right for their land property and other natural resources.

It is mainly connected with the shortcomings of FL №49 and other normative-legislative acts in the sphere of regulation of traditional environmental management of the native small-numbered peoples. The Federal Legislation says that there must be a special legislative regime of natural resources usage in the places of traditional habitation and traditional environmental management.

TTEMs are considered as a sort of specially protected territories, being referred to the general national property. They cannot be a property of some citizens or juridical persons, and it is quite obvious, as far as more than 70% of such kinds of territories are the areas of the State Forest Fund.

Most of the positions of FL № 49 are not the norms of direct action. In order to realize them in practice, enactment 11 provides development and affirmation of various provisions (federal, regional and local ones), which regulates the legal

regime of TTEM formation and usage. Though, as for today, the RF Government has neither developed, nor accepted such a provision, and this fact causes normative-legislative vacuum of practical realization of the given law. Moreover, some norms of FL № 49 (for example, «free» usage of land resources) contradict the RF Code of land laws. Besides, there appear new legislative and organizational collisions in the course of application of the RF Forest Code and Federal Law № 131-FL «Concerning the General Organization Principals of Local Self-Governing in the Russian Federation» dated 06.10.2003, according to which TTEMs are included into the list of settlement territories (article 11, paragraph 3) because they pass over the questions of state regulation, which concern the native small-numbered nations of the North (further – NSNNN), to the Ministry of RF Regional Development.

Thus, up to the present time the relations in the sphere of aborigine environmental management on the territories of NSNN settling have been unsatisfactory and fragmentary regulated. In connection with the mentioned, they have made a lot of attempts to make amendments to the present legislative acts, for example, they suggest excluding TTEMs from the category of Specially Protected Natural Areas.

By the Russian Federation Government's Order № 132-p dated 4 February 2009, they have accepted the Conception of Steady Development of the Native Small-Numbered Nations of the North, Siberia and the Far-East of the Russian Federation. The significance of this document is in the following: they have officially accepted the main basic principles of NSNNN's steady development, including:

- Admission of the NSNNN's right for their foremost access to the fishing and hunting areas, to the biological resources in the territories of their traditional habitation and traditional economic activity;

- Necessity of NSNNNs' representatives participation and unification in decisions making in the questions, which concern their rights and interests in the course of development of natural resources in places of traditional habitation and traditional house holding;

- Necessity of estimation of cultural, ecological and social consequences of the suggested-to-realization projects and works in the places of NSNNNs' traditional habitation and traditional house holding;

- Reparation of damages, inflicted to the primordial habitation environment, to the traditional way of living and to the NSNNNs' health.

Acceptation of the given concept let us hope that the existing problems of the native small-numbered nations of the North in the sphere of realization of their rights for realization of their traditional house holding on the territories of traditional environmental management will be finally solved.

In order to achieve some concrete results in the given direction we are to solve the following tasks:

- To develop precise criteria in order to define a necessary size (area) of the singled territory and its location;

- To develop an economic conception and a program of development of traditional branches of economy, which is based on development of the existing structural economic units of the given territory and reconstruction of its lost elements. The main aim of the program is to create certain conditions in order to reach maximum employment among the native population, ecological safety and stability of social-economic development;

- To develop certain concrete conceptions and programs of steady ethno-demographic and cultural-ecological development of autochthonous nations, which is aimed for reconstruction of a corresponding system of consort relations, their

medical provision, regeneration of their cultural and spiritual traditions and their language;

– To develop an ecologic conception and a program of resource exploitation of the given territory, to provide their relation with the existing system of environmental protection measures and the legislation;

– To develop a legal basis, fixing the status and regulating the character of usage of the given territories.

Our approach to definition of borders and the character of usage should correspond to the following conditions or criteria of determination, which can be formulated the following way:

– The criterion of «necessary sufficiency» of the territory's size, its natural resources reserves and etc. in order to provide a normal ecological balance of combined components of the feeding landscape on the given territory sector. The most important condition of the given criteria fulfillment is drawing TTEM borders along the natural geographic lines of the given territory (for example, rivers, streams, water-partings and so on.).

– The criterion of «functional legal capacity» of the system of traditional household keeping. The size of the territory must optimally correspond to the demands of the settled traditional household activity and must have a necessary margin of safety in case of its load being increased, for example, because of its population growth. Correspondingly, the territory in Siberian and the Far East taiga zones will be of one size, it will be of another size in forest tundra, and of a third size in tundra and mountain tundra, thereat increasing while going from south to north.

– The criterion of «rational independence» of management structures from the activity of the authorized state organ of power and economic organizations. Here, the optimal way out can be to form a coordinating organ (the board of TTEM management) out of representatives of

the local administration, economic organizations and population (clans); this board will coordinate their activity concerning the territory usage and management together with the TTEM Administration, which head is appointed in coordination with the Authorized Representative of the native population.

Placing an emphasis first of all on the problems of reconstruction of traditional household, national peculiarities and traditions, restoration of the territories normal ecological balance, we may suggest the following technology of TTEM realization and define its main stages.

The conceptual stage is a definition of the circle of the interested participants, of the given resources and limitations, diagnostics of the main problems; working out of the general strategy; restoration of the priorities; approval of the preliminary agreements texts.

The project stage consists of a complex ecologic-social-economic analysis of the key problems; search and estimation of alternative variants of solution; definition of organizational forms and of the mechanism of participants interaction; approval of a precise contribution of every participant; formulation of organizational and legal documentation, contracts and credit agreements.

The starting stage is a formation and registration of new economic and social structures; formation of the structure of management, funds of migration and development, creation of supporting commercial and holding structures; assimilation of abandoned lands of the territory and its resources; search and approbation of commercial links for traditional household products distribution and reactionary development.

The stage of development consists of an optimization of all the project components' activity; formation of a long-term cultural, economic, and commercial relations; development

of the organs of self-government and social structures.

In order to substantiate the program of action and to realize it successfully it is advisable to make a complex substantiation of the TTEM organization, which is developed proceeding from the interests of its participants, from the present resources, limitations, results of the problematic situation analysis and priorities of the set goals.

Taking into consideration the specifics of the way of life and of the traditional house holding of the northern people, one should handle the work in the following four directions: ethno-demographic, resource-ecological, financial and technical-economic, cultural-historical. The volume of work in each direction is defined in accordance with their top priorities.

Ethno-demographic direction includes the following:

- the analysis of peculiarities of the population ethnic composition (personnel of the enterprise, population of the village and etc.), motivation of its economic behavior, peculiarities of its way of life, which are connected with its traditional house hold cycle;

- The estimation of the life level of the native population and of the role of traditional industrial branches in people's life sustainment;

- The analysis of the working places coverage by the employable population;

- The estimation of the degree of social tension and recommendations concerning prevention of potential conflicts in the sphere of traditional house hold.

Materials in use: initial information on the population, Census of the Population files, act records of the Civil Status Registration Office Branch, results of selective sociological researches and questionnaires.

Resource-ecological direction covers the following:

- The qualitative and quantitative estimation of lands and of biological resources of the reindeer and fishing-and-hunting branches, and also of the other types of activity, which complete the economical complex: agriculture, forestry, recreation and so on;

- The forecast of possible volumes of resources usage with an account of the possibility of new lands and resources assimilation;

- The substantiation of measures on realization of the schemes of traditional environmental management and resources protection.

Materials in use: information from the land surveying, hunting-, fishing- and forestry offices, reporting materials of the reindeer, fishing-and-hunting enterprises and procurement organizations of the previous years (especially, reports of the industrial departments), expert questionnaire data, which have been obtained from the specialists and experienced workers.

What concerns the economic direction, here we pay the main attention to the characteristics of the given financial and material-technical basis and to the possibilities of efficient technologies implementation (as new ones, so traditional ones). In correspondence with the main tasks of the project, financial and material-technical basis is estimated in appliance to the chosen directions of the industry development and economic structure reorganization.

Materials in use: industrial and financial reports, industrial-technical norms, technical-economic documentation on the technologies, which are liable for implementation. In certain cases it is necessary to perform special technical-economic calculations (with the help of local specialists).

Cultural-historical direction of substantiation includes the following:

- Recordings of the natural and archeological monuments, historical and sacral places, situated on the territory, definition of their

preservation condition and expenditures for their reconstruction and maintenance;

– census and counting of the native people – the carriers of the elements of national culture, folklore, language and so on, which are now being lost;

– Estimation of condition of the cultural-historical objects and program of their usage and preservation.

Here, the sources are the following: collections of the Local Museums of Local Lore, History and Economy, library and archive data, results of special field archeological and ethnographical research works.

In order to solve the problems quickly and without conflicts we need also to define the circle of the interested persons and organizations and to

develop an efficient procedure of coordination of their interests.

The result of the final substantiation is a compilation of necessary maps and schemes with certain information, which explains the offers, concerning borders setting, usage of resources and territories development. The result of the given substantiation can be optimized in the form of a typical project of TTEM organization. Simultaneously, the given project can be the main working document, which would define the character of TTEM usage and development. This way, in the conditions of expanding assimilation of the northern resources, formation of territories of traditional environmental management is actually the only possible way of protection and guardianship of NSNNNs.

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Вопросы формирования территорий традиционного природопользования

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В статье анализируется понятие «территории традиционного природопользования», рассматриваются социально-экономические и правовые проблемы концепции территорий традиционного природопользования. Авторами предложен подход к решению существующих проблем концепции. Выделяются критерии установления границ и этапы реализации концепции территорий традиционного природопользования.

Подход к установлению границ, определение характера использования должны соответствовать следующим условиям или критериям выделения, которые можно сформулировать как:

– критерий «необходимой достаточности» размеров территории, запасов ресурсов на ней и т.д. для поддержания на данном участке местности нормального экологического баланса совокупных составляющих кормящего ландшафта. Важнейшим условием выполнения данного критерия является проведение границ ТТП по естественным географическим рубежам данной территории (например рекам, ручьям, водоразделам и пр.);

– критерий «функциональной дееспособности» системы ведения традиционного хозяйства. Размер территории должен оптимально соответствовать потребностям сложившегося типа традиционной хозяйственной деятельности и обладать необходимым запасом прочности при увеличении нагрузок на него, например из-за роста численности населения. Соответственно, в таёжной зоне Сибири и Дальнего Востока размер будет один, в лесотундровой – другой, в тундровой и горно-тундровой – третий, увеличиваясь при продвижении с юга на север;

– критерий «разумной независимости» структур управления от деятельности уполномоченного государственного органа и хозяйственных организаций. Оптимальным вариантом здесь может быть создание координационного органа (Совета управления ТТП) из представителей местной администрации, хозяйственных организаций и населения (родовых общин), координирующего их деятельность по использованию и управлению территорией и администрации ТТП, руководитель которой назначается по согласованию с уполномоченными коренного населения.

Итогом комплексного обоснования концепции должен быть типовый проект устройства территорий традиционного природопользования.

Ключевые слова: территории традиционного природопользования, коренные малочисленные народы Севера.

Работа выполнена в рамках исследований, финансируемых Красноярским краевым фондом поддержки научной и научно-технической деятельности, а также в рамках тематического плана СФУ по заданию Министерства образования и науки Российской Федерации.
