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Indigenous Minorities of the North as a Factor of Preservation and Sustainable Development of the Northern Territories

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The article presents generalized problems and trends of indigenous minorities of the North (IMN) adaptation to new condition of social-economic development of Russia and analyses some particularities of their political and juridical status.

The modern evolution of indigenous minorities of the North is based on the composition of innovativeness and conventionality elements. It causes the necessity to apply an institutional- evolution approach for the investigation of problems of IMN sustainable development.

The given approach allows identification of the role of informal rules in IMN life activity and helps to show peculiarities of informal rules formation.

Numerous legislative acts of the federal and regional level adopted at present (formal regulations), having direct or indirect relation to IMN, are mainly declarative due to the absence of effective tools for their implementation.

The development of such tools is an urgent theoretical and practical task which resolution should take into consideration the evolution of ownership forms of traditional economies and reasons of happened naturalization of traditional IMN lifestyle.

Keywords: indigenous minorities of the North, sustainable development, legal status, joint management of resources, areas of traditional nature management.

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Social-economic reforms of the recent years have significantly influenced the idea of sustainable development and the quality of life in general, as well as sustainable development of areas of traditional nature management and particularly- the quality of life of indigenous minorities of North (IMN).

Protecting their interests, IMN are at the forefront of the struggle of the humanity for their survival under the conditions of ecological crisis.

The culture of indigenous peoples is based on the awareness of the oneness and continuous connection of a man and nature. It includes

principles of rational use of resources and due respect of environment, i.e. basic principles of sustainable development's concept. Conventional nature management is based on an exceptional knowledge of nature peculiarities, gained from the centuries-old experience of indigenous peoples. It includes the principle of inexhaustible use of renewable biological resources, which is also among the basic principles of the society sustainable development concept.

It is obviously that the loss of experience and mentality, which were developed by indigenous peoples within centuries, can become an irreplaceable loss of humanity at present. They are to be preserved and passed to the representatives of other nationalities for the purpose of collaborative activity with indigenous peoples towards the protection of the nature of our planet and searching new ways for sustainable development of civilization.

The Russian Federation, fully supporting the declared goals and principles of UN and ILO international documents in respect of tribal peoples and peoples of roving life, and actively participating in various UN events, such as International decades of indigenous peoples and etc., still remains one of the countries, which hasn't yet ratify ILO Convention №169 "On Indigenous and Tribal Peoples in Independent Countries" (1989) and the only country that has not yet signed the UN Declaration on the Rights of Indigenous Peoples (2007).

ILO Convention №169 approves a wide range of indigenous people's rights, including rights for recourses and homeland areas, and other authorities which are considered to be important for them.

Joining the Russian Federation to the ILO Convention №169 and its ratification was initiated by the 1st Congress of Indigenous Minorities of the North in 1990. The Congress considered the participation in this Convention to be a kind of

guarantee for keeping political rights and initial basis for the development of Russian legislation on IMN rights.

Nearly all summarizing documents of Parliament meetings and scientific conferences hold by Chambers of Federal Assembly of the Russian Federation and subjects of the Russian Federation on socio-economic and cultural development of IMN, recommended to ratify the Convention №169

An expert's Report which was presented at one of the meetings dated May 17, 1993, was ended by the words: "The ratification of the Convention seems appropriate only upon providing conditions ensuring their fulfillment by Russia. Otherwise it can cause contradictions between domestic legislation and international obligations of the Russian Federation. Considering the strict control of ILO over the implementation of its Conventions, such situation can cause international implications undesirable for Russia" [1]. Apparently this "confidence" does not exist so far, therefore the ratification issue has been practically removed from the agenda.

The following circumstances supported the restrained position in this issue are essentially important:

1. Areas of IMN residence in Russia possess the unique combination of industrial development, settlement pattern and ethnic structure. For example, the population size of Greenland comprises to 55 thousand people, and 86 % of them are indigenous peoples. There are only 79 settlements with relatively low number of dwellers, 13 thousand people live in the capital of the island Nuuk. The population of the Northwest Territories of Canada, before the separation of Nunavut area was practically the same as in Greenland, wherein these lands accounted for approximately one third of the entire country territory. More than a half of dwellers are aborigines. Less than 20 thousand

people live in the capital of the territory - Yellowknife . (Innu of in the Eastern Arctic make up about 85 % of the population). The North of Canada is more industrially developed than Greenland, but far less than the North of Russia.

Regions of the Russian Federation which are considered to be the territories of traditional residence of IMN, make almost the half of the country's territory. According to the census of 2010, 247.6 thousand people IMN lived here (about 95 % of the total IMN population of the country). The specific weight of IMN in the total population size of this territory was only 6,3 %. They do not form the majority of the population even in their autonomous regions. Under these conditions it is more complicated than for example in Canada, to solve the problem of expansion of collective rights of indigenous peoples without infringement of rights of the rest of population living in this area.

2. Almost nowhere in the world there are so many permanent non aborigine people living in traditional IMN areas as it is in Russia. A significant proportion of the population is Russian old residents- descendants of those who moved in this region several centuries ago and who helped aborigines to survive in difficult climatic conditions. The major of old residents has the same style of life as peoples of the North. Introduction of new rights and privileges for indigenous people can cause the aggravation of international relations and worsen the existing complicated social situation of the North.

3. Receipt of land rights by indigenous peoples can cause formation of a group of businessmen from the peoples of the North, but it would not guarantee the preserving traditional nature management and traditional culture as well as keeping peoples themselves as independent and distinctive ethnic groups. Attention should be paid to three important aspects.

Firstly, an obtaining clearly documented contractual rights to certain territories will mean the loss of any rights of the North peoples to the remaining significantly larger part of the territory. Such is the Canadian-American pattern of indigenous peoples development, where one of the most interested stakeholders of the Agreement on land use signed by Inuvialuits of Western Arctic of Canada were oil companies, which got easy access to the oil-rich areas as a result. Under these conditions, the required bases for keeping traditional culture and appropriate life-supporting system are being narrowed down simultaneously.

Secondly, if valuable mineral resources will be explored on the territories designated for the populations of the North, the significant part of lands will not at all be used for traditional nature management. Besides, as the Russian experience shows, even the major of these territories will be controlled by large business and the population of the North will be satisfied with a little as it is usually happen when oil companies sign agreements with the owners of tribal lands.

Thirdly, we should not eliminate the risk that the owners of such lands, after receipt of gratifications from oil-and- gas and other raw material companies will become idle rentiers without kith or kin forgotten their traditional economic activities.

4. Political elite of the North peoples actively supports the Convention ratification. Their interest is quite understandable and clear. But the population itself is more passive because additional rights assume not only specific privileges but also the increased responsibility. In most cases the population is not ready for this mission due to different reasons. For example, many regions do not have any local initiators, which would take all troubles on solving problems, stipulated by the last RF laws which

directly relate to the life activity of indigenous minorities of the North.

5. There are no clear criteria for ethnic identification. After ratification of a Convention a lot of problems will arise on determination of those who will fall within it. However, this problem is now posed as one of the most important when practical implementation of the adopted federal laws on indigenous peoples of the North is discussed. At present it is common for Russia to consider ethnic self-consciousness to be the main characteristic of being attributed to IMN and this indicator is very uncertain. Any additional rights and particularly benefits for certain populations become an object of interest of many, including those who are not related to these peoples originally (recently, after granting certain privileges to peoples of the North, their number noticeably increased, as virtually all children of mixed marriages were recorded as representatives of these peoples)

For example, it is known that in the Khanty-Mansi Autonomous Okrug after assignment of inherited ownership of tribal lands possessing deposits of oil to Khanty and Mansi, mass marriages of Azerbaijanis with local girls became very popular. All children from these mixed marriages are considered to be representatives of indigenous people. Thus, over the certain period of time the descendants of not even the northern, but the southern nations may become the owners of tribal lands in this Okrug (particularly those which are rich in oil).

Such problems exist in the other states. It is not coincidentally that the most countries of the Arctic ring having much more favorable conditions for the ratification of the discussed Convention have not done it still.

The greatest progress in the development of indigenous people of the North is observed at present in the North America and Scandinavia.

Even a few decades ago, until the middle of the XX century high rates of aborigine's ill being were natural for these countries and were referred to physiological and social peculiarities of aborigine, the processes of assimilation and dissolution of aborigines in a society were interpreted as legitimate and positive phenomenon.

The crisis took place in 60-70s of the XX century, when the period of restoration of justice for indigenous peoples started. It was stimulated by a threat of total destruction of indigenous people as the result of implementation of large-scale resources and hydro-energetic projects on their territories.

As the result of continuous and complicated public discussion a new paradigm on the legal status of indigenous peoples of the North was formed during the elaboration and implementation of social-economic development trends on territories of their traditional residence and economic activity. This paradigm has its own peculiarities in different countries, but is characterized by common fundamental points, connected with significant increase of a legal status of indigenous peoples in taking and implementation of managerial decisions in the sphere of life-support and economic development on the areas of traditional nature management of IMN.

A key role is played by:

- the ownership rights of IMN to land and nature resources;
- questions connected with the involving IMN in the process of nature resources management;
- granting social and economical privileges to IMN for development of nature resources;
- political rights of IMN, connected with the self-government

Agreements of the Inuit of Nunavut settlement area and the Tribal Union of gvikey

with Her Majesty the Queen of England (i.e. the Government of Canada) can be given as examples of parity approach to address a problem of sustainable development of IMN residential territories. These agreements which were elaborated in detail by both Parties, stipulate specific areas under their jurisdiction, describe rights of aborigines living on the territories of non-indigenous population, owned by municipal, regional and federal government for land and mineral resources, ways for nature management as well as parity management and monitoring tools.

The process of meeting territorial requirements of indigenous peoples of Alaska and Northern Canada has caused the problem of joint (cooperative) management of resources [2].

Joint management of resources is a component of the state policy which is based on comprehensive agreements on territorial demands of indigenous peoples and includes indigenous peoples' participation in making decisions on quotas for fishing and hunting, questions of subsoil and forest management, protection and monitoring of the environment in areas defined by land agreements.

The purpose of joint management is to share responsibility for specific resources, where a substantial overlap of interests exists and to share social and economic benefits from the use of these resources. Specialized Councils having the right to elaborate non-regulative proposals for public offices become the subjects of joint management. Principles of joint management are widely used in nature parks and reserves and suppose collaboration of administration of specially protected natural territory and communities traditionally exploit its resources.

Joint management operations include recognition of the important role that indigenous communities play in preservation of resources. Joint management was introduced in Northern

Canada and Alaska in the middle of 1970-s due to danger of undermining the populations of fish and game. The USA Federal Law on conservation areas of Alaska which are of the national interest has provided advisory role of indigenous communities in regulation of fisheries and management of wildlife resources within these areas. It is common for the North of Canada that joint management operations are stipulated by agreements on land requirements of indigenous peoples, for example, in agreements with the native population of Yukon. If land law does not provide joint management operations within a specific area, the initiative of its introduction goes from the below level - rural communities; the availability of a strong local leader, aimed at addressing traditional life support problems as well as development of traditional economy and resources protection become a key factor.

The principle of supporting indigenous population, according to which locals should fully benefit from the development of area resources in order to be protected from the possible damages and to receive compensation for caused damages, was recognized at the same time as indigenous rights to land and resources were assumed. This principle was implemented in agreements on providing social-economic benefits and privileges to locals (SOPV). SOPV for indigenous people of the North means the following: environment protection, employment and economical development, respect for traditional culture and values. SOPV for the state implies: the possibility of making decisions without an expensive and labor-intensive assessment of the environmental impact.

An experience of Canada and other northern countries on creating prerequisites for sustainable development of IMN places of residence, based on the principle of parity, is extremely useful for Russia at present.

The following statements and principles of sustainable development of IMN and their living areas in the North can be defined on the basis of the positive achievements of this experience:

1. Indigenous peoples of the North, Siberia and Far East of Russia should get prepared for creation of a stable, harmonious system of relations with the state and nonindigenous population, which would be aimed at preservation of their originality, culture and traditional economic activity, economic independence and nature environment. The most promising is the way of parity and reasonable compromise with the state. This way is possible only provided both Parties are tend to the shared goal – to ensure a sustainable development of the region, where indigenous peoples live.

2. The main problems of the economics of the North and life activity of its people, preservation of ecological potential and saving the last in the world reserve of free territories should be solved from positions of national strategy of Russia. Much will depend on the success of macroeconomic policy, which stimulate the demand for the products of leading branches of northern economy and for exploration, transport loading, capital construction. The most important is reduction credits costs and regulation of transport tariffs for the purpose to support sustainable economic relations with hinterlands.

3. In perspective, industrial development of the North should be based on the recognition of indigenous people by their partners during the development, supported by implementation of extensive rights of indigenous people to lands, resources and self-government. The basis of a partnership is a formation of clear rights of IMN to the land, resources and self-government. Elaboration of agreements with the peoples of the North is a tool for reinstatement of true relations, reduction of information uncertainty over ownership and management of land and

resources. Integrated policy is required, which would initiate an economic activity of indigenous people, their aspiration for changes and desire to work for the sake of changes. Fundamentals of such policy are usually expressed in a concept of partner relations of the state, business and non-indigenous majority of population with the peoples of the North.

4. To turn to the rule the principles of civilized relations, partnership and provision of citizen's rights in protection of original environment and traditional way of life of small ethnic indigenous communities and local people, federal regulation in this field is required. Federal laws should clearly describe the obligations of business and state against indigenous minorities, especially when resources are developed and energetic facilities constructed in the areas of traditional residence and nature management of these people. Federal legislation should also describe the mechanism of providing rights to ethnic minorities to protect their native place of residence and traditional way of life according to the Constitution of the Russian Federation.

This mechanism must include the following:

- scientific investigation of basic characteristics of traditional way of life and native place of residence of smaller peoples and ethnic communities, located in the area of existing or projected economic activity;
- Determination of possible negative effects of such impact;
- Development of measures to reduce and prevent negative effects;
- Assessment of impact during the project implementation and elaboration of correcting measures to prevent negative influence of this activity on traditional way of life and original environment of indigenous and local population.

5. Creation of territories of traditional nature management (hereinafter, TTNM) under the conditions of expanding intensive exploit of North resources is the only possible way to protect IMN.

The main idea of TTNM includes :

- Creation of optimal conditions for life activity and sustainable ethnic and demographical development of indigenous ethnic minorities;
- Protection of socio-economic and legal interests of indigenous peoples;
- Restoration of traditional economic activity of IMN;
- Protection of the of natural resource potential of IMN living areas;
- The elimination of existing and prevention of possible conflicts.

Existing legal problems on the implementation of TTNM concept require development and adoption of «Regulations on establishment and application of TTNM», which would include criteria for determining optimal sizes and principles of identifying functional areas and their economic activity; the procedure for non-traditional activities, management pattern, protection and control of applying TTNM.

In order to achieve the specific results in this field it is necessary to address the following tasks [3]:

- to elaborate clear criteria for determination of the required size of the projected territory and its location;
- to develop economic concept and program for development of traditional industries, based on the development of existing economic units within the particular territory and reconstruction of its lost components. The main goal of the program is to create due conditions for maximal employment of indigenous people, ecological safety, and sustainable social and economic development;
- to develop particular concepts and programs for sustainable ethno-demographic, cultural and environmental development of autochthonic ethnic groups, aimed at the reconstruction of the existing system of marriage ties, provision of medical care; restoration of culture and spiritual traditions and language;
- to develop ecological concept and program of utilization resources of the given territory, to provide their relations with the existing environmental and legislation system;
- to develop a legislation basis supporting the status and regulating character of using the given territories

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Коренные малочисленные народы Севера как фактор сохранения и устойчивого развития северных территорий

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В статье в обобщенном виде представлены основные проблемы и тенденции адаптации коренных малочисленных народов Севера (КМНС) к новым условиям социально-экономического развития России, проанализированы особенности их политико-правового положения.

Современная эволюция коренных малочисленных народов Севера основывается на сочетании элементов традиционности и инновационности. Это обуславливает необходимость использования институционально-эволюционного подхода при исследовании проблем устойчивого развития КМНС.

Данный подход позволяет выявить место неформальных правил в жизнедеятельности КМНС и показать особенности становления формальных правил.

Принятые в настоящее время многочисленные законодательные акты (формальные правила) федерального и регионального уровня, имеющие прямое или косвенное отношение к КМНС, носят во многом декларативный характер из-за отсутствия действенных механизмов их реализации.

Разработка таких механизмов является настоящей теоретической и практической задачей, решение которой должно учитывать эволюцию форм собственности отраслей традиционного хозяйствования и причины натурализации традиционного уклада КМНС.

Ключевые слова: коренные малочисленные народы Севера, устойчивое развитие, правовой статус, соуправление ресурсами, территории традиционного природопользования.

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.
