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AUTHOR: GAIL FONDAHL
University of Northern British Columbia

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CONTRACTOR: Dartmouth College

PRINCIPAL INVESTIGATOR: Gail Fondahl

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EVENKS AND LAND REFORM IN RUSSIA: PROGRESS AND OBSTACLES

Gail Fondahl

The Evenks are one of the most populous indigenous peoples of Siberia (with 30,247 individuals, according to a 1989 census), inhabiting an area stretching from west of the Yenisey River to the Okhotsk seaboard and Sakhalin Island, and from the edge of the tundra south to China and Mongolia. Reindeer herders and hunters, they traditionally practiced a system of land tenure based on territorial "obshchina," communes of small sub-clan groups of one to several families who exercised usufruct rights to particular lands. The obshchina territory was usually defined within watersheds in which the group hunted and pastured its reindeer. Clan leaders redistributed lands to individuals as needed. The Evenks would hunt and herd on others' lands only with permission from the obshchina head or the clan leader. When the question of self-determination as an indigenous people is applied to the Evenks, one issue today is whether the obshchina can be revived as an indigenous institution.

Recent claims by indigenous Siberians presented to the United Nations Working Group on Indigenous Peoples have emphasized the difficult circumstances in which they find themselves today. Since the late 1980s, the Evenks and other First Nations Siberians have demanded reforms to reverse the ongoing process of alienation from their lands and therefore to improve control over their own destiny. This article discusses the implementation of potential land reforms among the Evenks of Northern Transbaykalia, disclosing serious contradictions imbedded in several distinct concepts of land tenure (including the obshchina), and highlighting some of the problems the Evenks face in preserving their rights to land that they have inhabited since time immemorial.

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1Gail Fondahl, Ph.D., is Assistant Professor of Geography in the Faculty of Natural Resources and Environmental Studies at the University of Northern British Columbia. She has carried out research on land tenure in indigenous Siberia since 1992. This article draws upon six months of fieldwork in Transbaykalia, from 1992 to 1994. Research was supported by grants from the National Council for Soviet and East European Research, the International Research and Exchanges Board, and the US National Science Foundation. The author takes full responsibility for the contents and views of this paper.
Background

Russia struggles today with several inter-related crises. The economy teeters on the brink of catastrophe, due both to mismanagement under communism before the fall of the USSR, as well as to neo-colonialist conditions imposed by the West since 1991. Economic conditions are reflected socially and politically in contradictory movements toward both "democratization" and increasing Russian chauvinism, and in resurgent militarism and communism. Several of these unresolved tensions converge in the forms of the ongoing war to defeat the Chechen liberation movement, Russian military intervention in Tadzhikistan, and the rise of separatist and/or secessionist movements in economically and geo-strategically important areas. Meanwhile, all across the federation, indigenous peoples have begun to acquire an increased sense of determination to demand fulfillment of promises to have control over their own territories, resources and cultures. As a consequence, the central Russian government is faced with having to make hard decisions concerning the degree to which it will simply seize control of indigenous peoples' resources to produce foreign exchange, or to honor its word to respect indigenous peoples' rights.

The erosion of indigenous control in Siberia began over 400 years ago, when Russians originally penetrated and colonized the homelands of over thirty peoples in the Arctic and subarctic regions. The Tsars declared "newly discovered" lands to be under Russian control, but they "allowed" indigenous peoples to continue to hunt and herd, in return for tribute payments of valuable furs.

Conditions changed after the Soviet revolution of 1917. The policy of the USSR, set forth in its original Constitution (and reiterated in every subsequent version), was based upon explicit acknowledgment of the right of "nationalities" to self-determination. The definition of "nationality" then became the most important factor in sorting out the various levels of control that the Soviet Union would permit. Stalin set up an administrative-territorial system based on this principle; he divided the USSR into "ethnic homelands" of several categories: "union republics" (including Russia, Ukraine, Georgia, Uzbekistan, Lithuania, etc.), "autonomous republics" (Tatarstan, Yakutia, Buryatia, etc.), "autonomous provinces" (oblasti), "national districts" (okrugi), and "national regions" (rayony). The system was contradicted by the simultaneous delineation of provinces and regions that had no national designation.
Ostensibly developed to help the "flowering" of national self-awareness, the nationality policy in fact was built upon the denial of substantive powers over the land and resources to administrative units other than the union republics. Non-Russian union republics (especially the Baltic states, Ukraine and Georgia) had great difficulty fending off Russian domination. Meanwhile, the Russian-dominated federal government, with its monolithic central control, "nationalized" all lands, effectively turning them over to various central bureaucracies (ministries of mining, forestry, defense, etc.) for the development of the Soviet Union, without respect for the needs and desires of those peoples who had inhabited traditional lands for thousands of years. By the late 1930s, the Soviets had quietly abolished the promise underwritten in the "national" designation of regions: two national districts were liquidated, and Russian-dominated staff controlled the government and party structures of the remaining "ethnic" territories.

The Evenks provide a good example of how indigenous peoples were commonly denied self-determination during the Soviet period. As part of his nationality policy, Stalin created two Evenk "national districts," one in central Siberia and the other in southeastern Siberia; he also created over two dozen Evenk "national regions," mostly in the Sakha (Yakut) Republic. By 1940, only the central Siberian Evenk National District remained; only about one-tenth of all Evenks lived within its boundaries. Evenks in Northern Transbaykalia (a region comprised of the northern Buryat Republic and the northern Chita Province) saw the destruction of two Evenk "regions" in Buryatia and an Evenk "district" in Chita, after these were created for them. They also experienced dispossession of land and the intrusion of non-Evenk immigrants, due to the construction of a railroad through their homelands and the mining of gold throughout the territory. Immigrants poached the Evenks' domestic reindeer and their hunting caused the depletion of wild game and fur animals. As the Soviet hunting system grew increasingly predisposed to making short-term profits rather than ensuring long-term sustainability, Evenks saw ever-increasing allocations of their traditional hunting grounds to Russians and other non-Evenks.

Throughout the life of the Soviet Union, Evenks and other indigenous peoples protested the usurpation of control over their territories and resources through blockades, demonstrations, and other means of civil disobedience. The history of those protests is now coming to light, along with the history of Soviet repression of those protests. It was only with Gorbachev's policy of glasnost in the late 1980s that indigenous peoples could protest Soviet
policy without justifiable fear of retribution. Recent indigenous peoples’ testimony before the UN Working Group on Indigenous Peoples meetings has exposed some of the dark history of Soviet-style socialism as an ethnocidal and sometimes physically genocidal institution.

However, since the Soviet Union disintegrated in 1991, indigenous peoples like the Evenks have come to realize that the crisis they face at present may ultimately be as threatening to their survival as any of the abuses that they knew under communist rule. It is now capitalist Russia, rather than the socialist USSR, that is attempting to plunder their lands for minerals, timber and whatever else can be sold to Western interests, to produce the foreign exchange that is necessary to pay off Russia’s huge debts to Western banks and governments. Russians continue to dominate indigenous peoples’ lands and societies, often with an attitude of condescending superiority over non-Russian nationalities.

Three Possible Forms of Russian Land Reform and the Evenki

Having to face up to important unresolved business, the Russian government is currently attempting to sort out a coherent policy for indigenous peoples in the post-Soviet context. The Russian Parliament is faced with a persistent lobby of indigenous peoples who are pushing for clarification of their rights, and for the reform of laws that govern state-indigenous relations, laws pertaining to the control of land and resources. The articulation of indigenous rights is evolving in tandem (and often in conflict) with the radical restructuring of property rights that accompanies Russia’s transformation to a more market-oriented economy.

There are currently three identifiable approaches toward indigenous rights to land that are being debated in the Russian Parliament as alternative versions of land reform: 1) at the lowest levels of territorial administration, villages and regions can now declare themselves to be "national" (i.e. native) villages and regions; 2) indigenous persons can organize family- or clan-based obshchinas ("communes") and petition for allotments of land on which to pursue "traditional" activities; and 3) the governments of officially-designated republics and provinces of the Russian Federation can set up "territories of traditional nature use," that is, significant areas of land from which industrial development is excluded, in order to protect the "traditional" activities of indigenous peoples.
Each of these legislative approaches has inherent limitations. The greatest shortcomings generally stem from the weakness of implementation mechanisms. Province and republic governments within the Russian Federation may choose whether or not to activate or block such reforms within their territories. To date, the new legislation on indigenous land rights has generated legal decrees and a presidential edict, but no law. Proposed law to clarify the legal status and rights of indigenous peoples has languished in Parliament, having awaited passage for over two years now. The provinces and republics most unfavorably disposed to land reform often promise to initiate reform whenever reform laws are passed but then obstruct the legislative process. In cases where republics and provinces have actually begun land reform for indigenous peoples, they have implemented these reforms very selectively, and often with major conflicts of interest.

The first approach to improving land rights for indigenous peoples, in which regions and villages can declare "national status," dovetails with broader governmental reforms that aim to devolve power from higher levels of administration (federal, republican, provincial) toward the regional and village level, ethnic or otherwise. Russian laws on local self-government have increased the power of regions and villages to govern the development of their resources, and have improved the ratio of royalties (or rents) returned to the regions in compensation for the resources exploited within their boundaries. In identifying the village as the fundamental unit of self-government, this approach assumes that the creation of "national" regions and villages will facilitate indigenous self-government.

The "national village and region" approach has several problems. At present, the laws do not specify what proportion of the population must be indigenous in order for a village or region to designate itself as "national." National regions have been established in certain places where the indigenous population is under 5%. Draft legislation suggests that 30% should be the minimum proportion. But given the long term effects of Soviet demographic policy that sent ethnic Russians to colonize the USSR's peripheries for over seventy years, such a stipulation would undermine the ability of many villages and (especially) regions to assume "national" status.

Meanwhile, there are no laws that determine the minimum representative proportion of indigenous people in the governing bodies of national villages and regions. Throughout Siberia, "democratization" of the voting process in 1989-90 led to a significant decrease in
representation of indigenous peoples at all levels of government. A "national" village's or region's governing structure can exist with little input from members of the indigenous nation ostensibly represented by such a formation.

In the northern Buryat Republic (Buryatia), six Evenk village administrations and one Evenk National Region have been established in the homelands of the Evenk people. While their creation was heralded with much fanfare, the Evenks of those villages and region found that the national designation offered little in the way of increased autonomy. The national region's head official is a Buryat, and in at least one village, the head is non-Evenk.

The "national village and region" style of land reform proposal suggests that its benefits include both devolution of power and transfer payments to national "minorities." But the generalized economic crisis of Russia has nullified any expected financial benefits, and as indigenous leaders often argue, self-determination without an economic base has very little meaning. On paper, villages and regions were supposed to enjoy both greater veto control over development projects and a greater percentage of the profits generated by development that they did approve. Moreover, national villages and regions were supposed to receive additional subsidies from Moscow. However, in practice, the desperate economic situation allows the mining, forestry, and other extractive industries to call the shots. Village and regional political leaders who fear losing whatever minuscule economic activities their territories already enjoy, and who expect to receive little in the way of governmental subsidies, often feel forced to cave in (or sell out) to developers' demands.

In the neighboring Chita Province, Evenks have been petitioning in vain for the re-establishment of a national district that was abolished in the 1930s; meanwhile, they have made no headway in setting up the new national regions or villages that their relatives have established in Buryatia. One reason for their difficulty is that Buryatia is an "ethnic" entity itself (the presumed homeland of ethnic Buryats), and has therefore been much more receptive to internal "ethnic" territorial units than has the non-ethnic Chita Province. Thus, indigenous Siberian peoples may face a tremendous disadvantage in implementing various legislative reforms: one major factor appears to be whether their lands fall within the boundaries of national homelands set up some sixty years ago by Stalin, the Soviet Union's most formidable "nation-killer."
The second approach to land reform involves the allocation of land to family-clan obshchinas. The approach offers greater immediate promise to indigenous people who are interested in exercising increased authority over land in which they practice "traditional" activities. A group of individuals may unite into a family-clan obshchina and petition the regional government's land reform committee for an allotment of land on which to pursue hunting and trapping, reindeer herding, fishing, and gathering. By identifying the obshchina as the rightful unit of property management, the new Russian legislation acknowledges the environmental and cultural sustainability of traditional land tenure systems.

The amount of land allotted to a family-clan obshchina is determined by law according to several criteria, including the number of members, the productivity of the land, and the activities to be practiced, but not the pre-Soviet obshchina territorial boundaries. In reality, the rules appear to depend more on the way that hunting grounds were allocated by the state farm system during the Soviet period. Persons without Soviet-period hunting allotments face a much more difficult task in acquiring land than those possessing that authority. The allotment policy puts women at a disadvantage to men, while it continues the Soviet value of hunting as superior to numerous other indigenous economic activities such as reindeer herding, fishing, and gathering foods and medicinal plants. Indigenous persons who are not involved in what the state defines as "traditional" cannot acquire land allotments, under the current regime.

Family-clan obshchinas do not receive title to the land allocated to them, but rather usufruct rights to some of its resources, most usually faunal resources, reindeer pasture, edible plants, and enough timber to meet domestic needs. But usufruct rights are not permanent, and tenure limits vary across Siberia from one to twenty-five years. Federal officials have discussed increasing such "leases" to one hundred years, but so far, there has been no real progress toward even that much reform.

In Northern Buryatia, where national villages and regions are extensive, only six obshchinas had been established by 1994. By contrast, in Chita Province, where national villages and regions are difficult to establish, the northern region has 34 obshchinas, 23 of them located in the Tungokochen region. But a variety of problems impede further creation of these communes. The success experienced in Tungokochen may be attributed to a sympathetic non-Evenk regional administrator and a very active former president of the provincial Evenk association, who used her home region to push for the reform in Tungokochen. These factors
perhaps indicate why a sympathetic administrator in the neighboring Baunt region of Buryatia has not succeeded in promoting similar allocations there.

On the other hand, where several obshchinas were organized in Baunt, and in the other districts as well, the process of acquiring land allocation was tediously slow. The petitioning process may require several visits to the regional center, which puts those living in far-flung villages, many of which are not connected to the outside world by year-round roads, at a disadvantage. And the cultural norm of not "pestering" officials also serves as an impediment: one regional official cited Evenk "passivity" as an important factor in delaying the authorization of allotments.

Obshchinas do not provide any comprehensive answer to indigenous questions on land rights. Based as they are on economic activities, they may fail to offer a means to exert control over important spiritual and other sites. Neither do family-clan obshchinas enjoy full exclusionary rights, which means that a regional administration may grant licenses to geologists who are prospecting for minerals. Obshchinas do not answer to the needs of northern Siberian reindeer herders who traditionally migrate long distances from winter to summer pasture. Another type of problem has emerged in some areas where indigenous peoples have attempted to create obshchinas that incorporate all members of a village, in order to merge the benefits of the first and second legal approaches. In some cases, the majority of members were either non-native or were not involved in "traditional" activities, making the legal foundation of the whole institution questionable.

Russian legislators have offered a third approach to land reform directed at indigenous peoples, in answer to the problem of defining the space in land allotments. The legal institution permits the creation of "territories of traditional nature use" (TTPs), areas of substantial size in which industrial activities are supposed to be excluded. Alienation of lands within the TTPs is supposed to be permitted only by referendum of the local indigenous people. Thus, the TTPs are supposed to provide a relatively secure land base on which to continue "traditional" activities, while also allowing indigenous people who do wish to develop an industrial source of income to do so. Family-clan obshchinas also can be created within TTPs.

Throughout much of Siberia, provincial leaders have ignored the decrees and the presidential edict that stipulate the establishment of TTPs. Apparently, they are biding their
time, promising to create protective zones when enabling law is passed by Parliament. In only a few areas have provincial officials acted, creating interim management measures that are supposed to serve until enabling law is passed. Chita Province acted quickly on the presidential decree and allocated almost 27% of its three northern regions to TTPs.

While many Evenks of the province regard Chita's allocation as progressive, the process of delineation and the amount of land delineated are sources of controversy. Evenks complain that they were not adequately consulted during the drawing up of the TTP boundaries. Officials did not include enough land to protect traditional activities and the ecosystems on which they depend. The TTPs incorporate only alpine tundra, which is marginally useful for hunting and only seasonally useful for reindeer herding. Much of the most culturally valuable land (including important Evenk spiritual sites) lies outside the TTP boundaries. At the same time, the province has interpreted the alienation clause in the presidential edict to involve a referendum of all inhabitants, not just indigenous persons. So, if a mineral deposit within a region's TTP is found to be economically attractive, every inhabitant of the region may vote in a referendum on whether to alienate that tract of land from the TTP. Given that the population of Evenks in the three northern regions of Chita Province ranges from 1-15% of the total population, and a significant percentage of the non-indigenous population is involved in mining, Evenks feel little optimism over TTPs protecting their traditional activities until a federal law clarifies land alienation procedures in TTPs.

In contrast to the total lack of land rights that indigenous peoples had at the time the Soviet Union collapsed, the current incipient progress of land reform coming through Parliament has generated cautious optimism among the Evenks and other Siberian indigenous peoples. However, the lack of progress to codify laws, as opposed to weaker decrees and presidential edicts, erodes such hopes. Lost against a painful backdrop of much more violent "ethnic conflict" in other parts of the Russian Federation (as in Chechnya), and the concomitant tide of Russian nationalism that disdains "special" rights based on nationality, the slight gains made by Siberian indigenous peoples remain not only inadequate but also threateningly frail. Nonetheless, the participation of Evenks and other indigenous Siberians in the UN Working Group builds, at the very least, a sense of overcoming the lack of recognition that comes with isolation in an unknown and poorly understood situation.
REFERENCES


