

Russian Indigenous Peoples of the North as Political Actors

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Abstract

Paper is an overview of the two on-going processes – one following development of the indigenous opportunities at the international arena where new high-level institutional building has been achieved, and the other at the level of national policy towards the indigenous peoples in Russia. The key questions are: what is the relationship between the power and non-state actors in Russia, and what are the prospects for the indigenous peoples and their organizations in the nation state? Northern indigenous peoples recognized by the Russian state in the non-governmental organization of the RAIPON are building up a joint agenda to further their social and economic interests. This process is accompanied by a transformation of the agenda of the sovereign states and subordinate governmental bodies as well as the establishment of partnerships with indigenous peoples through their legally recognized organizations as new political actors. At the regional level, the Arctic Council serves as a positive model of governance where indigenous peoples' organizations (IPO) are able to exercise the equal rights for participation in decision-making together with the sovereign states. At the same time, the national practices of such organizations as a political agency are much more limited: they focus on adapting to the existing political regime and power structures; attempting to critically evaluate the activities and functioning of state bodies, intergovernmental agencies and non-governmental organizations; and coping with existing problems that require solutions or temporary mitigation.

Key words

indigenous peoples, governance, political actor, Arctic Council, Russia, North, sustainable development, indigenous peoples' organizations

'For far too long the hopes and aspirations of indigenous peoples have been ignored; their lands have been taken; their cultures denigrated or directly attacked; their languages and customs suppressed; their wisdom and traditional knowledge overlooked; and their sustainable ways of developing natural resources dismissed. Some have even faced the threat of extinction... The answer to these grave threats must be to confront them without delay'.

*United Nations Secretary-General Kofi Annan,
at the third session of the UN Permanent Forum
on Indigenous Issues, 10 May 2004*

Introduction

In the following overview of the national policy towards the indigenous peoples in Russia, trying to follow the logic of its recent development, it is also necessary to undertake an outlook at their opportunities to act at the international level. What is the relationship between the power and

non-state actors in Russia, and what are the underlying causes for their interaction? And the question of major importance what are the prospects for the civil society in Russia?

In seeking responses to these questions we need to start with the history of the post-Soviet transformation, and check what are the milestones in this period for the civil society development. In general, processes of post-Communist transition have been divided into 3 phases: breakthrough, structural reforms, and stabilization and consolidation (Brzezinski, 1994, Jakubowicz, 2001). Using this framework, the Russia's post-Communist transition can be divided into the following three stages with consequent periods:

Stage 1: The period of political breakthrough (1987-1991):

February 1987 – May 1988: 'the awakening', birth of the political public sphere, first NGOs formed;

June 1988 – December 1990: democratization of the leadership and society, consolidation of civic movement, the peak of mass demonstrations and wave of public (environmental, economic etc.) protests;

January 1991- August 1991: internal political struggles in the leadership, military coup failure, peaceful revolution, establishment of the independence, dissipation of the Soviet regime and state;

Stage 2: Laying the foundations of the national state and launching radical economic reforms (1991-1994):

August 1991 – December 1993: radical political reforms, free elections, new Constitution;

January 1992 – December 1994: radical economic reforms; mass establishment of NGOs and small businesses;

1995 - democratization of local power structure, establishment of local self-government and municipalities;

Stage 3: Stabilization period (1995-2004):

1996-1998 – continuation and harmonization of political and economic reforms;

1999- 2004 – economic growth, development of civil society; Civic Forum in Moscow;

September 2004 - anti-terror measures and anti-democratic reforms.

October-December 2004 - independent NGOs and media become marginalized;

January –March 2005 – mass protests against the governmental reforms (privileges exchanged for cash money) in the social sphere in big cities – St.Petersburg, Nizhny Novgorod;

April - May 2005 – court proceedings on M. Khodorkovsky's case;

November 2005 - first meeting of the newly established Public Chamber;

December 2005 – pickets against the new law on tightening control over NGOs.

After four rounds of free elections in the country (1992, 1996, 2000, 2004), there were obvious signs of political consolidation. Several mergers had reduced the number of political parties represented in Duma. Political allies, opposition and preferences of the electorate became clearly distinguishable. Stabilization and consolidation, however, did not help in building up the trust in the democratic institutions, and in particular, after the recent political reforms, led to decreased popularity and mistrust towards the administration and power structures. In fact, immediately after September 2004 public polls revealed the sharp decline of faith in the economic and internal policy, collapse of trust in almost all political leaders, with lessened but still remained trust in president as only exception (41% in comparison with 62% in 2003)¹. At the same time there was no external cause for the crisis: economic progress continued, business development

¹ VTsIOM data: Only 24% of the 1,500 respondents from across Russia said they trusted the president, a drop from 41% at the start of 2004. Another opinion poll put support for Mr Putin at 43%, his second lowest rating.

indicators improved, and international recognition of Russia (primarily its relations with the EU and USA) is being re-confirmed. This turn in public opinion towards growing dissatisfaction can be interpreted as the start of a new, fourth period in Russia's post-Communist transformation, which many observers assess as authoritarian trend in the political development of the Russian state. The role of personal leader in the Russia's system is traditionally very high and these fluctuations of the relations between the political leader and people are important and significant marks of internal social changes. The only reliable opposition to emerging authoritarianism could be the civil society, but where is it in Russia? The experts' evaluations reveal almost opposite opinions: from non-existent or very weak to strong and independent civil society.

Civil Society, Third Sector, NGOs

Definition what is 'civil society' might help to understand this phenomenon, if it were not so wide and vague, referring to the various forms of self-organization of the people. All associations that individual citizens join in order to pursue their own private interests autonomously from the state, including professional, sport, religious societies, charity, non-profit and grassroots are considered non-state or civic organizations. In this relation, this concept has a very positive, though fluid normative understanding, and the theorists of civil society have defined this concept according to their own experience and purposes (Kharkhordin, 1998). This public sphere is usually also called a third sector, additional to the 'main' sectors of the government and commerce. However, as J.Richter notes, 'the third sector is an integral part of civil society but is not identical to it. Whereas civil society encompasses all formal and informal associations, ...the third sector refers more specifically to the formal, functionally differentiated and frequently professional non-profit organizations that interact with state and market actors. The third sector performs civil society's external functions of aggregating interests, pressuring and monitoring the state, but it contributes little to its internal functions. Internally, such associations instill habits of cooperation, solidarity, public-spiritedness and respect for legitimate authority. Externally, such networks aggregate interests and articulate demands to ensure the government's accountability to its citizens' (Richter, 1999, p.1).

The most common organizational forms in the third sector are usually non-governmental organizations (NGOs). Records are regularly kept only for officially recognized NGOs. But in practice '...they span a continuum from those that are purely voluntary groups with no governmental affiliation or support, to those that are creations and arms of governments. Moreover, many are highly market driven or are creations of corporations so that they are, for all practical purposes, profit-making "non-governmental" groups. Finally, many groups are difficult to categorize as they might be environmental, as much as development or human rights or social justice groups, especially in the less-industrialized countries' (Princen, 1994). According to the Center for Development of Democracy and Human Rights, Russia has over 400,000 active NGOs, 2,000 of which are exclusively devoted to human rights advocacy and 15,000 of which deal with human rights among other issues. Unfortunately, there is still lack of reliable data on NGOs in general, and in relation to indigenous organizations we need to operate only by expert estimations. In estimation by Regional Environmental Center in Moscow² defining the exact number of environmental NGOs also proved to be a difficult task. Not all NGOs in Russia are officially registered and some previously registered organizations have ceased to exist or have changed their areas of activity after 2004. A phenomenon of NGO 'mimicry' must also be considered: some groups declare themselves as 'not-for-profit' or 'indigenous' organizations to gain advantages from such status. So, the approximate number of indigenous NGOs has been

² <http://www.rec.org/REC/Publications/NREC/needs3.html>

estimated as 100 to 300 in Russia incorporating 1,000-3,000 active members and permanent staff. With regard to protest actions, most NGOs participate on an irregular basis, but the potential could be quite high here: majority of NGO could be mobilized for protest actions with each organization mobilizing from 10 to 1,000 supporters. According to the registration status, the majority of indigenous NGOs work as grass-root or local organizations, several dozens are regional, while only few of them claim interregional or national status. There is clear distinction between their establishment periods – only minority have been existing before 1991, some of them represented Soviet organizations in their operation and scale; majority have been created after 1991. Older NGOs are relatively more politicised, but the younger ones have advantage in their ability to communicate via email and have intense desire to foster horizontal cooperation and networks with other groups, in particular, with more widespread environmental and ethnic organizations. They also have a more developed administrative infrastructure, possess certain political capital, while younger NGOs are more active in establishing international contacts and information networks, being also more flexible in structure. Some indigenous organizations have comprehensive, permanently updated websites with parallel English-language versions³. The leading financial source for younger NGOs is aid from foreign and international organizations, while old NGOs could also enjoy financial support from national sources and governmental programs, but practice of membership dues is not yet established. Unfortunately, some of the largest foreign donors, such as Global Environmental Facility, Soros' Open Society Institute or US Agency for International Development, have either closed their offices in Russia or significantly reduced assistance to Russian NGOs in the recent period. It is mainly dramatic fluctuations in the domestic policy, especially legislation on charities, taxation and NGOs, rather than ineffectiveness or failure in the project objectives and outcomes that changed the attitudes of the donors to their activities in Russia. There are still few domestic alternatives for non-state funding, particularly after September 2004.

Theoretical Background

For explanation of both strengthening and degrading tendencies in the civil society development, sociologists refer to cyclical processes in the social mobilization of the Russian population (Temkina, 1997). In the 1980s, division of the state political elite and loss of regime legitimacy created the mobilization and organizational possibilities for social movements. During the perestroika period they were protest-oriented, after changes within elites in 1990-91, the protest potential diminished, organizations became weaker, and the cycle of protest began to decline. During the decline of their cycle, movements operate either as pressure groups using personal networks at the political level, or as grass-root organizations with personal networks at grass-root level. Some organizations combine different practices and can be considered as a combinational model: they use grass-roots networks to pressure deputies' decisions. During transitional period society is interpreted as different as feudal (Shlapentokh, 1996) or postmodern society (Ionin, 1996). In any case the indefinite character of the social structure and absence of social classes are confirmed by scholars. A. Temkina in her study (1997) proposed a hypothesis that Russian social movements in the 1990's either operate by exerting pressure and manifesting protest (advocacy NGOs), or they are grass-root based (cultural and ecological NGOs). If former aim for political influence, the later strive for a civic community. As mentioned, both groups use the personal networks very effectively and see them as a major tool in their activity. Analyses of approaches, which consider informal relations to be important for social movements, are presented in R. Alapuro's article (1993). He shows that researchers stress the personal sphere in contrast to the

³ See for example www.raipon.org and www.indigenous.ru

public one, and the influence of communal traditions on the relations between activists and supporters.

Distinction between private and public is very important for understanding of the civil society's background, and at the same time in Russia it is considered to present a Soviet legacy, when public life has been dominated by Soviet state and the Communist Party. In order to escape from this subordination, Soviet people tried to secure their private life in the circles of the close friends and family. But Soviet citizens did not merely accept these limited private spaces passively; in these small circles the communication had been so intensive and rich that it created a whole array of unique forms of underground political culture with the anecdotes, bard songs, written double language, oral traditions etc. When the Soviet state collapsed, personal networks were used for economic and cultural survival, and they still serve as the stable ground for new activities, including those in the third sector. But the new regime and especially modernization objectives require more active involvement of the society into the state functioning. In this situation the initiatives for the civil society from above are proposed as a remedy to overcome mistrust between the private and public spheres, between the government and civil society, between state and non-state actors. Instead, as a result, we observe the growing dissatisfaction of both elite and society. Gleb Pavlovsky, the political analyst in the Presidential Administration, complained in his interview⁴ after Putin's reelection in March 2004: 'there is no real activity by society'.

At the same time there is another theoretical framework that has been widely applied in political science and in the IR literature in particular. 'Governance involves the coordinated management and regulation of issues by multiple and separate authorities, the interventions of both public and private actors, formal and informal arrangements, in turn structured by discourse and norms, and purposefully directed toward particular policy outcomes' (Webber, 2004, p.6). The notion of 'global governance' is not only popular in the vocabulary of international organizations, but also accompanied by more specific applications: environmental governance, trade governance, international monetary governance etc. At the same time, this concept represents and explains distinct forms of political interaction. Operational definition exists in the European Union with regard to local government and the management of social, welfare, economic and other spheres of public policy. In the following analysis the particular relevance of the concept of social management will be examined. As a cornerstone, it is most important to stress that governance is a phenomenon that is distinct from government, which is traditionally understood as centralized authority, vertical and hierarchical forms of regulation, and an ability to impose policy regulations by coercive means. Governance, by contrast, represents how the regulation of societies has been supplemented by political actors other than government (state) as such (Pierre, 2000). In the international arena this assumes the existence of multiple centers of power and thus a multiplicity of combined and coordinated actions taken in response to the increasingly complex challenges of governing in a globalizing world (Rosenau, 2000). This multi-polarity referring to forms of coordinated behaviour distinct from anarchy (free market) or hierarchy (vertical coordination by state/government), received a term 'heterarchy' (Jessop, 1999). Indeed, even in the security sphere – an area traditionally reserved for the state – non-state actors have become increasingly significant in the implementation and monitoring of the security policies, and promoted a diversified meaning of the security.

Governance versus Statism

⁴ Gleb Pavlovsky interview on *Ekho Moskvy*, BBC Monitoring, January 6, 2005, translated in Johnsons' Russia List, No. 9008, January 7, 2005 in <http://www.cdi.org/russia/johnson/2004-state-nation.cfm>

It is interesting to note that in Russia governance does not have an adequate equivalent in the operational terms. In translation of the international documents into Russian 'good governance' has been interpreted as '*dobrosovestnoe upravlenie*', but this very term means administration or ruling. Self-government is closest approximation in the context of local social processes, because decision-making at this level includes new actors, such as business partners, social organizations, local activists etc. Under Yeltsin, the governance has been interpreted as an opportunity for regions to become independent and democratic, but under Putin the regional political independence is shrinking, and instead there is proposed a policy of '*gosudarstvennost*' (statism). But in the neorealist thought governance is not-state centric doctrine. Both institutionalist and regime analysis view governance as 'formal institutions and regimes... as well as informal arrangements that people and institutions either have agreed to or perceive to be in their best interest' (Commission, 1995). Institutionalists argue, that governance is a system of rule that is as dependant on inter-subjective meanings as on formally sanctioned constitutions, governance is about the maintenance of collective order, the achievement of collective goals, and the collective processes of rule through which order and goals are sought (Rosenau, 1992). This is a logical consequence of the fact that governance is not dependent upon vertical authority. Eventually, to sum up the theoretical discourse, 'governance comprises five features: heterarchy; the interaction of a large number of actors, both public and private; institutionalism that is both formal and informal; relations between actors that are ideational in character, structured by norms and understandings as much as by formal regulations; and, finally, collective purpose' (Webber, 2004, p.8).

What are these understandings and collective purpose in the Russian context? How does power view civil society? Let's consider herewith an extensive citation from Russian, taken from the lecture on civil society by one of the top-managers under the President Administration⁵:

First, it is important to define what is the civil society from our point of view. This is the process of civic self-organization. In short, there are two forms of the civil society organization – the non-political non-state organizations, and local self-government. It is important and principal to note that if the local self-government is non-existent, or formalized, the development of civil society is neither possible, nor complete. And vice-versa, if the self-organization of population does not occur, there is no real self-government in place, it is the continuation or component of the same vertical state power structure. That's why the civil society, and its development are the two-side coin – non-commercial non-political organizations and local self-government...

...How does the relationship between the civil society and power is to be build? In our opinion, at the local level municipalities and public organizations are to solve as many problems as possible, including those that refer to the sphere of state power. However, this process now is evolving by the principle of 'top-down' approach. We are to acknowledge that even the legal reforms on local self-government that are aimed at the delegation and division of power between Center and federal regions still arrive from the Presidential office...

...What are the main tasks in the civil society development? First, this is the overall development of the local self-government and municipalities. These structures are to be provisioned by the funding sufficient and adequate for solution of the problems that are vital for the local communities... The President and Russian government have formally adopted subsequent ideology. I hope that it will end up with the logical implementation, though this process is a very complicated and difficult one. Second, transfer of many state

⁵ Lecture at the International conference in the Gorbachev Foundation on March 31, 2003 in Moscow

functions to the civil society, primarily in the social sphere. These are the maternity, infant care, disability, gender issues and environmental problems. This could become possible only when the state on the competitive basis will be able to transfer funds for functional implementation of these tasks to public organizations, if they win the competition. Unfortunately, at present there is no direct transfer of money to the public organizations envisaged by Budget Code, this is possible only as grants allocation. Additionally, there is the need to change the Tax Code in a way that public organizations will not be too stressed by the excessive taxation. All these obstacles exist because the power does not fully understand what are the country's needs, what are the society's prime needs and interests. And the third factor, this is business, without involvement of the business any problems in the regions could not be solved nowadays.

These ideas had the perfect reflection in the Putin's statement to the nation address on May 26, 2004. In this speech⁶, Putin declared that it was 'necessary gradually to transfer to the non-state sector the functions which the state should not carry out or is incapable of carrying out efficiently'. Though he admitted that there is progress in developing civil society and its organizations, he also warned that some of NGOs are 'servicing dubious groups and commercial interests'. However, he leave the freedom to interpret what are ones to obtain help, and what are the others to be excluded and isolated. Again, this corresponds to the opinion of Ch. Pursiainen (2000), who in his theoretical works writes about several existing trends in the development of the Russian state and its policy, but particularly emphasizes a dominant political discourse, which is a compromise solution between liberal and authoritarian tendencies in the President's administration and so-called 'centrist' forces. Pursiainen labels them 'conservative westernizers' who target the economic modernization in the strong paternalistic state with focus on national interests, patriotism and effectiveness rather than on democratic practices. This compromise policy seeks establishing formal procedural democracy with a 'constructive' civil society mobilising assistance to the state in its modernization, at the same time demonstrating intolerance towards a 'critical' civil society.

The system of local self-government has been envisaged in the RF Constitution of 1993 but legally fixed only in 2003 following adoption of the Federal Law on Local Self-government. According to the recent report by the State Duma Committee on Local Self-government, the implementation of this law happened to be exceptionally complicated: so-called 'Law 131' has been amended by 35 federal laws, resulting in significant expansion of the local bodies' responsibilities, additional financial and other tasks that require much higher competence and skills from the municipal staff. These problems are aggravated by the increased quantity of municipalities – since 2004 their total number doubled and exceeds 24,000 now. Department of regional development and local self-government under the RF Ministry of Regional Development has analyzed the situation at the local level and found it necessary to state that for majority of municipal bodies these tasks are excessive burdens: the local municipal bodies will not be able to successfully implement the law at local level by the end of declared introduction period in 2009 (PZ, 21 Feb. 2008). Indigenous settlements are the most affected in this process – they usually are both small in size and extremely remote from the regional centers⁷.

The Organization of Indigenous Peoples of the North in the National Context

⁶ <http://www.cdi.org/russia/johnson/2004-state-nation.cfm>

⁷ Officially in the Russian Federation there are registered about 950 indigenous communities (*natsional'nyi posyolok*) with the average population of 250 people

The Russian state officially recognized the rights of the indigenous peoples on its territory by firstly adopting (1928) and later revising (1991, 2000) the List of Indigenous Peoples. Initially the list included 26 nations, later 28 indigenous peoples, of the North and has only recently been expanded to include 45 indigenous nations from all regions of Russia. Historically, the list has been the principal documentary legal basis for establishing the status of indigenous peoples. It was later renamed 'the list of numerically small indigenous peoples' (*'malochislennye narody'*), because it comprised the ethnic groups whose population did not exceed 50,000 people. This notion of 'small nations' still creates some problems in the recognition of indigenous peoples and also points up the rather artificial legal category that has been introduced by the state. In the long term, if the Caucasian nationalities are added to the list, it will be quite extensive, because along with the titular nations, there are over 100 ethnic groups and nationalities living in the territory of the Russian Federation. Significantly, the term 'indigenous' refers to all peoples of the North (40 nations) that are recognized by anthropologists in Russia as peoples preserving their traditional lifestyle and economy. In this respect, the indigenous peoples of the North in Russia are recognized according to international law (Convention 169 of the International Labour Organization).

The first local associations of indigenous peoples were formed in late 1980s, they still are the most active participants of the indigenous movement in Russia (Severnye Narody, 2000). The Russian Association of Indigenous Peoples of the North (RAIPON) was established as a non-governmental umbrella organization at the first Congress of Indigenous Peoples of the North, held at the Kremlin in Moscow in 1990. This event was attended by the state leaders of that time, headed by Michael Gorbachev, then President of the USSR. RAIPON's principal goal is to protect the legitimate interests and rights of the indigenous peoples of the North, Siberia and the Far East of the Russian Federation, including rights to land, natural resources, and rights to self-government in line with international standards and Russian legislation. The Association also aims at helping the peoples of the North solve their social and economic problems and develop their traditional subsistence and culture. With over 250,000 individual members, organized into ethnic and regional chapters and representing all the federal regions where indigenous minorities traditionally live (25 of 83), RAIPON is at present the only organization empowered to represent the 40 indigenous peoples of the North, Siberia and the Far East.

The vertical structure of RAIPON is based on democratic principles. It incorporates two levels of representation: the independent regional or ethnic associations represented by elected presidents, and RAIPON—as the national umbrella association—represented by a president elected every four years at the Congress of Indigenous Peoples of the North, Siberia and the Far East of the Russian Federation. The current President of RAIPON is Mr. Sergey Haruchi, who was re-elected at the Vth Congress, held in Moscow, April 11-15, 2005. The congress delegates and regional presidents are elected by direct secret ballot with local, regional, national and international observers in attendance. Between congresses, the collective working body of RAIPON is the Coordination Council, in which all regional presidents have equal voting power. According to the Federal Law on Non-Profit and Charitable Organizations in Russia, the RAIPON has a legal status of a federal NGO.

RAIPON takes an active part in the legal work to ensure the rights of indigenous peoples: from 1991 to 2001, RAIPON participated in the development of the national legislation related to the indigenous peoples of the North. Three principal laws were elaborated and adopted: 'On guarantees of the rights for indigenous peoples in the Russian Federation', 'On basic principles for establishment of communities of indigenous peoples of the North, Siberia and the Far East in the Russian Federation' and 'On the traditional land use areas of indigenous peoples of the North, Siberia and the Far East in the Russian Federation'. These laws have been recently revised as part of the process of legislation reform in Russia by a commission established by

Presidential Decree in 2001 under the chairmanship of Mr. Dmitry Kozak, the former Deputy Head of the President Administration⁸. RAIPON was invited to a commission session to be informed about the abolishment of these three indigenous laws due to “their declarative character and principally impossible reinforcement and application”. RAIPON immediately initiated a formal appeal to President Putin, disagreeing with this statement and opposing the action. In response, the Presidential Administration issued an order that RAIPON representatives be included in the working groups established under the Kozak Commission along with scientists and specialists representing the institutions, federal agencies and ministries relevant to participation in the legal work of the commission. Although RAIPON leaders succeeded in finding appropriate solutions to several issues in the working groups, there remain a number of principal questions relating to traditional land use areas where compromise has yet to be achieved. These encompass property rights and land use, the establishment of traditional land use areas, compensation for damage to the traditional economy or subsistence, and indigenous peoples’ rights to co-management and decision-making; the last two processes embrace the monitoring of traditional land use areas, the ethnological impact assessment of projects in traditional lands, and indigenous representation in power.

Land use rights are important issues and it is important to clarify RAIPON’s position on them. Before the adoption of the new Land Code, indigenous peoples possessed and used their traditional lands based on the principle of indisputable, gratis use with no time limit. This principle had existed since the Russian Empire introduced the Legislation on Aboriginal Nations (*‘Ulozhenie ob inorodtsakh’*) in the early nineteenth century. The recently adopted Land Code has in general done away with the principle, referring instead exclusively to property and lease rights. In the mid-1990s, when a new period of legislation development was underway, a compromise was reached: indigenous peoples did not insist on traditional land property but passed this right to the state in exchange for inalienable rights to use customary lands. The present legal situation compels the indigenous peoples of the North to initiate land claim processes. After the new Land Code came into force, RAIPON was informed by local chapters in the northern regions that clan communities had received bills from the regional authorities for the annual leasing of the land plots allocated for traditional subsistence activities, i.e., hunting, fishing and reindeer herding. Clearly, it is neither economically viable nor financially possible for indigenous peoples to lease extensive traditional lands. The new Land Code has in the main eliminated free use of traditional lands by indigenous peoples, contrary to the Constitution of the Russian Federation what was assessed as an attempt to expropriate traditional lands. Therefore, in 2008 the Committee on North and Indigenous Issues under Federation Council, according to his chair Mr. Gennady Oleinik statement, is elaborating the new law on free use of the land plots for traditional land use by indigenous peoples. Until now there have been relevant draft amendments submitted to the Land Code and Law on Agricultural Lands Transformation in order to ensure the traditional land use. Long-suffering Northern Reindeer Breeding draft law is also to be re-considered in spring 2008 by the State Duma Committee on the North and the Far East problems. This Committee is to change the laws concerning state guarantees and compensations for people working and living in the Extreme North and territories equated to the Extreme North.

Another area of legal intervention is the collaboration between RAIPON and the State Duma and Council of the Russian Federation. Since 1998 RAIPON, leaders have held several working meetings with national deputies on the issue of establishing a parliament of indigenous peoples and assisted in organizing a round table in the Council of the Federation entitled ‘On nomadic and tribal peoples in the independent countries’ that dealt with ratifying ILO Convention 169.

⁸ Since 2007 serves as the Minister of the Regional Development

Unfortunately, a proposed amendment on communities to the new Civil Code has not been ratified, nor has the State Duma Committee supported RAIPON's initiatives on an indigenous parliament.

Lobbying in the Government

Since 1990, indigenous affairs and Northern issues in Russia have been managed by many governmental organizations, sometimes under the single State Committee on the North Affairs, sometimes under different ministries, e.g., the Ministry of Nationalities, the Ministry of Regional Affairs, the Ministry of Economic Development and Trade and more recently, after the administrative reform, the Ministry of Regional Development. Administrative reforms have included all kinds of enlargement, enhancement and authorization of regional and federal power, leaving only limited functions to local self-government. This incessant transformation of the state bodies dealing with national and northern issues serves as clear evidence of the great state interests in and demands for the resources in the North and the unsettled division of responsibilities between the governmental organs and power structures.

Nevertheless, RAIPON has been consistently lobbying for the interests of indigenous peoples at all levels of power. This ongoing effort has three major elements: the development of national instruments according to international standards, the introduction of regional initiatives, and the enhancing of local self-government. At the national level, during the meeting of Russian Prime Minister Mikhail Kasyanov and Canadian Prime Minister Jean Chretien in December 2001, RAIPON proposed a statute establishing the position of Ambassador on Arctic and Indigenous Issues (similar to that in Canada) and the creation of a Department of Arctic and Indigenous Issues within the government of the Russian Federation. These initiatives were not supported, but the Council on the Arctic and Extreme North was formed, chaired by the Russian Prime Minister. The Council's first meeting took place on November 26, 2002, in Salekhard, capital of the Yamal-Nenets Autonomous Region. Policy towards indigenous peoples were one of the principal issues on the agenda. The Council adopted several decisions, two of which were most important for the current situation: the inclusion of indigenous representatives in the working groups on legislation reform under the Kozak Commission, and the granting of the status of plenipotentiary representative body to RAIPON as an organization of all indigenous peoples of the North, Siberia and the Far East of the Russian Federation.

The year 2002 also marked the first joint meeting of the RAIPON Coordination Council and the Governmental Commission on conducting the International Decade of Indigenous Peoples in the Russian Federation. In addition, indigenous issues were discussed for the first time in the Interagency Commission on Constitutional Rights in Russia. This is evidence of the change in mentality among governmental officials in Russia. As part of this transformation, the idea has gained ground that indigenous issues are not only and predominantly social problems (such as poverty, alcohol addiction, marginal lifestyle), but also matters of national security (traditional land use areas, natural resources, cultural identity, genetic and biological diversity). In most cases, the lack of capacity to address and solve the problems of indigenous peoples in Russia is connected to the reforming governmental structures responsible for the policy on indigenous issues, which has resulted in a lack of competent and reliable assistance in this sector. As long as there is no established special institution responsible for indigenous policy based on a comprehensive ideology, it will not be possible to eliminate the causes - rather than merely the consequences - of the existing problems.

The present-day 'Economic and Social Development of the Small Indigenous Peoples of the North, Siberia and the Far East till 2008' program is aimed in the first place to finance capital construction in the northern regions. In its work, RAIPON recognizes the importance of this

federal program as a principal tool supporting indigenous peoples and regularly monitors the program's effectiveness through its regional affiliates. In the opinion of indigenous leaders, the program is ineffective in solving the regional problems, first as a policy tool and second as a political emblem of Russia's relations with its indigenous peoples. Regrettably, the program is not an instrument for development, although potentially it could create relevant procedures. In this regard, it is important to cite the RAIPON commentaries on the program submitted to the Russian government:

At present, the goals and tasks stated in the federal program cannot be achieved or fulfilled under the existing mechanism for its implementation. Firstly, the funds allocated from the Federal budget are not adequate for the survival let alone development of the regions. While absolute figures are not the only indicators, an allocation of 350 rubles (10 Euros) per year per indigenous person is a mere mockery, as practically all raw natural resources, including gas, oil and timber, on their traditional lands are being developed and extracted. Secondly, no funding is envisaged in the program for cultural, educational activities, traditional subsistence and health protection. Thirdly, no participation of indigenous peoples or their organizations is ensured in the implementation of the program. This is evidence that the primary goals of the program – a transition from a paternalistic approach to partnership with indigenous peoples and the development of their traditional economies and subsistence - will eventually fail. Finally, contrary to what was initially planned, there is no indication in the program itself that additional resources from the business and/or other sectors are secured. Although it is a substantial portion of the federal program funding, extra budgeting is completely missing in the program's implementation phase.

To make its response effective, RAIPON has organized a critical assessment of the federal program among its regional members and elaborated two sets of corrective measures. The first introduces a principally different ideological approach with a consequent transformation of the structure of the program; the second is a mechanism for securing additional funding. The proposed ideology envisages re-orientation of the program towards partnership building instead of the 'paternalistic' support provided by the state. The improved program should consist of projects with specific action plans designed and implemented at the local (community) level; RAIPON and indigenous organizations would be responsible for these projects, would be able to create local jobs and employment and, most importantly, would promote traditional aboriginal economies and sustainable development.

North Committee of the Council of the Federation in January 2008 has considered the conception of a new federal goal-oriented medium-term program till 2015. Mr. Oleinik, the Committee's chair, reported that the new program financing from federal budget is supposed to be increased to 4.5 billion rubles. Capital construction support still remains the main item of the program (95 % of resources). Though it has been emphasized that it is especially important to finance science, education and personnel training, only 0,1 % of the resources are to fund culture and education. In addition the establishment of traditional land use areas is not supported either. It gives the impression that there is no difference between the current and projected programs with the exception of increase in funding. This is the evidence that economic mechanism is still obsolete and not adequate to the market situation. Program funding mechanism need to be based on new norms (including legal instruments) for securing extra budgeting from the business and mining companies active in the traditional land use areas of the indigenous peoples. At the same time, there is a necessity to coordinate support from international programs and projects being

implemented in the regions by governmental agencies through the World Bank, the UN Development Programme (UNDP), the UN Environmental Programme, and the like.

The principal achievement of the regional work by RAIPON has been the establishment of and support for regional information centers. The practical experience of the first such centers in Kamchatka (the *Lach* Information Center) and the Nenets Autonomous Region (the *Yasavey Manzara*) has revealed two contrasting facts: indigenous peoples are able to work successfully for the solution of their problems and, regrettably, the potential of indigenous peoples in most cases is not properly used. In addition to carrying out their established mission, the information centers have succeeded in creating a network of indigenous communities and non-governmental organizations to promote interaction with regional authorities, industrial companies, international donors and project partners. The centers are also active in public actions as well as project initiation and development. They collect and process information, produce regular reports, issue periodical publications, organize mission trips and media visits, and assist in organizing various public actions and activities. Reflecting to the lack of involvement of indigenous peoples into the international projects and programmes, RAIPON has proposed that special training sessions, joint workshops and joint events be arranged with international funding organizations and their staff in the regions.

The work of the information centers is rapidly developing: ten new centers have been created in St. Petersburg (for young indigenous students), Magadan, Krasnoyarsk, Chukotka, Far East and their funding is being secured from diverse sources. The centers are fully supported by the regional associations of indigenous peoples, and RAIPON is organizing workshops on how to run such centers.

Introducing Sustainable Development

In the run-up to the World Summit on Sustainable Development in Johannesburg 2002 (WSSD), RAIPON initiated a discussion of the concept of sustainable development based on an inquiry at the local level. The community survey, which focused on the integration of traditional indigenous perspectives with scientific knowledge, was carried out in communication with scientists from the Russian Academy of Sciences. The methodology was based on the assumption that improvement in the quality of life is to be understood in terms of the elements and features identified and perceived by indigenous people themselves as making up their desired way of life. The basic constituents that have been identified are traditional culture and knowledge; education and health; community participation in decision-making; access to information and the authorities; improvement of the ecological situation and adaptation to environmental changes; and the indigenous economy and skills.

As a starting point, RAIPON participated in coining the term 'traditional way of life', which was subsequently adopted in the national legislation: 'the traditional way of life of small indigenous peoples is a historically formed method of livelihood of minority peoples, based on the historical experiences of their ancestors in the area of nature use, unique social organization, original cultures, preservation of customs and beliefs' (Haruchi, 2001, p.56). Development of the traditional way of life was laid down as a fundamental goal of the sustainable development (SD) of indigenous peoples of the North. This goal was then set out in the Charter adopted at the IV Congress of the Indigenous Peoples of the North, Siberia, and the Far East, held in Moscow in April 2001, and was proposed to be included into the Russian NGOs' report on SD to the WSSD in Johannesburg in 2002.

RAIPON has also been active in developing its own interpretation of SD. Based on an analysis of requests for support from indigenous communities and the above-mentioned survey results, RAIPON has outlined five interrelated spheres of activity: spiritual, social, economic,

environmental and legal. These could be used for elaborating a strategy of SD for indigenous peoples at the local, regional and national levels. Moreover, taking into account these fundamental principles, RAIPON suggested an expansion of the SD concept (with social, economic, and environmental pillars) adopted by the Commission on Sustainable Development to include the spiritual-cultural and legal spheres of activities (National Assessment, 2002).

Although this proposal failed to be included in country contribution to the WSSD, it was supported by national environmental NGOs and, in parallel with Canada's representation, the three initial pillars of SD were expanded in Johannesburg to embrace 'good governance', which corresponds to the legal sphere. The spiritual dimension however remained neglected.

While different versions of the SD concept do not attempt to challenge the discussion of the issue outside of the high-profile scientific and political discourse, RAIPON's attempt to formulate a definition using a bottom-up approach deserves special attention. In cooperation with scientists, indigenous peoples have articulated five original principles of SD: development, diversity, integration, holism and adaptation. These principles are incorporated in the RAIPON Charter, as perceived and articulated by the indigenous peoples themselves. These principles were discussed at the national level, and new types of environmentally safe activities have been suggested for the promotion and development of the traditional lifestyles of the indigenous peoples of the Russian North. They included observation of environmental changes based on the use of traditional knowledge; monitoring of the use of natural resources; rehabilitation of the environment in the traditional land use areas; participation in public environmental impact assessments; organizing and servicing environmental, ethnological and extreme tourism; processing of non-timber products and the products of traditional economic activities using high technology; development of alternative energy resources; marketing the products of traditional crafts and economies; development of traditional transport; and use of energy-saving technologies.

RAIPON has also formulated the tasks of SD in each of the five spheres identified. In the spiritual-cultural sphere, the tasks envisaged are the development of spiritual culture and the preservation of traditions and material culture as the basis for self-determination and ethnic identity building. In the social sphere, there is a need to deliver support to the indigenous communities as principal subjects of SD. In order to achieve a better quality of life (well-being, health, education), it is necessary to establish partnerships with the federal and local authorities and develop local self-government. In the economic sphere, the focus is self-sufficiency through the development of traditional livelihoods in the form of commodity production, with commercial sale of surplus production, use of alternative sources of energy, development of local ecologically safe transport, and introduction of new telecommunication facilities. In the sphere of environmental protection, the main tasks are the restoration of a healthy environment and monitoring of environmental changes in the traditional land use areas. In the legal sphere, indigenous self-governance and decision-making assume pro-active participation in spatial and economic planning at the national, regional and local levels, development of 'local Agendas 21', the organization of ethnological assessments, environmental impact assessments, and the management of land use on the basis of the integration of scientific and traditional knowledge. It is important to stress that not only the knowledge but also the skills and lifestyle of the indigenous peoples could be effectively used for elaborating SD strategies.

The Arctic Council and its Significance

The Arctic Council (AC) has evolved in 1996 from the Arctic Environmental Protection Strategy (AEPS), which emerged as a follow-up to the initiatives proposed by Michael Gorbachev in Murmansk in late 1987 (*Rech' prezidenta*, 1987) and was one of the first cooperative programs

of the post-Cold War period in the circumpolar area. In the international arena, the AC has recently been recognized as a unique forum of partnership between governments, indigenous organizations and international non-governmental organizations (NGOs) for promoting environmental cooperation and sustainable development (Tennberg, 2000). AC has representatives from the eight circumpolar countries: Canada, Denmark, Iceland, Finland, Norway, Russia, Sweden and the USA. A number of regional bodies, e.g., the Nordic Council of Ministers, the Barents Euro-Arctic Council (BEAC) and the Council of the Baltic Sea States (CBSS), and influential international organizations, e.g., the Conference of the Parliamentarians of the Arctic Region and United Nations Economic Commission for Europe (UN-ECE), have acquired the status of permanent observer in the Council. Seven member states of the European Union are connected to the work of the AC as either members or observers. This confirms the Council's image as an able and consistent political actor in the international arena.

The structure of the Arctic Council is also distinctive as compared to that of other interstate organizations: instead of being made up of committees or commissions, it comprises thematic working groups and projects. Six working groups have permanent though very small secretariats, resources of their own and manage on-going projects that are submitted for approval at the Senior Arctic Officials meetings by AC participants. Member states allocate resources for these projects on a voluntary basis.

The AEPS included the first organizations of indigenous peoples – the Saami Council and Inuit Circumpolar Conference – as participants but their status had not yet been firmly established. Under the AC, the status of indigenous peoples' organizations (IPOs) was clearly defined: in addition to its eight member states, the Council has seven seats for Permanent Participants (PPs), which have been set aside for Arctic IPOs. The AC adopts consensus-based decisions, which gives IPOs the opportunity to participate on an equal basis in the decision-making process. An analysis of the AC model involves two interrelated tasks: introspection on the internal structure of the body and an interpretation of its external framework. Internally, the following are identified as the stakeholders of the AC: the Council's member states, Permanent Participants, working groups, secretariats and observers. It should be emphasized here that it is the Permanent Participants, i.e., the indigenous peoples' organizations in the Arctic, who are of primary interest for our consideration of the AC model here; this will be reflected in the further stages of the analysis. At first glance, if indigenous peoples had no representation, it would be difficult to find any substantial differences between the AC and other interstate cooperative organs. The difference is crucial because it is functional and thus creates new political actors and agencies that have expanded beyond their original identities.

The Arctic region's interests cannot be safeguarded without close cooperation between the nation-states at the global level. Indigenous peoples' organizations have worked to foster such understanding in a number of global processes, among these the negotiations on the Stockholm Convention on Persistent Organic Pollutants, the first international environmental treaty to specifically mention the Arctic and northern indigenous peoples. Indigenous perspectives have been crucial in the work on the extensive 'Arctic Climate Impact Assessment' (2000 -2004, ACIA), an AC project. The voices of the Arctic indigenous peoples were also heard at the WSSD meeting, held in Johannesburg in August 2002. A special brochure produced for the WSSD illustrated the cooperation between Permanent Participants and Arctic Council states on climate change assessment. The Council was presented as a model for arrangements that could be developed following the Summit to give indigenous peoples around the world a voice in determining policies that affect their lands, resources, and cultures. Another large AC project recently published the Arctic Human Development Report, that was structured from the outset to include the participation of the indigenous peoples, who supported the effort by making available

experts, narratives and writings on sustainable development and its human dimension (AHDR, 2004).

Indigenous Peoples' Organizations in the Arctic Council

At present, IPOs occupy six of the seven available Permanent Participant seats in the Council. The status of Permanent Participant is granted after an application for that status has been reviewed and discussed, and a decision made by the Council by consensus. Informally, however, the decision on the acceptance of a new Permanent Participant very much depends on the opinion of the IPOs. Initially, two of the indigenous organizations – the Saami Council and Inuit Circumpolar Conference - were observers in the AEPS but very soon were joined by the RAIPON and the Aleut International Association. As there are ethnic Saami, Inuit and Aleut populations in Russia, it was quite natural that these organizations welcomed their kindred communities and included the Russian IPO. However, it would take a rather long time - almost 10 years - to select the IPOs for the next seats that could represent other indigenous nations of the Arctic region politically. This issue of representation has been a *de facto* political norm of the Arctic Council.

Of the indigenous organizations represented, only RAIPON is a national-level one; the other IPOs are international, drawing their membership from two or more countries. Membership in these IPOs extends to all people of indigenous descent of the respective nationalities or ethnic groups. RAIPON represents 40 indigenous nations of the North, Siberia and the Far East, i.e., all the Arctic nations that have been given legal status by the Russian state as indigenous peoples. The other Permanent Participants represent only single nations. There are other indigenous organizations among the observers in the Arctic Council (e.g., the Association of World Reindeer Herders), but they are not expected to receive the status of Permanent Participant at present. This internal setting can be seen as political in nature: it is mutually agreed and understood (we could assume it to be another existing norm of the Arctic Council) that the Arctic indigenous peoples settle the issue of representation among themselves. Accordingly, the quite complicated overlapping pattern of indigenous representation (national, international and dual representation via IPOs) has never been questioned and is unlikely to be discussed in the AC.

The norms mentioned have not originated in the Council's internal setting; they have been formed and established in other international organizations, such as the Working Group on the Draft UN Declaration on the Rights of Indigenous Peoples and the Permanent Forum on Indigenous Issues under the UN ECOSOC. Where the Arctic Council is concerned, they are to be understood as *de facto* norms. What may be recognized as a new, original norm is the will that sovereign states have shown to extend their decision-making power to the public organizations representing Arctic communities and to share resources and information that ensure the communities' input in the decision-making process. IPOs were well placed to accept this right and responsibility due to their internal structures. All the PPs have vertical and horizontal functional power structures: they elect their presidents, chiefs or leaders either by a direct vote or by delegating voting powers to representatives. At the local level, indigenous communities enjoy the same independent election system extended to the regional or provincial level. Usually there are also advisory bodies, e.g., councils of elders that may issue decisions when requested or necessary. Supreme indigenous organs often rotate according to territorial disposition, and this flexibility makes dual representation both possible and feasible. It is even more impressive that the level of indigenous representation is not low: the Aleut International Association represents over 5,000 members in the USA and Russia; the Arctic Athabaskan Council 32,000 indigenous persons in Canada and the USA; the Gwich'in Council International 9,000 members in the USA and Canada; the Inuit Circumpolar Conference 150,000 persons in Canada, Denmark

(Greenland), the USA and Russia; the Saami Council 30,000 members in Finland, Norway, Sweden and Russia; and RAIPON 250,000 members from 40 nations in Russia.

The Indigenous Peoples' Secretariat

The Indigenous Peoples' Secretariat (IPS) was established in 1994 under the auspices of the AEPS. The mission and design of the IPS are specifically geared to supporting and facilitating the participation of IPOs in the international work on environmental protection and management. When the Arctic Council was established in 1996, it was decided that the IPS would continue under the framework of the Council. The IPS receives most of its core funding from the Danish Environmental Protection Agency and the PPs have acknowledged this by granting Denmark permanent representation on the IPS Governing Board. Additional support comes from the Greenland Home Rule, the Danish Ministry of Foreign Affairs, and the governments of Norway, the United States, Canada, Finland, Iceland, Russia and Sweden.

The role of the IPS in the activities of the IPOs under the Arctic Council is hard to overestimate. Permanent Participants have excellent opportunities to exercise their rights and to promote their agenda at the international level. First, they meet regularly; second, they make decisions about current issues in the AC; and third, they can take part in the projects of the Arctic Council in practice, i.e., by making contributions, acquiring access to project resources and participating in the political and intellectual work of the Council. All these activities are organized and managed by the IPS as a working body of the PPs. Where Council secretariats are bound to the two-year chairmanship rotation, the IPS enjoys permanent staff and headquarters in Copenhagen, which ensure consistency in the IPOs activity and participation.

Collective actions and how they are organized have become an arena of discussion and another emerging norm under the Arctic Council. It is important to emphasize that some of the rules for the collective voice of the PPs in relation to their common secretariat are already settled: the IPS does not speak publicly except with the permission of the PPs and when the IPS does speak publicly, it delivers messages agreed on by the PPs. Authenticity of representation (indigenous peoples cannot be represented by non-indigenous persons) is one of the rules that have been ensured through the work of the IPS. The IPS does not have the capacity to make decisions on behalf of the PPs. It cannot give its permission or assent to any outside body on behalf of the PPs. These rules follow the more general pattern of interaction between the Arctic states in their international organization and can be seen as evidence of the increased capacity of the IPOs, through the experience of the IPS, to become fully engaged in political activity within the Arctic Council.

Furthermore, it was suggested that regular meetings should be held between the PPs and the Executive Secretaries of the Arctic Council's Working Groups to improve co-operation and co-ordination. It was also emphasized that the PPs should nominate experts for each Arctic Council Working Group. Indigenous vice-chair of the Sustainable Development Working Group is also nominated by PPs. This model of partnership between the indigenous peoples and states in the Council keeps working because of the practical arrangements and procedures implemented in that forum: working groups and project-oriented activity, small but effective secretariats, exchange of information, sharing knowledge, and the introduction of new norms. In addition, Arctic IPOs actively foster replication and expansion of this model in other regions and globally. For that they use the opportunities of leadership in the international organizations: the first chair in the UN Permanent Forum on Indigenous Issues was elected from the Saami Council and the acting vice-chair now is representative of the RAIPON.

Conclusion

Through practical work in their organizations, indigenous peoples are building up a joint agenda to further their social and economic interests. This process is accompanied by a transformation of the agenda of the sovereign states and subordinate governmental bodies as well as the establishment of partnerships with indigenous peoples through their legally recognized organizations as new political actors. At the regional level, the Arctic Council serves as a positive model of governance where IPOs are able to exercise the equal rights for participation in decision-making together with the sovereign states.

At the same time, the national practices of RAIPON as a political agency are much more limited: they focus on adapting to the existing political regime and power structures; attempting to critically evaluate the activities and functioning of state bodies, intergovernmental agencies and non-governmental organizations; and coping with existing problems that require solutions or temporary mitigation. The solution of problems that depends on the indigenous peoples themselves is managed by RAIPON as a representative national IPO. These problems typically involve capacity building, education, training and organization of the movement of indigenous peoples. The roles of indigenous organizations in the development of civil society have already been established: they are vital part of the non-governmental community in Russia, and RAIPON is centrally placed as a political union to lead and guide the national movement of indigenous peoples and to transform political decisions into practical solutions.

Civil society in Russia is under transition, the possibilities for public mobilization depend on informal networking, which is specific to the Russian context. The comparative analysis of the civil society requires consideration of two pair of notions: statism and governance and private and public spheres. Governance as a liberal concept is not recognized and applied by the state, and there is deficit in its understanding and lack of capacity for both state and non-state actors. At the same time, third sector is growing within the civil society in Russia, and extends its cooperation to the global networks. The Russian administration fails to recognize this growth and, instead of studying and practical introduction of governance concept, tries to promote the dissipation of civil society into cooperating top-level elite with wider access to resources and power and the rest of NGOs, deprived of support from the state. Civil society organizations and self-government institutions are divided and are not yet fully cooperating with each other in Russia. The development of civil society depends on governmental policy, which is characterized as a compromise by both Russian and western scholars working within different theoretical frameworks. Prospects of civil society are therefore evaluated as uncertain with trends towards the authoritarian regime and restricted democracy.

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