

Karolina Sikora

The realities of law in the Russian North

Examining the human right
to cultural heritage among
the Izhma Komi people



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UNIVERSITY OF LAPLAND

Juridica Lapponica, 52

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**The realities of law in the Russian North.
Examining the human right to cultural heritage
among the Izhma Komi people.**

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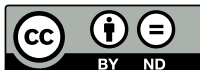
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Abstract in English

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This dissertation examines how the Izhma Komi people of the Russian North perceive and engage in cultural heritage, ethnic culture, and nature-based livelihoods that are governed by diverse normative systems. While the explicit language of human rights was absent among the Izhma Komi I encountered, the aim of this dissertation is to share implicit local perspectives on human rights, in particular rights to cultural heritage. I delve into the pluralistic understandings of human rights as values, ideals, and moral principles that are present in the everyday lives of many Izhma Komi people.

In Russia, indigenous populations that are not recognised as Indigenous Small-Numbered Peoples of the North, Siberia, and the Far East (KMNS) have a substantially limited scope of the rights that are legally applicable to them. However, in the Russian context, rights should not be blindly taken as tools that will unequivocally strengthen the legal standing of vulnerable groups. In this regard, the dissertation argues that not being a subject of rights, as in the example of Izhma Komi, can be a practical advantage for people. Consciously sidestepping the legal and political structures may allow a group of people to avoid laws that create not only legal but also identity categories, leading indigenous populations to self-instrumentalise.

In this respect, the dissertation reveals that the everyday realities of many of the Izhma Komi are governed not exclusively by state structures and codified laws, but also by other (informal) regulatory systems comprising customary norms and taboos, tacit agreements, and ad hoc informal practical solutions. Those uncoded normative structures function within the 'shatter zone', which is a space that exists despite and alongside the presence of the state, and that particularly may emerge in geographically isolated societies.

In questioning the category of indigenous small-numbered peoples as functioning to subjugate indigenous populations under state domination, this dissertation

claims that, within the shatter zone, Izhma Komi hold some room to exercise their self-governance and self-determination in matters that undoubtedly relate to their internal and local affairs, like their cultural survival.

Conceived as a legal-anthropological inquiry, the study draws on in-depth ethnographic field research among the Izhma-Komi of the North of the Komi Republic and the Nenets Autonomous Okrug. Taking the regulatory systems seriously as a subject of ethnographic research allowed for redirecting the focus towards individuals as creators of cultures, societies, and normative systems.

The dissertation contributes to participant observation-based legal ethnography in the Russian North beyond disciplinary boundaries.

Аннотация на русском языке

В этой диссертации рассматривается, как народ коми-ижемцев российского Севера воспринимает и использует культурное наследие, этническую культуру и основанные на природе средства к существованию, которые регулируются различными нормативными системами. Хотя явный язык прав человека отсутствовал среди встреченных мной коми-ижемцев, цель этой диссертации — поделиться неявными местными взглядами на права человека, в частности на права на культурное наследие. Я углубляюсь в плюралистическое понимание прав человека как ценностей, идеалов и моральных принципов, которые присутствуют в повседневной жизни многих коми-ижемцев.

В России коренные народы, которые не признаются коренными малочисленными народами Севера, Сибири и Дальнего Востока (КМНС), имеют существенно ограниченный объем прав, которые юридически применимы к ним. Однако в российском контексте права не следует слепо воспринимать как инструменты, которые однозначно укрепят правовое положение уязвимых групп. В этой связи в диссертации утверждается, что отсутствие прав, как в случае с коми-ижемцами, может быть практическим преимуществом для людей. Сознательный обход правовых и политических структур может позволить группе людей избегать законов, которые создают не только правовые, но и категории идентичности, что приводит коренное население к самоинструментализации.

В этой связи в диссертации показано, что повседневные реалии многих коми-ижемцев регулируются не только государственными структурами и кодифицированными законами, но и другими (неформальными) нормативными системами, включающими обычные нормы и табу, молчаливые соглашения и специальные неформальные практические решения. Эти некодифицированные нормативные структуры функционируют в «серой зоне», представляющей собой пространство, существующее несмотря на присутствие государства и наряду с ним, которое может возникать в географически изолированных обществах.

Подвергая сомнению категорию коренных малочисленных народов как механизм подчинения коренного населения государственному господству, эта диссертация утверждает, что в зоне раздробления коми-ижемцы сохраняют возможность осуществлять свое самоуправление и самоопределение в вопросах, которые, безусловно, касаются их внутренних и местных дел, таких как культурное выживание.

Задуманное как юридико-антропологическое исследование, оно опирается на глубокие этнографические полевые исследования среди коми-ижемцев Севера Республики Коми и Ненецкого автономного округа. Серьезное отношение к нормативным системам как к предмету этнографического исследования позволило перенаправить фокус на отдельных лиц как создателей культур, обществ и нормативных систем.

Диссертация вносит вклад в правовую этнографию на основе включенного наблюдения на Русском Севере за пределами дисциплинарных границ.

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October 2024, Rovaniemi

List of Original Articles

The dissertation is based on the following original articles, which will be referred to in the text by their numerals 1–4

- I. Sikora.K (2021) ”The right to cultural heritage in international law, with special reference to Indigenous Peoples’ rights” in *Santander Art & Culture Law Review* 2/2021 (7), 149-172.
- II. Sikora. K (2022) “Indigenous yet unrecognised. The legal reality of the Izhma Komi people” in *The Polar Journal*, 12:2, 343-362.
- III. Sikora. K&Fedina, M. (2021) “Izhma Komi cultural identification and self-determination. The study of the “Lud” tradition” in *Arctic Yearbook*, edited by Lassi Heininen, Heather Exner-Pirot, and Justin Barnes, p. 549-563.
- IV. Sikora, K. (2024) “Who constructs the Izhma Komi’s heritage today? The social contract as a non-legal tool to realize the human right to cultural heritage” in *Arctic Anthropology* 59(2).

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List of Acronyms and Abbreviations

AAA	American Anthropological Association
ASSR	Autonomous Soviet Socialist Republic
CERD	Committee on the Elimination of Racial Discrimination
CESCR	Committee on Economic, Social and Cultural Rights
HRC	Human Rights Committee
HR Council	Human Rights Council
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICH	Intangible Cultural Heritage
ILO	International Labour Organisation
KMNS	Small-Numbered Indigenous Peoples. (acronym for the Russian version of the term <i>korennye malochislennyye narody Severa, Sibiri, i Dal'nego Vostoka</i>)
NAO	Nenets Autonomous Okrug
RAIPON	Russian Association of Indigenous Peoples of the North
RF	Russian Federation
RSFSR	Russian Soviet Federated Socialist Republic
UN	United Nations
UNDRIP	Declaration on the Rights of Indigenous Peoples
UNESCO	United Nations Educational, Scientific and Cultural Organization
USSR	The Union of Soviet Socialist Republics
WHC	World Heritage Convention

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1. Introduction

International human rights law has been created to offer to all people of the globe an enforceable means of protecting and promoting their dignity and freedom. This concept of rights is not based on any particular legal tradition, but on values, ideals, moral principles, and common worldviews that already exist in many (but thus far not all) states. The universality of human rights – although widely contested – is nevertheless the cornerstone of human rights laws, establishing their legitimacy globally.

Moving away from idealistic conceptions like justice and dignity, the effectiveness of human rights laws came to be about something much more tedious and technical: measurable results. Reports presenting binary results, statistics, surveys, bureaucratic rules and guidelines, charts, and so forth present an illusion of human rights implementation, making them even more unrelated and detached from people's everyday lives (Fraser 2020; Sokhi-Bulley 2016).

From the anthropological point of view, law does not exist in isolation: one always needs to see it as part of culture, with people co-creating it. And those people will have their own understandings of laws, justice, state, and human rights; they may not necessarily use the terms 'human' or 'rights'. Even though to a legal anthropologist this sounds trivial, to a legal scholar it is a discovery.

This dissertation attempts to combine law and anthropology as scientific disciplines to examine the realities of laws, rights, and normative systems in the Russian North, among the Izhma Komi people. Based on in-depth ethnographic fieldwork, this research brings a more nuanced picture of how the Izhma Komi engage in cultural heritage, ethnic culture, and traditional practices that are governed by diverse, yet overlapping, regulatory systems, that guide people's behaviours: codified laws, customary norms, tacit agreements, and ad hoc informal practical solutions. For the purpose of this dissertation I conceptualise the social institutions as a broader, and interrelated systems of established norms, values and practices, that regulate the patterns of behaviours in societies. Informal regulatory systems are considered part of social institutions, serving as specific mechanisms that help achieving desired societal outcomes. Behind all these norms, values, and institutions stand concrete people, individuals who create, behave, and practice what can be called in the legal language 'human rights to cultural heritage'.

In this dissertation, I argue that the meaning and function of human and indigenous (small-numbered peoples) rights frameworks in Russia should not be

understood according to Western-driven standards. I do not disregard the value of human and indigenous rights; on the contrary, I demonstrate throughout the dissertation that, in unstable legal and political settings, the security offered by codified laws is too easily taken for granted. And even more than that, I claim that rights, in particular small-numbered indigenous peoples' rights, can become a tool to subjugate indigenous populations under state domination. Thus, the recipients of such rights may not become actualised rights-holders, but can fall under the category of 'indigenous subjects of rights', which one field partner described as the principle that 'you do not get a gift without a corresponding temptation' (personal conversation JP 2024). In this context, consciously staying away from legal and political structures, which might with one hand offer rights and privileges while with the other hand withholding them, may to an extent help them to sidestep a subordinated political position. The indigenous populations that are not granted the status of small-numbered indigenous peoples, like the Izhma Komi, can therefore find themselves in a space where they can more realistically exercise self-determination when it comes to defining their indigeneity and the direction of their social, cultural, and political development.

For the purpose of this research, I apply an ethnographic approach to examine whether and how the Izhma Komi people, who are not seen by Russian law as indigenous-small numbered peoples, can enjoy and realise their cultural rights, as values and practices, within diverse normative systems. On the one hand, I explore how the codified laws are domesticated on the ground, looking at legislation governing reindeer herding, fishing, hunting, and broadly understood ethnic culture, in the form of celebrations, folklore, and handicrafts. On the other hand, I delve into a system of multifaceted legal pluralities, comprising customary norms, informal practices, and tacit agreements, which allows local people to meet some of their needs, and to build a feeling of engaging in a common cause. These patchy socio-legal practices, which fill in what I am calling a 'shatter zone', are part of the everyday life of Izhma Komi. The shatter zone is a space in which, despite and alongside the presence of the state, norms and solutions are created, contested, and adjusted to circumstances in order to provide for an internal regulatory system which is tailored to people's needs.

Internal knowledge about the shatter zone is not readily available to an outsider. I came to notice the existence of such a structure within of wider framework of social institutions after living among the Izhma Komi for several months, participating in their daily routines and building trust-based relations. In this dissertation, a reader will find only a fragment of what I managed to discover, understand, and put into a broader context; it is just the tip of the iceberg of the complex system of social regulatory practices.

More than that, after months in the field, I am not entirely sure that I have correctly interpreted the phenomena I am presenting here, since many of the

normativities I describe in this dissertation are unspoken, communicated with body language and situational nuances, and thus invisible to an uninitiated person. There is a margin of uncertainty here, which could be re-evaluated by longer field research, and perhaps also by the gaze of other researchers. Nevertheless, this dissertation makes a contribution to participant observation-based legal ethnography in the Russian North. Throughout the dissertation, my aim is to defer as much as possible to the voices of the people who shared their knowledge, homes, and time with me, to express their distinct ways of perceiving and interpreting the realities around them, and to show to readers why the ethnographic approach matters in studying normative orders.

1.1 Research questions

This dissertation consists of four articles published in international peer-reviewed journals and a concluding synthesis chapter. Each article answers one posed question or problem, whereas the synthesis chapter aims at connecting the four pieces, adding methodological and theoretical components to the research. The questions directly correspond to the articles, in sequence: question number 1 is addressed in article 1, question number 2 is addressed in article 2, and so forth. In this subsection, I present the questions; a summary of the articles is situated at the end of the dissertation.

Q1: How is the right to cultural heritage recognised within the framework of international law, considering the practice of human rights law and cultural heritage law mechanisms at the international level?

This first question opens up the problematisation of the dissertation. It is the only one in this dissertation which is not grounded in the ethnographic data, and it serves as a starting point for my considerations about human and indigenous rights. In the 2011 Human Rights Council Report, the UN Special Rapporteur on Cultural Rights, Farida Shaheed, acknowledged the existence of the human right to cultural heritage. Seven years later, in 2018, when I began my PhD studies, there was still no available research on what the human right to cultural heritage is and how it should be defined, particularly in terms of indigenous peoples' rights. My purpose has been to examine historical developments in the human rights framework and cultural heritage legislation that eventually led to the formation of the human right to cultural heritage, and to conceptualise the understanding of the right with special reference to indigenous peoples.

Q2: What is the legal status of the Izhma Komi people in Russian domestic legislation? What kinds of rights do they exercise, despite their lack of

recognition as small-numbered indigenous peoples of the North, Siberia, and the Far East in the legislation of the Russian Federation? How are those rights realised in practice among the local people?

In the second stage of the doctoral research, I was interested in understanding what kinds of rights the Izhma Komi have in the Russian domestic legal framework, given that they are not formally recognised as Small-Numbered Peoples of the North, Siberia, and the Far East (in Russian: *korennyye malochislennyye narody Severa, Sibiri i Dal'nego Vostoka*; henceforth KMNS). At first, I identified the relevant Russian legislation as being those laws referring to the 'nature-based activities' of reindeer herding, fishing, and hunting, which are a crucial part of the Izhma Komi way of life and form their respective cultural heritage. That stage was critical for the research project, since without KMNS status it was unclear which legislation would apply to Izhma Komi and which rights they might possess. The second step in answering the question was to compare the results of the legal analysis to the ethnographic data I obtained in Izhemskii District between 2021 and 2022. As a result, I was able to verify how the laws function in people's everyday reality. I was not interested in the implementation strategies of the local administrations as such. Instead, by conducting interviews, informal conversations, participant observation, and by living with people, my aim was to ponder the local residents' normative behaviour. By that I was able to uncover the existence of informal regulatory systems, like the customary norms and tacit informalities, which largely influenced the theoretical contribution of this dissertation.

Q3: How does cultural heritage, on the example of the 'Lud' festival tradition, construct the Izhma Komi identity, and how can the official recognition of cultural heritage impact community cultural and political self-determination claims?

In the third question, together with the co-author of the dissertation article, we analysed the history and later revival of the traditional mid-summer celebration of the Izhma Komi known as 'Lud'. We wanted to find out to what extent the cultural heritage and its official listings in the republican registry of the Komi Republic can foster Izhma Komi cultural and political self-determination. In this publication, I contributed the legal framework by analysing the 'law on culture' of the Russian Federation and the corresponding law of the Komi Republic: I also contributed the ethnographic data collected during fieldwork in 2021. Maria Fedina contributed archival data and a historical analysis of the 'Lud' festival from medieval times until the early Soviet era, when it was banned. The goal was to examine how the local identity of Izhma Komi changed over the Soviet period, and particularly after the political transformations of the 1990s. Along that line, we analysed how the revival

and the growing importance of the 'Lud' celebration impacts cultural and political claims made by Izhma Komi, which emerged together with the revived festival. During the field research, I interacted with a variety of field partners, not only those professionally involved in culture. My goal was to understand how people perceived cultural processes, and how they saw the state's responsibility for cultural practices.

Q4: How is the right to cultural heritage realised among Izhma Komi in their everyday life? Who decides on what to protect, why, and for whom?

The fourth and last question builds on the previous articles, and on the unspoken elements of conversation with power that I noticed. It is also the most central question of this dissertation. After conceptualising the right to cultural heritage (Q1), which in my understanding boils down to four components – who, what, why, for whom – and subsequently making two field visits to Izhemskii District, which revealed the social institutions replace with 'socio-legal practices' (Q2, Q3), I posed the questions: 'Who is actually deciding on the matters of Izhma Komi cultural heritage? And why are certain cultural forms of expression safeguarded while others are deemed not worthy to be preserved by the local population? To answer these questions thoroughly, I undertook a third field visit, this time to Izhemskii District and beyond, namely to the Nenets Autonomous Okrug and Vorkuta (in the Bol'shezemel'skaia tundra). I wanted to compare the voices I heard in Izhemskii District with other regions inhabited by the Izhma Komi, including reindeer herders. After my previous field visits, it became apparent to me that the perspectives of reindeer herders on livelihoods, including heritage, can differ significantly from the perspectives of village dwellers. I also had countless conversations with several cultural workers from Izhemskii District, employees in the Department of Culture of the local administration in Izhma, and with diverse village inhabitants, to confirm the existence of the tacit social contract, traces of which I had come across earlier. The rich data I collected during the third field visit was used to produce the fourth article, as well as being largely used in this synthesis chapter.

1.2 Structure of the dissertation

This synthesis chapter, which follows the four published articles, consists of nine sections. After the introduction (section 1), in section 2 ('Izhma Komi: Historical background') I draw on past events that significantly impacted the current legal and political position of the Izhma Komi. I outline the history of Izhma Komi, particularly the history of migration and detachment from the Southern Komi groups, and therefore the adoption of reindeer herding from the neighbouring Nenets. Next, I discuss the Soviet policies that shaped the small-numbered indigenous peoples'

framework and the consequences of Soviet policies for the Izhma Komi. Finally, I present the history of and developments in the 'Izvatas' Interregional Movement of Izhma Komi, which is de facto a political representation of the group.

In section 3, I identify the available literature concerning Izhma Komi. I divide the section topically: folklore, self-identification, political developments, extractivism, language policies, and reindeer herding. I review the literature in English, Komi, and Russian languages. Concerning publications on topics of law, indigenous rights, and political developments among Izhma Komi, I concentrate on the English language literature, since to my knowledge publications in Russian are almost non-existent. I identify research gaps and the shortcomings of the available publications which I aimed to address at least partly in this dissertation.

In section 4, I discuss the methodological aspects of this dissertation, starting with the conceptualisation and historical landscape of ethnographic research on law in diverse societies. Subsequently, I continue with a discussion of the ethnographic research I conducted for this doctoral dissertation, starting with general information about the field sites and an analysis of the research tools I used over the course of the research. I complement this with some insights about the gender and ethnic composition, as well as my observations about long-term field commitment.

In the section 5, I analyse the meaning of self-determination in Russia, with a special focus on Komi self-determination and the reasons why the political leadership of Izhma Komi decided to claim distinctiveness from the other Komi groups and apply for the indigenous small-numbered peoples' status (KMNS).

Section 6 is deeply grounded in the ethnographic data, and analyses who the Izhma Komi are as a group, and considers whether a common, unified Izhma Komi identity exists. I also point out significant differences between village Izhma Komi, particularly from the village of Izhma, and (Izhma) Komi reindeer herders. Afterwards, I critically analyse the small-numbered indigenous peoples' rights framework, pointing out structural constraints as well as ideological threats. I argue that, in practice, the beneficiaries of KMNS status are not rights-holders, as is the Western understanding, but 'indigenous subjects of rights', held in a subjugated, and thus weaker, position. I also demonstrate that, in the Russian context, rights are not necessarily tools for strengthening civil society, but on the contrary have become yet another tool to govern them. Thus, not being a subject of rights, as in the example of Izhma Komi, can perhaps be advantageous in everyday practice.

Section 7 tightly follows up on those arguments, showing the 'realities of law'. I demonstrate that, due to the fact that Izhma Komi are not the subjects of rights, local people could establish what I refer to as a 'shatter zone': the grey space which operates alongside state structures, like codified laws and state institutions, and in which local people can create systems of customary norms, ad hoc solutions, and unspoken agreements, meeting some of their collective cultural needs and realising what could be referred to as rights of cultural heritage. I demarcate the shatter zone

in the villages from the shatter zone in the forest and tundra. I argue that those two spaces operate with different regulatory mechanisms, as the village 'shatter zone' depends on the interactions between the dwellers and the officials, whereas tundra and forest spaces, being geographically isolated, allow for creating and maintaining the systems of customary norms while at the same time maintaining interaction with broadly understood power.

Section 8 consists of a summary of the four peer-reviewed articles. I complement this synopsis with some additional remarks and images which I could not add in the published versions of the articles. I wrap up the dissertation with concluding remarks.

2. Izhma Komi: Historical background

The Komi people are an ethnic group who inhabit the northwestern European part of Russia and speak a Finno-Ugric language. The first Russian settlers appeared in the Komi territories in the eleventh century (Savel'eva and Korolev 2007). They were predominantly merchants and landless peasants from Novgorod. Upon their arrival, they imposed taxes on the Komi, primarily in the form of furs, which was the first step towards incorporating Komi territories into the Russian Empire. In the fifteenth century, the Komi were Christianised and came directly under Moscow's jurisdiction. As a result, knowledge of the Russian language among the Komi increased gradually through their involvement in church activities. At the same time, the central parts of Russia were becoming drastically overpopulated. To solve that problem, the Russian state began to encourage Russian peasants to settle in the Komi lands and cultivate crops in the fertile southern regions of today's Komi Republic. That led to a shortage of hunting resources as well as lands, pushing some of the Komi groups to migrate northwards.

Historical data and evidence about Komi migration and inhabitancy in the northern regions of Russia are not well documented (Chermnykh 2007). The existing historical sources, especially from the seventeenth and eighteenth centuries, pose many limitations, and their interpretation requires careful consideration of various factors (Chermnykh 2007). The most reliable historical records come from the parish registers from the Arkhangelsk Diocese (1831–1921); the First Russian Population Census of 1897, and subsequent censuses; documents of the National Archives of the Komi Republic; the State Statistics Committee of the Komi Republic; and publications by Russian researchers about the North.¹ These sources provide evidence that the formation of the Izhma Komi as a group began in the late sixteenth century, when several Komi families migrated from the southern regions of what is today the Komi Republic (Engelhardt 2009). Their progressive northward migration was heavily influenced by demographic increase and diminishing resources; therefore the need to migrate was driven by the desire to seek new territories for fishing, hunting, and cattle breeding (Zherebtsov 2007; 2011; 2016).

The merchant and explorer Vasily Nikolaevich Latkin, in his *Diary during a Journey to Pechora in 1840–1843* (1853), claims that 'the first settlers on the banks

¹ The historical information of A. Engelhardt, N. Ulykovsky, A. Shrenk, and V. Latkin was later studied by scientists L. Lashuk, L. Zherebtsiv, and others.

of the Izhma River were the Zyryans [Southern Komi], who moved here from Iarenskii, and partly perhaps from Ust'-Sysolskii region.' In another historical source, namely the charter given by Tsar Ivan the Terrible to Lastka (the founder of the Russian settlement of Ust'-Tsil'ma) from 1542, the Zapechora region was described as almost uninhabited, with only the Pustozersk settlement at the mouth of Pechora River and Nenets nomads living in the tundra. However, another charter given by Ivan the Terrible from 1545 to Kaninskii and Timanskii Samoyeds (Nenets people) suggests that by that time, the Zyryans (Southern Komi) had started to encroach into the tundra and to engage in animal husbandry, hunting, and fishing. On the other hand, Arkhangelsk State Archives documents place the foundation of *Izhemskaia Slobodka* (the Izhma Settlement) around the year 1400, and this same year is also referenced in the work of historian and archaeologist Valery Evgen'evich Luzgin, *Ancient Cultures of Izhma* (1972). However, no other document (yet) confirms that early date. Eventually, Arkhangelsk Governor Alexander Platonovich Engelhardt, who visited the village of Izhma at the end of the nineteenth century, cited the church chronicle to date the settlement's inception to 1567, and this date was deemed possible as well in Soviet historical texts (Khatanzeiskii 2010; 1982).

Even though the timing of southern Komi migration to the north is uncertain, there is a consensus in literature that the Izhma Komi as an ethnic sub-group initially took shape out of populations of southern Vym and Udor Komi, Russians, and Forest Nenets people (Chermnykh 2007; Khatanzeiskii 2010; Kotov, Rogachev, and Shabaev 1996; Zherebtsov 2011). By the seventeenth and eighteenth centuries, historical records show the presence of the northernmost ethnic group of the Komi, the Izhemtsy. As a result of long-term interethnic mixing and ethnocultural mutual influence, the Izhemtsy developed unique phenotype; a distinct Izhma dialect of the Komi language arose with significant borrowings in vocabulary from the Russian and Nenets languages; and ground-breaking changes occurred in the traditional economic activities.

Archival research shows that in 1575, along the lower reaches of the Pechora River, there were 144 households and 282 registered adult men (there is no information about women) (Chermnykh 2007). From that time forward, the Izhma Komi population grew dynamically. In the eighteenth and nineteenth centuries, the population in some villages increased ten- to fifteenfold; hence new settlements like Mokhcha, Syziabsk, Gam, Mosh'iuga, and Shchel'iaiur were established on the banks of the Izhma River (Zherebtsov 2011). According to the First Russian Census of 1897, the entire population of the Pechora region in the mid-nineteenth century was 34,992 people, of which 21,947 were Komi. In addition to demographic growth, the development of the northern Komi as a separate group with a separate identity was accompanied by the construction of churches and the creation of new church parishes, as Izhma Komi became Orthodox believers (Chuprov 2010). In

1914, there were 24 parishes in the Pechora region, which provided education and organised social life (Chermnykh 2007).

In Russia, Izhma Komi were known first of all as very skilful merchants, selling furs, suede, meat, and fish, and buying fabric (mainly silk) and jewellery. Even Moscow buyers would visit the region to buy the different furs on offer (Khatanzeiskii 2010). From the seventeenth century, the economic development of the settlements on the Izhma and Pechora rivers was facilitated by the summer-to-winter trading route, which went along the Vychegda, Vym, Izhma, and Pechora rivers and further across the Ural Mountains to Siberia (Museum Syktyvkar exhibition 2021). The geographical location between eastern and western Russia provided ideal conditions for the development of trade and the organisation of seasonal fairs (Khatanzeiskii 1982). The growth of trade led to the establishment of a customs station in Izhma, where merchants passing along the route paid taxes and other tributes until 1763, when the station was closed (Khatanzeiskii 2010). However, the rise of trade relations resulted in the stratification of society. By the early nineteenth century, the poorest segment of the peasantry endured extreme hardship, as they were forced to pay monetary taxes (Khatanzeiskii 2010). The wealth of those who benefited in the era of prosperity can still be seen across the villages in the shape of the merchants' massive two-story houses (*dvukhetazhnye doma*), which were unique for those times (Farnosova 2010; Liskevich 2010; (Museum Izhma exhibition 2021)).

Following the Bolshevik revolution of 1917, the process of dekulakisation and collectivisation began. Peasants were forced to give up their private land ownership and join collective farms (*kolkhozy*), which meant that their own farms became part of the *kolkhoz*. By 1935, the Izhemskii District's collective farms had taken over more than 70 per cent of peasant farms (Khatanzeiskii 2010). Collective farms in the region were turned into state farms (*sovkhhozy*) in 1973 (Museum Izhma, exhibition 2021). The region had a high level of agricultural development. Dairy and meat cattle, sheep, reindeer, and chickens were raised, and vegetables such as potatoes, cabbage, and turnips were farmed in considerable amounts. However, state farms in the region were unable to maintain these high production volumes due to the recurrent rises in industrial product prices that occurred after 1990, as well as a significant fall in government subsidies for agricultural development, and the number of cattle began to diminish. Alongside agriculture, for seventy years in the village of Shchel'iaiur, a variety of ships were made and repaired (Khatanzeiskii 2010). Shipbuilders developed barges with large carrying capacities and cargo-passenger ships, as well as other vessels. Moreover, from the 1930s to the 1980s, the extraction and processing of wood constituted one of the most important components of the economy, operating under the Izhemskii Timber Industry Enterprise and the Izhma Construction Enterprise (Museum Izhma, exhibition 2021).

2.1 Izhma Komi: Reindeer herding

Importantly, the evolution of the Izhma Komi as an ethnic subgroup was not solely linked to their relocation northwards, but also involved significant livelihood changes (Izhma museum exhibition 2021). The Izhma Komi not only moved original sectors of their economy, like cattle breeding, to the northern landscape, but also adopted the reindeer herding that was being practiced by the neighbouring Nenets people. Thus, although they were initially a settled population, some of Izhma Komi became semi-nomadic (Dwyer and Istomin 2009; Habeck 2005).

The reindeer herding that the Izhma Komi adopted from the Nenets changed greatly the course of their history as a group. Not only did they adopt Nenets vocabulary into the Komi language, but they also embraced Nenets herding techniques, while making significant changes to the reindeer grazing system they came across initially (Habeck 2005). Komi herders, in particular, organised round-the-clock protection of animal herds from predators; the herders with their dogs would always follow the animals, never leaving them unattended (Istomin and Dwyer 2021; Istomin, Liskevich, and Ulyashev 2017). Izhma Komi also established new migration routes, and started their journey towards the Arctic Ocean a bit later than the Nenets. By doing so, the animals would cross pastures covered with conserved grass rather than snow, arriving at the coast already nourished and with a thick layer of fat under the skin that prevented horsefly larvae hatching, which ultimately increased the value of the reindeer skins (personal communication TAF 2021, VF 2023, LMC 2023). For winter, the herders would return from the tundra to the settlements. They learnt how to drive the herds up to the edges of their villages, where some herders (*pastukhi*), would remain to take care of the animals during the winter months.

Importantly, Izhma herders enlarged the herds of their animals in comparison to Nenets herds. Nadezhda Apollonovna Chermnykh (2007) research evidenced that in 1842 there were more than 124,000 reindeer owned by Izhma Komi, and this number grew steadily for decades. In 1913, the Izhemtsy reindeer herds were among the biggest in the Bol'shezemel'skaia tundra, representing over 70 per cent of all domesticated reindeer in the European North of Russia.

Izhma Komi also introduced cyclical and regular slaughtering of domesticated reindeer for meat and skins. But most importantly, the Izhma people made reindeer husbandry commercial, not only through the sale of meat, but also through the production of suede from reindeer skins, which in those times was in demand not only in Russia, but also abroad.

In 1900, suede was being tanned at 62 tanneries in the region, which produced more than 80 per cent of all suede in Arkhangelsk Province. A little factory that was opened in Izhma produced not only suede, but also candles and soaps from animal fat. These improvements greatly increased the profits coming from Izhma Komi

reindeer herding, which became not only their way of life, but also an economic activity bringing significant financial return, and making them the wealthiest population in the northwest of the Russian North.

In the nineteenth century, the Izhma people significantly expanded their territory. The constantly growing number of their reindeer herds drove the Izhma Komi to the east and west of the Russian North in search of new pastures (Lashuk 1958). A number of Izhma settlements were founded throughout the middle Pechora River; the Izhemtsy settled in the Pechora tributary of the Usa River and in the Bol'shezemel'skaia and Kaninskaia tundras; they crossed the Urals and founded their settlements on the Ob River; and finally, a large group of them moved to the Kola Peninsula in the west. In all of those new localities, Izhma Komi preserved their traditions, cultural expressions, and to some extent their language along with the practice of reindeer herding.

In the 1920s, the Izhma reindeer herding system was virtually destroyed by measures taken by the Soviet state, and reindeer herders became incorporated into several state farms of the Komi Autonomous Soviet Socialist Republic: in Syziabsk, Inta, and Vorkuta (Dwyer and Istomin 2009; Istomin 2020). Gradually, ties with the Izhma people who moved to the Kola Peninsula and beyond the Urals were loosened (although there are currently strong attempts to revive the family connections – see: article 2 of this thesis). After 1921, when the Komi Autonomous Region was created (from 1936, Komi Autonomous Soviet Socialist Republic, or Komi ASSR), the process of cultural unification of the Komi people began. A new alphabet was developed, and the literary Komi language was created and taught in schools. Since the literary Komi language was based on the Syktyvkar dialect, it differed significantly from local dialects, to the extent that was taught almost like a foreign language (personal communication AR 2021, VES 2021, 2022, MF 2021). The people of Izhemskii District were particularly dissatisfied with this, which in turn hampered Soviet efforts to consolidate the Komi people.

By the second half of the twentieth century, however, the Soviet plan to unify the Komi was generally completed and a new general Komi ethnic identity began to clearly dominate local consciousness (Shabaev and Sharapov 2011); as a result, former local ethnonyms lost their relevance and were mostly forgotten. Nevertheless, the Izhma people were the least integrated into the general cultural space of the Komi, which was facilitated by their peripheral position and the historical memory cultivated in their collective consciousness (personal communication AR 2021, VES 2021, 2022).

2.2 Soviet policies on small-numbered indigenous peoples and Izhma Komi in context

The Russian conquest of Siberia was different from most colonial expansions of other European countries and was largely based on the direct incorporation of the captured areas into the Russian state. This often could not have happened without the help of local warriors, who used the opportunity of cooperation with Russians to act against their local enemies. Additionally, the indigenous populations were seen by Russians primarily as trade partners, and therefore the relationship with them was mostly bloodless for the sake of the principle that ‘a good native was a live native’ (Slezkine 1994: 52).

At the same time, the ethnic minority groups that lived the furthest from the Kremlin were often less visible and more difficult to control. During the reign of Peter the Great (1682–1725), there was extensive research into indigenous populations, including the first attempts to classify the peoples of the North and to put administrative structures in place (Forsyth 1994). Over the following centuries, the portrait of indigenous populations changed from one of cruel primitives to children of nature and noble savages. The Komi people’s place in these pictures was as ‘modern peoples’ able to civilise smaller ethnic minorities, especially the neighbouring Nenets (Engelhardt 1899). One field partner recalled this in an interview: ‘I still remember that even after the war [World War II] Nenets would sleep on the floors, even though there were beds in the room. They learned a lot from us [Izhma Komi]. Now you will not see such big differences’ (personal communication JC 2021).

A major change came after the October Revolution of 1917. On the one hand, the coup encouraged land-hungry peasants from the European part of the Soviet Union to flow into the vast territories to the east (Slezkine 1994; Forsyth 1994). As a result, the proportion of indigenous peoples, including the Komi, in the total population dropped significantly. They went from being the main settlers to becoming a minority, losing the status of ‘the most advanced’ from the viewpoint of Russians (Slezkine 1994). In these circumstances, the different Komi groups felt the need to integrate under the common umbrella of Komi ethnicity in opposition to the Russians, downplaying the diversity of their internal groups (Shabaev and Istomin 2017).

On the other hand, the Bolshevik Revolution abolished the power of aristocrats and religious leaders, shifting the power dynamics towards the people of the working class, regardless of their ethnic or national background (Mälksoo 2017). The Declaration of the Rights of the Peoples of Russia (1917), proclaimed by Lenin, asserted a doctrine of equality among the Soviet nations. The Declaration stated that discrimination against national minorities contradicted fundamental principles, granting a *de jure* right of self-determination to ethnic minorities (Mälksoo 2017). This approach was reflected in the Soviet Constitution of 1918, which declared that

all Soviets who differentiated themselves by a special form of existence and national character, and who had reached a certain level of socio-political organisation and economic development, might unite in autonomous regional units. This so-called policy of *korenizatsiia* assumed the integration of regional governments with people coming from local nationalities (Forsyth 1994).

Even though *korenizatsiia* became the core principle of the legal system in the 1920s and 1930s, it was never truly meant to grant minorities the right to independence. Instead, by providing a certain level of autonomy, the goal was to win the loyalty of minority groups by distancing the new regime from the oppressive practices of past tsarist times, preaching communism by local means, and ultimately facilitating the creation of the Soviet state (Slezkine 1994). During this wave, several autonomous okrugs, oblasts, and republics were created as forms of ethnoterritorial self-determination, including the Komi Autonomous Oblast in 1921, which in 1936 was elevated to the status of an autonomous republic (Zherebtsov 2011).

However, Moscow's policy of ethnic self-government did not account for different levels of local socio-economic development. The people now considered 'indigenous' in Russia were not attributed with indigeneity in Soviet times, but with primitivism, in terms of both their social organisation and their way of life (Stammler-Gossmann 2009). During the 1920s, ethnic minorities 'were considered too small in number, too geographically dispersed and, most importantly, too backward to grant them the status of full-fledged nationalities' (Martin 2001:281). The Soviet government's paternalistic approach was intended to help ethnic groups meet the level of development represented by Russians and thus ensure progress through the policy of *korenizatsiia*.

As a result, following an extensive Polar census from 1926, the Russian Central Executive Committee adopted the decree, 'On the native peoples and tribes of the northern outskirts of the RSFSR'. This decree established the first list of 'small' peoples (*malye narodnosti*) of the North requiring protection, especially those involved in reindeer herding, sea mammal hunting, and hunting and gathering on land, covering 24 ethnic groups. The law provided for the creation of administrative institutions for the indigenous peoples of the North to protect their rights as well as to involve them in the implementation of federal laws (RSFSR 1926). The most important aim was to improve the local economies along with their cultural and living conditions. Yet the decree concerned only those indigenous peoples who had not been granted autonomy within the republics or okrugs (RSFSR 1926). Thus, at the time, neither the indigenous rights of the Komi people nor the separate group of Izhma Komi were recognised, as they were not regarded as being primitive enough.

By 1932, the Komi, along with many other nationalities such as Bulgarians, Moldovans, and Roma people, and the already-listed 'small' peoples of the North, were included on a list of 'culturally backward' nationalities of the USSR. This meant, for example, that they were entitled to favoured admission to Soviet universities,

but only to fulfil quotas for so-called ‘primitives’ (Martin 2001; Narkompros 1932; personal communication AR 2021). From that time onward, Soviet society would be classified based on ethnic descent and no longer on social estate (*soslovie*) (Donahoe 2011). Nevertheless, when a former lower estate category, such as the peasantry, was associated with a particular ethnopolitical territory, this often resulted in a double negativisation of ethnic groups. Since most indigenous people were by default placed in the ‘poor’ category, their additional ‘primitive’ features placed them as people in need of immediate development (Slezkine 1994: 133–146). This quickly resulted in a new era of Russification, one that implied the superiority of Russians. It also involved the sedentarisation of indigenous populations as well as their concentration in major settlements. Not being as ‘backward’ as other indigenous groups, the Komi largely avoided this fate (personal communication TAF 2021, Izhma Museum 2021).

Even though the Soviet authorities announced a partial victory in ‘civilising the natives’ – for example by eradicating to some extent nomadic ways of life, restructuring local economies, or building villages – the extensive industrialisation of Siberia and the Far North highlighted stark contrasts between Russian newcomers and indigenous populations. The Komi, who had previously been seen as a modern people, were now no longer regarded as developed enough (Slezkine 1994). Therefore, in 1957, the Central Committee of the Communist Party of the Soviet Union addressed the Komi in a decree titled, ‘On additional measures for the development of the economy and culture of the peoples of the North’. This provided them with, among other things, material and financial support for traditional types of economic activity, exemption from certain taxes for *kolkhoz* and *sovkhos* workers, and support for school education (CPSU 1957). As a result, the rights of the Komi were secured, especially for those who engaged in reindeer herding – yet not for long. The next related decree by the Central Committee, from 1980, ‘On measures for the further social and economic development of the regions inhabited by the peoples of the North’, no longer mentioned the Komi among the ‘subsidised’ peoples of the North, thus depriving them of benefits.

2.3 The interregional movement of Izhma Komi ‘Izvatat’

The period from the late 1980s to the start of the 1990s in the Soviet Union is regarded as a time of turbulent political and economic change and democratisation in all aspects of public life. Yet, at that time no one could have imagined that the collapse of the Soviet Union would happen in a matter of months.

Throughout Russia, the different ethnic groups started experiencing a growing national self-awareness, perceiving their cultural distinctiveness from the unified Russian and Soviet identity, and Komi people were no exception (Kanev 2007).

This freeing mood manifested itself in political claims aimed at safeguarding each ethnic minority's internal self-determination through the development of national movements. On the federal level, in 1989, the Communist Party of the Soviet Union held a plenum to discuss questions relating to autonomy for different nationalities living within the Soviet Union. As a result, one year later preparations were underway on the federal level to hold the first Congress of the Peoples of the North of the Soviet Union, to which Izhma Komi contributed as well. The direct outcome of the congress was the establishment of the Association of Indigenous Small-Numbered Peoples of the North as an umbrella organisation representing 26 groups in the North, Siberia, and the Far East, including unrecognised Izhma Komi (this later became known, even in Russian, as 'RAIPON', using the acronym for the English version of the name, Russian Association of Indigenous Peoples of the North).

On the local level of the Komi Republic, the nation-wide political mobilisation of ethnic minorities in Russia increased not only Komi ethno-political engagement but also local ethnic awakening (personal communication EES 2021-2023, EE 2021-2023). In 1989, the Komi Regional Committee of the Communist Party adopted a 'Program for the Improvement of International Relations', leading to the establishment of 'Komi Voityr', an ethnic organisation representing all groups of the Komi people (Kanev 2007). However, the local intelligentsia in Izhemskii District advocated for creating a public organisation, which would take into account the separate identity of the Izhma Komi and the specifics of their northern way of life, including the traditions of reindeer herding, fishing, and hunting (Kanev 2007). This led to the formation of 'Izvatas', an ethnopolitical organisation founded on the Izhma people's historical memory (Anufrieva 2009). In 1990, the first founding congress of the Izhma Komi took place, at which the organisation Izvatas was officially established.

In terms of organisation, Izvatas is recognised as a social movement (*obshchestvennoe dvizhenie*) and has the status of a legal entity. The movement operates according to a charter adopted at the fourth congress; In addition, the work is based on long-term, annual, and current planning (Anufrieva 2009). The highest governing body of Izvatas is the Congress (*S'ezd*), which is convened by the Izvatas Council at least once every four years. The Congress elects representatives to the Izvatas Council along with the Chairperson of the Council and the Audit Commission. The governing body of Izvatas during the period between Congresses is the Izvatas Council. The Council establishes commissions for the main areas of activity: relations with regions of the Russian Federation, with districts and cities of the Republic of Komi, and with public associations and formations; coordinating activities to implement the decisions of the Congresses and the Izvatas Council, and organising public actions and events; socio-economic and environmental issues; and the preservation and development of culture, education, language, history, national traditions, folk art, and crafts.

The Council functions on a voluntary basis; the organisation has no paid staff. The Council of Izvatas includes 23 representatives of the movement from different regions where Izhma Komi people reside, and the leadership of the movement is located in the village of Izhma.

The charter of Izvatas states that the goal of the movement is to:

- Promote in every possible way the development of ties between Izhma residents and the strengthening of international friendship with other peoples, ensuring social equality and progress.
- Create conditions for the development and use of the Izhemskii dialect, establish effective cooperation with Russian and foreign organisations in the field of social, scientific, cultural exchange, and environmental protection.
- Expand the direct participation of the indigenous populations in economic and socio-cultural undertakings. Promote the revival and development of indigenous crafts and folk art, taking into account the effective use of natural resources, creating conditions for the traditional land management in modern conditions.

After a fairly active ‘green’ movement arose in the Izhma region in the early 2000s, advocating for the preservation of Izhma ancestral lands and opposing the expansion of oil companies in the area, and after environmental activists from the Committee for the Salvation of the Pechora became part of Izvatas, environmentalists gained significant influence over the goals of Izvatas (Anufrieva 2009, VS 2021). Izvatas was at the same time very aware that its priorities and activities were not always consistent with the political line of the general Komi movement ‘Komi Voityr’, which promoted a unified ‘Kominess’.

An important milestone in the political positioning of Izvatas was the preparation and conduct of the 2002 population census. In August 2002, the branch of the Izvatas in the village of Lovozero, Murmansk region, adopted an appeal to its relatives in the Komi Republic asking them to designate their nationality during the census not as ‘Komi’, but as ‘Komi-Izhemtsy’ or Izvatas (Anufrieva 2009). In September of the same year, the Izvatas Council almost unanimously supported this appeal. In 2003, the fifth Congress of Izvatas was held in Izhma, during which the Izvatas Council was re-elected, and Valentina Ivanovna Anufrieva was chosen Chairperson. The Izvatas Congress was attended by the Head of the Komi Republic, Vladimir Torlopov, and the then Minister of Culture and National Affairs of the Republic, Maria Kuzbozheva. During that meeting, the Izvatas Congress decided to seek from the Russian government the status of small-numbered indigenous peoples of the North, Siberia and the Far East (*korennyye malochislennyye narody Severa, Sibiri, i Dal'nego Vostoka*, hereafter KMNS) for the Izhma Komi, which became one of the goals of the movement, officially added to the Izvatas charter. The initiative was not

supported by either the general Komi movement 'Komi Voityr' or the authorities of the Republic, who stated that Izhma Komi were already part of the Komi ethnic group, not a separate minority. The Izhma people felt that this position of the Republican authorities violated their rights to internal self-determination and self-identification, as well as their cultural freedom. The Izvatas leadership, especially Nikolai Vasil'evich Rochev and Valentina Ivanovna Anufrieva, did not give up their attempts to gain KMNS status, as applied once again to the Federal government; the second attempt failed as well. However, as a result of Rochev and Anufrieva persistence in the ethnopolitics of the Russian North, in 2004 the Izhma Komi were accepted into RAIPON, and in the same year, representatives of the movement participated in the Fifth Congress of RAIPON.

One outcome of the 'Izvatas' movement has been the establishment of strong contacts with the Izhma Komi living in diaspora in the Murmansk region and in the Nenets, Yamalo-Nenets, and Khanty-Mansi Autonomous Okrugs (Anufrieva 2009). Yearly meetings of young representatives of the Izhma Komi from all diaspora regions, called 'schools of young leaders', have already become a tradition. These youths gather for around ten days each year in a different area to learn about the lives, challenges, and perspectives of Izhma Komi living in other regions.

Moreover, a lot of work has been done in recent years on the socio-economic development of the Izhemskii region, particularly on limiting oil and gas extraction by Lukoil-Komi and Severgazprom. Environmental activists from Izvatas and the Committee for the Salvation of Pechora, together with industrialists, have jointly held public hearings on the development of oil fields, as well as roundtable discussions on benefit sharing and support for infrastructure development in the region. Their work on developing small businesses in agriculture and support for safeguarding the culture of the Komi-Izhma people was particularly fruitful.

In regard to seeking the KMNS status, the topic is no longer high on the agenda of Izvatas. The current head of Izvatas, Irina Gennad'evna Koroleva, has broken away from the tactic that had been consistently pursued since the 1990s, and does not support the fight for small-numbered status. Koroleva replaced the former leader Nikolai Vasil'evich Rochev, after his unexpected death in 2018. Since then, her positions on the ethnopolitics in the Komi Republic and the leadership of Izvatas have been broadly contested, even by herself. Besides leading Izvatas, which is an unpaid job, Koroleva has for several years held a position as head of the Department of Agriculture in Izhemskii District, which is directly under the Ministry of Agriculture of the Komi Republic. Due to her employment in government, Koroleva has not been able to realise the previous policy of Izvatas relating not only to gaining small-numbered status, but also on ecology, being caught in between two parties. She confirmed: 'They [the Komi government] can easily intimidate me and paint me into a corner, and I have a family. A retired man would have been perfect for this position. They could not have done anything to him, like Rochev'. Still in 2021,

Koroleva, being aware of the tense ethnopolitical situation, believed that the best thing she could do was to leave the position of head of Izvatas after her term was up in 2022 and suggest a candidate who would have time and strength to return to the question of status and to making Izhemtsy claims more visible, even internationally. However, in 2023 Koroleva was elected for a second term as the leader of Izvatas, given that there were no other candidates for this position.

Besides the conflicts of interest in which Koroleva found herself, she is personally rather sceptical about small-numbered status, as it is associated with primitivism. While referring to the culture of reindeer herding, she stated: 'We do not want to live like cavemen. We want to have houses and toilets, and not be fully depend on nature.' This reflects her Soviet education, which still influences her towards hierarchical thinking: The more developed a group is, the less indigenous it is. Indeed, Koroleva, has been trying to raise the visibility of Izvatas in large national forums and meetings in Moscow or Saint Petersburg, where she has been lobbying for support of folk culture, education of talented youths, and development of local businesses, especially those run by women. Yet, she is less visible locally, in villages, and the initiative to safeguard the centuries-old nature-based way of life is not close to her heart.

2.4 Extractivism in the Komi Republic

The Russian political system can be described in different ways. In the current reality, what Steven Levitsky and Lucan Way call 'competitive authoritarianism' is reflected in the fact that 'formal democratic institutions are widely viewed as the principal means of obtaining and exercising political authority. Incumbents violate those rules so often and to such an extent ... that the regime fails to meet conventional minimum standards for democracy' (Levitsky and Way 2002:52) In such a situation, if laws are only on paper and often lack measures to facilitate their implementation, democracy, to some degree, must find its way through public opinion and activism. Yet, in Russia, NGOs and indigenous associations are often confronted with difficulties in deliberately participating in policymaking, due to legal and particularly unwritten restrictions on civil society actors (Henry 2010; Evans 2012). Therefore, such actors have two paths to secure the interests of the people they represent and their own interests: Either they can work within the system, cooperate closely with officials at lower levels, demonstrate loyalty, and follow thoroughly the patchwork of constantly changing regulations; or they can address goals directly with the private actors involved, such as oil companies in the context of the Russian North (Tysiachniouk et al. 2017; Stammmler and Ivanova 2016a; Stammmler and Wilson 2006; Fondahl et al. 2019).

Oil and gas extraction involves wide and exhaustive land use with environmental consequences in connection with pollution, and also involves setting up infrastructure

to support extraction that brings high profits to the company while impacting the livelihoods of local populations. What Natalia Yakovleva has shown in her studies on oil-producing regions in Russia is that, on average, extractive companies and their representatives do not have sufficient knowledge about local and indigenous livelihoods in the extraction areas and have little incentive to become involved in indigenous issues, staying only within the frame of state mandates (Yakovleva 2011). The minimum standard set for extractive industry companies is to compensate for the damage they cause to the environment through their activities. Oil and gas companies are also obliged to fulfil commitments relating to corporate social responsibility (CSR) as a form of accountability towards the local and indigenous peoples inhabiting areas that become oil and gas extraction fields (Tysiachniouk 2016; Tysiachniouk et al. 2017; 2020). Benefit-sharing, as one form of CSR, is crucial in relations between oil companies and people in the Russian North. Benefit-sharing means that the extractive companies share profits from their extractive activities with the oil producing regions. That should happen in the form of taxes paid to the budgets of impacted districts; however, according to current federal tax law, taxes from extractive activities (the so-called mineral tax) are paid directly to the federal budget, to be redistributed back locally (Wilson and Istomin 2019). Thus, officials and activists from the affected regions attempt to set up socio-economic agreements with the extractive industry companies, in which the companies commit to providing in-kind benefits to the extractive regions, such as infrastructure (roads, schools, sports facilities) or social services (funding festivals, medical care, transportation costs) (Tulaeva and Tysiachniouk 2017). The companies' interest in entering into such agreements is to build the loyalty of the local people and reduce the possibility for protests and conflicts in the oil and gas areas, so that they can continue their extractive activities uninterrupted (Wilson and Istomin 2019). From the local people's point of view, such agreements may allow sociocultural needs to be met much more quickly than through the highly bureaucratized state system, which often lacks needed finances. At the same time, oil companies become the third instance between people and state, partly replacing state authorities in providing welfare support and opportunities to develop the regions of the Russian North (Pappila, Britsyna, and Nysten-Haarala 2017).

In the Komi Republic, Lukoil is the biggest oil extraction company; it has been operating in Usinskii District since the 1960s and in Izhemskii District from the late 1990s (Wilson and Istomin 2019). Most of the activities handled in the Komi Republic do not require social consultations or ethnological assessments, since there are technically no indigenous small-numbered peoples living in the area (Murashko 2006). A temporary way out was found in the recognition of Izhemskii District, as well as Usinskii District and Inta in the north of the republic, as places of traditional residence and traditional economic activities of small-numbered indigenous peoples (Russian Federation 2009b). This means that the Izhma Komi – upon agreement

with local authorities – could restrict non-traditional economic activities of federally owned organisations (mainly oil and gas companies) (Russian Federation 1999).

However, Lukoil-Komi is not a state-owned company, but a private multinational corporation, which implies that provisions of federal law guaranteeing local rights do not apply in this case. Since the law does not protect the indigenous rights of Izhma Komi to use lands and resources, the community representatives launched large-scale public activism. Since 2014, Izvatas has been cooperating with the environmental organisations Save the Pechora Committee, Silver Taiga Foundation, and Greenpeace-Russia to address their environmental concerns, demanding that Lukoil-Komi develop ecological safety policies and replace rusty oil pipelines (personal communication VS 2021). The local organisations appointed several public observers, who visited the extraction sites and monitored the situation at the oil fields, reporting on spills. A process of public hearings was launched, a result of which was an agreement on social partnership signed in 2015 (personal communication FF 2021). The agreement concentrates on environmental matters and also on improving the transparency of the company's operations in the region, requiring them to inform about oil spills. The crucial point of the agreement was the consensus that local people will be consulted prior to implementing any projects in Izhemskii District. Yet, local people were critical of the fact that Lukoil was conducting secret drilling close to the Sebys river, which was revealed by local hunters who saw Lukoil equipment in the forest. Activists also indicated in conversations with me that even though the public consultations were sometimes organised, they would happen far from the affected areas, in unrelated locations, where locals were unlikely to travel (personal communication (FF 2021, VS 2021). Moreover, during my time of fieldwork alone, there were at least two oil spills on the border between the Komi Republic and NAO, which the local people discovered only when they saw the dead fish floating in the river.

Following the agreement, Lukoil engaged in educational and cultural projects, for instance supporting the participation of Izvatas in the international forum of Finno-Ugric youth 'FUROR' and the international exhibition-fair 'Treasures of the North–2015' in Moscow, as well as sponsoring the Izhma Komi traditional folk festival 'Lud' (Lukoil 2020). Izhemskii District benefited also, receiving medical equipment, ambulances, and school buses (personal conversation VKK 2022). Interestingly, research conducted by Minna Pappila and coauthors revealed that the local population has largely tolerated the environmental damage in exchange for these social benefits (Pappila, Britsyna, and Nysten-Haarala 2017).

In a similar tone, Laura Henry and coauthors claim that 'weak formal institutions, informal expectations about welfare from the Soviet era and behind-the-scenes state pressure on companies' has led to a predominant 'neo-paternalistic' way of realising CSR in the Russian North, in which the socioeconomic partnerships are a top-down form of bribery towards the local populations (Henry et al. 2016:1344).

Indeed, the terms and conditions of the socioeconomic agreement are not publicly known. The contract has not been open to public input or inquiry, and its text is not publicly available. The negotiation process was confidential as well, tended by an informal mish-mash of connections involving activists and representatives of the municipal authorities (personal communication VS 2021, FF 2021). On the other hand, the practice of informally negotiated agreements or contracts is rather common in the Russian context, since it allows for flexibility and for adjusting the commitments to the changing political and economic situation (Stammler and Ivanova 2016a).

3. Izhma Komi literature and research review

In this section, I present an overview of the existing academic literature on the Izhma Komi people. While certainly not exhaustive, this outline nevertheless directs the reader to what has been already done in this field of research, and traces the scope of historical, anthropological, political, and linguistic inquiries. I also identify gaps in the research in terms of both unstudied topics concerning Izhma Komi and the shortcomings of the research accomplished previously.

3.1 Overview of the literature

The scope of the available scholarly literature on diverse matters related to the Izhma Komi population remains limited, in all available languages: Komi, Russian, and especially English. In comparison to research done *with* and about other ethnic minorities of the Russian North, such as the Saami or the Nenets, the field of Komi research is greatly underdeveloped. The existing literature in the Komi language as well as in Russian has a largely descriptive character, and is lacking in thorough analytical and critical inquiry. There is, however, a significant bulk of literature published by the folklorists and ethnographers at the Komi Science Centre in Syktyvkar. Since the Soviet period, they have had the closest access to the field and thus the most intimate knowledge of the Komi language and regional specificities. The research done in the past thirty years by Vera Mikhailovna Kudriashova (Kudriashova 1988; 1993), Valery Sharapov (Sharapov 2016; 2021; 2022), and Aleksei Rassykhaev (Rassykhaev and Kudriashova 2014) delves largely into Komi folk art, worldviews, and rituals, both in the Komi Republic as well as among Komi populations in the Nenets and Yamalo-Nenets Autonomous Okrugs. Other authors include Valentina Viktorovna Filippova (Filippova 1996; 1997; 2003; 2010), who contributed largely to studies in Komi folklore, publishing both in Komi language and in Russian; Tat'iana Gennad'evna Popova (Popova 2011), who wrote extensively about Izhma national costume; Yurii Rochev (Rochev 1984), who collected Komi legends; and Aleksei Semonovich Sidorov (Sidorov 1952), who compiled Komi songs. Among foreign scholars, the research done by Art Leete on knowledge systems, hunting, rituals, and mythology among Komi deserves recognition (Leete 2008; Leete and Lipin 2015; Leete and Koosa 2023; Leete 2019; 2022).

There is also a segment of literature that I would classify as publications on Izhma Komi in diaspora. So far there has been no research done that addresses the Izhma

Komi socio-legal position and their livelihoods in the Nenets and Yamalo-Nenets Autonomous Okrugs, beyond folkloristic work. Yet there are distinguishable writings that delve into the relations between the Izhma Komi and the Saami people on the Kola peninsula (Murmansk region). Available texts by Petr Pavlovich Kotov (Kotov 1987; Kotov 1988; Konakov and Kotov 1991) as well as Paul Fryer and Ari Lehtinen (2013) examine interethnic processes and Komi self-awareness, and linguists Rogier Blokland and Michael Riessler analyse the Komi vs Saami linguistic clash on the Kola Peninsula (Blokland and Riessler 2011), whereas Nikolai Konakov (1993) address the challenge of ecological adaptation and recreating the traditional economic system in new locations. A recent article within that subsection of the literature, by historian Petia Mankova (2018), stresses the disadvantaged position of the Komi in comparison to the Saami people, who are officially recognised as KMNS and privileged both in the attention paid to them in academic scholarship and public debate. Mankova investigates the historical developments of indigenous policies as applicable to Izhma Komi on the Kola Peninsula. The article is part of Mankova's field-based doctoral dissertation (Mankova 2017), and even though she offers a neat consolidation of the existing Russian-language literature on Izhma Komi, the whole thesis touches on questions of remoteness, using the example of the village of Krasnoshchel'e in the Murmansk region, which happens to be predominantly a Komi settlement.

What is relatively well represented in the literature is the analysis of Izhma Komi ethnic belonging, the formation of ethnic identity, and ethno-political movements. The most significant literature on this topic in the Russian language is authored by Hye-Jin Kim, Yuri Shabaev, and Kirill Istomin (2015) and Shabaev and Istomin (2017). Even though there is literature on this topic available in the English language, it is largely based on comprehensive work done initially by Istomin, Sharapov, and Shabayev. The existing literature comprises the work of Kirill Istomin and Yuri Shabaev (Istomin and Shabaev 2016), Art Leete and Yuri Shabaev (Leete and Shabayev 2010), Yuri Shabaev and Valeri Sharapov (Shabayev and Sharapov 2011), and Maria Goloviznina Peeters (Goloviznina 2019).

All aspects of reindeer herding among Izhma Komi have been thoroughly researched, both the practice itself (Habeck 2005; Istomin, Laptander, and Habeck 2022; Istomin 2023a) and changes that occurred after the collapse of the Soviet Union and in the following decades. Otto Habeck's 2005 monograph about the practice and meaning of reindeer herding was the first and only book in English available on Komi reindeer herding for years. Habeck wrote also on Komi herders mobility (Habeck 2006), extractivism in the Komi Republic as relating to reindeer herding (Habeck 2002), as well as the engagement with the landscape (Habeck 2011). Together with Kirill Istomin he wrote also on the land-use issues in the Komi Republic (Istomin and Habeck 2016). Currently, the field-based research done by Kirill Istomin is the most up-to-date and importantly reflects the steady continuum

of his study among reindeer herding Komi starting from 2004 until the present. Istomin's research shows a spectrum of processes, both socio-economic (Dwyer and Istomin 2009; Istomin 2012; 2023b; 2022; 2020; 2018; Istomin and Dwyer 2021) and technological (Istomin, Popov, and Kim 2017; Dwyer and Istomin 2006), that have affected Izhma Komi reindeer herding, mainly from an anthropological point of view but not exclusively. Istomin also touches upon topics such as migration (Istomin 2021) and the emotions and mental capacities of the herders to live a meaningful life in the harsh tundra environment (Istomin 2018).

Oil and gas extraction developments in the Komi Republic have certainly been a 'hot topic' in the academic debate. Researchers have had the opportunity to conduct comparative studies that relate advancements in the Komi Republic to other regions of the Russian North, and elsewhere. Here the research done by Maria Tysiachniouk with co-authors (Tysiachniouk et al. 2017; 2020) and Emma Wilson with co-authors (Wilson 2016; Wilson and Istomin 2019; Loginova and Wilson 2020) demonstrates the relations between oil companies, local authorities, and activists, as well as exploring interplay and power struggles in the decision-making process.

3.2 Critique of the literature

After reviewing most of the existing literature in the field of Izhma Komi studies, it became evident that the pioneering authors, namely Kirill Istomin, Otto Habeck, Valery Sharapov, and Yuri Shabaev, have continuously contributed with fieldwork-based research, in studies of both ethnicity and reindeer herding. Subsequent contributions, such as the work relating to the ethnopolitical movement *Izvatas* by Fryer and Lehtonen (2013) and particularly Goloviznina (2019), although they are based on fieldwork, are to a large extent repetitive of research done by the previous scholars.

Even though Fryer and Lehtonen and Goloviznina have different conceptual takes on the complex situation among Izhma Komi communities (in the Kola Peninsula and Izhemskii District respectively), their publications are somewhat lacking in their presentation of data gathered in the field. In case of Fryer and Lehtonen, there is only one reference to a 2008 interview with Nikolai Rochev (former leader of *Izvatas*), even though the authors indicate that the length of their fieldwork was extensive: 'This research is based upon a series of fieldtrips to both the Pechora River Valley (Fryer in 1995 and Lehtinen in 2008) and Kola Peninsula (Fryer in 2000, 2002, 2006–2009), as well additional research visits by Fryer to the Komi Republic between 1994 and 2007' (Fryer and Lehtonen 2013: 22). In the case of Goloviznina, 'the empirical data was collected using qualitative methods, including in-depth semi-structured interviews, analysis of documents, and participatory observation during three study trips to the Komi Republic in February and June 2012, and in March

2018' (Goloviznina 2019: 149). Even though Goloviznina refers to interviews with Izvatas, 'Save the Pechora Committee', and 'Izhemskii Olenevod i Ko', the title of her publication – 'Izhma Komi Perspective on Governance and Recognition' – can be misleading. The pitfalls of gathering views primarily of the most visible, often powerful people, who are put in the position of being 'community representatives', as the opinions of *the* community as a whole, has been already addressed by Tim Ingold (1976) and Yulian Konstantinov (2015). Whereas Ingold points more to the internal processes surrounding who is positioned as a community representative and the constraints of one-man power, Konstantinov calls attention to the methodological choices of researchers.

I share Konstantinov's opinion that 'a great deal of the problems besetting dialogic incongruity and failure in communication with outsiders is due to an illusion entertained by visitors: That by talking with *a few* local people one can hear the "community voice", "the Sami voice"' (Konstantinov 2015: 18). That approach results in a lack of in-depth analysis of the network of different relations, politics, and expectations that are characteristic of local populations, which could have been unveiled if the researchers had immersed themselves more profoundly in the field. Additionally, Fryer and Lehtonen (2013) and Goloviznina (2019) indicate the place of their fieldwork as 'the Komi Republic', without specifying which districts and villages, they visited. Just as there is no single voice of 'the Izhma Komi' community, there is no one voice of 'the Komi Republic'. Differences between livelihoods, politics, or even such mundane issue as the use of the Komi language between, for instance, Izhemskii District and Vorkuta are significant. Also, there are telling diversities between villages within Izhemskii District, as my own fieldwork shows. The lack of any subsequent publications by the above-mentioned authors, despite their long fieldwork periods, may confirm a hypothesis of low field involvement. From my own experiences of living in Izhemskii District, many of my field partners, especially those who would likely be the first person an outsider would encounter, such as members of the village intelligentsia, do not recall any other researchers visiting the district, aside from recurring Russian/Komi ethnographers and folklorists from Syktyvkar or Naryan Mar. Representatives of environmental movements or of Izvatas have gotten some inquiries for interviews, which rather confirms than allays the 'helicopter research' concerns. A similar uncertainty may be addressed towards research on extractive industries in 'the Komi Republic' by researchers for-hire, who, nevertheless, produce more utilitarian than scholarly results. Even though Julia Loginova and Emma Wilson refer to a variety of conversations with the local population, each of the authors spent only one month in the field conducting ethnographic research; such a short timeframe limits the reliability of results (Loginova and Wilson 2020: 160). The relatively short time of the field research, which nevertheless resulted in access to a diversity of informants, may be the result of Wilson's joint fieldtrip with the experienced Komi researcher Istomin (ibid.: 160). Although doing fieldwork

with local partners is highly desirable in order to better understand the local context and co-create knowledge, the limited time indicated by the authors, and the variety of locations in the Komi Republic they visited, nevertheless run the risk of producing a one-dimensional study. Another question concerns timing: the field trips were conducted between 2013 and 2015, and the article was published only five years later. This delay is significant: By the time the paper was out, the situation in Izhemskii District had changed dramatically, as Lukoil-Komi largely withdrew from operation in the district.

Based on this literature review, what is clearly missing in the scholarship is a long-term, embedded and co-creative study with Izhma Komi, especially those living in the villages. This thesis aims to partially address that gap; yet still more research needs to be done, particularly in other settlements of the Northern Komi Republic. Moreover, so far there has been no academic debate in the fields of legal anthropology in the Izhma Komi communities, including on questions related to human and cultural rights or inquiries into legal pluralism. Additionally, as long as there is a large corpus of literature on reindeer-herding Izhma Komi, non-herding Izhma Komi tend to be omitted. On the larger scale of anthropological studies of the Russian North, this thesis is supplementary to diverse ethnographic and anthropological works by others, such as Florian Stammler (2005), Roza Laptander (2020), Otto Habeck (2005), Nikolai Ssorin-Chaikov (2003), Yulian Konstantinov (2015), David Anderson (2000), Mikkel Berg-Nordlie (2017), Alexander King (2011), and Bruce Grant (1995).

4. Methodology: Legal ethnography

Conventional legal discourse takes an interpretative approach to understanding the law and its processes within legal frameworks (international law, national legislation, regional/local laws). That narrative sees law as an 'object' that follows a certain logic, which is expressed in written legal texts that are embodied in legislation and later materialised in judicial decision-making. Thus, the mainstream focus on law as a text that undergoes strict doctrinal analysis and adheres to a specific framework promotes a largely essentialist understanding of law. In this sense, law is equal to authority, and those who exercise law are seen as higher up in the hierarchy of social relations, while at the same time they are trying to portray law as neutral and equal for everybody (Griffiths 2002). In this approach, the role of a critical legal scholar is to grasp the logic of legal processes, detect gaps and contradictions, and deliver suggestions on how to improve this top-down/hierarchical system. In this understanding, the law is kept as an instrument regulating social life, but is not an integral part of that life.

For centuries, other forms of law and social relations which are more horizontal, unwritten, tacit, and based on social institutions were denied legitimacy and deemed 'not proper law'. When, in the mid-twentieth century, legal anthropology research started developing as a sub-discipline of anthropology, it attempted to break the once-prevailing understanding of law and legal processes by studying diverse rules – codified and customary – within particular societies. Even though by proxy legal anthropology research has struggled to draw broader conclusions, it does not mean that such conclusions cannot be drawn on the *micro* level (Griffiths 2002). To achieve that, legal anthropology attempts to show the plurality of legal orders on the one hand, and on the other hand to illuminate the ways in which everyday understandings and realisations of law become important factors in the development of societies and condition the actual realities of the local people.

To understand legal processes on the local level, legal anthropologists drew on field ethnography, and already in the nineteenth century their methods ranged from literature reviews of traveller and missionary accounts, to consulting informants, to lengthy participant observation. As a result, ethnography, understood as a particular mode of knowledge production, brought unexpected aspects of official law and unofficial norms to the forefront and contributed to ongoing debates in academia (Goodale 2002).

In the Russian Empire, for instance, interest in ethnographic research on the legal systems of ethnic minorities became systematic in the second half of the nineteenth century. In 1878, Alexandra Yakovlevna Efimenko published a collection norms

she had gathered on the Saami, Karelians, and Nenets, titled *Folk Legal Customs of the Lapps, Korelovs and Samoyeds of Arkhangelsk Province*. In 1887, under the Commission for the Collection of Folk Legal Customs, Nikolai Kharuzin published *Collection of information for studying the life of the peasant population of Russia (Customary law, rituals, beliefs, etc.)*.

In the West, the ethnographic approach to studying law and social norms started to be developed by anthropologist Edward Adamson Hoebel (1906–1993) and law professor Karl Llewellyn (1893–1962). Together, they studied law among the Cheyenne indigenous people of the Great Plains. By listening to the recollections of elders, they were trying to understand and analyse how the Cheyenne were solving disputes. Hoebel and Llewellyn's study (published in 1941) offered a new, heretofore unknown approach to studying law, which became a prevalent way of doing legal anthropology for decades.

One follower of their method was Max Gluckman (1911–1975), a South African anthropologist. He conducted empirical research among the Barotse people (and a sub-group of Lozi people) in Northern Rhodesia, which is today's Zambia. Unlike Hoebel and Llewellyn, Gluckman focused on research in courtrooms, where he listened to trials in the Lozi language. In his work *The Judicial Process among the Barotse of Northern Rhodesia* (Gluckman 1967), he demonstrated that there are overarching values within diverse societies that form a basis for legal systems; thus there is a need for a cross-cultural approach to legal studies, to possibly construct an effective legal framework encompassing diverse societies, based on those similarities.

The work of Bronislaw Malinowski was ground-breaking for ethnographic studies of law. His 1926 study *Crime and Custom in Savage Society* explores legal order, crime, and punishment among the Trobriand Islanders (New Guinea). Malinowski places law within the broad spectrum of culture, at the same time arguing for the existence of both law and culture in tribal societies, an idea that was questioned for centuries. As he puts it, 'an ethnographer who sets out to study only religion, or only technology, or only social organisation cuts out an artificial field for inquiry, and he will be seriously handicapped in his work' (Malinowski 1926:11). In other words, an ethnographer who sets out to study law only in the most specialised context is extracting an artificial research environment which overlooks a society as a system of interconnected issues. Methodologically, the studies of Malinowski brought breakthroughs in ethnographic research for decades to come by putting emphasis on long-term fieldwork and participant observation. His methodology was straightforward: Know the people, live among them, speak the language they do, take field notes, and interview diverse informants. This approach minimises the risk of ad hoc generalisations based on singular experiences that cannot be translated on the metalevel beyond one person's perspective (Griffiths 2002). In this sense, Malinowski argued that it had been exactly the lack of long-term fieldwork within communities that led to false conclusions about the law in those societies.

The approach I am following in this thesis embraces Malinowski's call for long-term ethnographic fieldwork.

4.1 Legal ethnography: An interdisciplinary endeavour

The legal anthropology discussed above forms the overarching research approach of this thesis. In this section I address legal ethnography as a particular method of fieldwork-based research, which always involves exploratory and nuanced reportage. In order to see the world as another sees it and to comprehend the perceptions of reality and the choices made on the basis of those perceptions (Kidder 2002), there is a need for respect, understanding, imagination, and empathy. Simultaneously, researchers should be able to draw analytical insights, be critical, and analyse power relations and injustices they witness in the field, which certainly requires open-minded immersion during fieldwork. To do that, a researcher employs different methods, like interviewing, participant observation, engaging in casual conversations, collecting audio-visual materials, and conducting document analysis. There should be no clear-cut separation between collecting and analysing the data (Starr and Goodale 2002a; 2002b; Strauss and Corbin 1997). This makes the research process very flexible and interrelated – collection, interpretation, and data analysis take place simultaneously, and writing constitutes a central part thereof.

Once ethnographers enter their field and begin to engage in social processes and people's relations, they need to 'go with the flow', as they will encounter unexpected situations and may face abrupt reactions from the people they meet that they could not have predicted in advance. A researcher needs to be prepared for uncertainty and to remain flexible and adaptive, not only with the choice of research tools but especially with one's conscious attitude to changing circumstances (Goodale 2002). That said, ethnographers should nevertheless be well prepared to enter the field, as doing ethnography is not simply a matter of 'hanging out' with field partners, but entails an informed use of research techniques (Nader 2002; Starr and Goodale 2002a; Walmsley 2018).

Nevertheless, in different ethnographic studies, it is crucial to be aware that ethnography is also not merely a 'tool kit' from which a researcher can choose and apply research techniques (Coutin 2002). Laura Nader (2002) also notes that legal ethnography is not synonymous with fieldwork. Although legal anthropologists (primarily with a law background) have found interviewing or participant observation indispensable tools for studying sociolegal problems, the use of such techniques does not make a fieldwork project an ethnography as such (Nader 2002). Nader notes that, 'in ethnography, the methods are subordinate to the questions being pursued. Methods become eclectic because loyalty to a single technique, even something like participant observation, commonly stultifies research' (Nader

2002:198). I would add also that ethnography is much more than fieldwork, in the sense that the ethnographer builds deep and personal relations with diverse people in the field who are already situated within social settings and groupings (Coutin 2002). The ethnographer is not only an outside observer of the social processes, but through the process of ‘partial socialisation,’ they can eventually acquire an almost insider-like perception of events (Dudeck 2014). Engaging in field ethnography as a complex process of knowledge production is not merely a research technique; it also involves the mutual influence and responsibility of a researcher and field partner in their reciprocal meaning-making of social events (Coutin 2002).

That said, ethnographic research does not begin with a firm hypothesis that is to be tested, and neither does it set out to confirm or dismantle some general overarching theory (Choongh 2007). The researcher will spend most of their time looking at a particular social context, reaching a deep understanding of how the actors within its structure interact with each other and the outside world. This profound understanding of practices and representations of selves may lead to theory-building. Yet this cannot be expected, guaranteed, or scheduled; thus, a new theory cannot be an indicator of the success of the project, as no ethnographic project will ever run exactly according to the plan (Choongh 2007). There will be always questions that were not asked, events that were missed, and people not met. Nevertheless, if theory emerges out of collected data, it will be forged in a middle ground between prior theoretical debates and the practice of meaning-making that is heavily inscribed in the field.

4.2 Ethnographic field research in the Komi Republic and Nenets Autonomous Okrug, 2021–2023

In my research, I have combined several sources of data deriving from fieldwork in the Komi Republic and the Nenets Autonomous Okrug: semi-structured interviews and informal conversations (documented through notes); participant observation (documented through field notes); and audio-visual materials (documented through recordings and photographs). In this section, I elaborate on the methods I used during the field research and shed some light on what difficulties I encountered during this process.

Ethnographic field research among the Izhma Komi people forms the basis of this dissertation. I shared everyday life with some of the Izhma Komi in 2021 (8 weeks), 2022 (3 weeks), and 2023 (9 weeks).

At this point, it is important to indicate that the Izhma Komi population is primarily concentrated in the Komi Republic, especially the Izhemskii District. There are also multiple Izhma Komi communities living in diaspora, scattered across the Kola Peninsula in the west, the Khanty-Mansi Autonomous Okrug in the east,

and the Nenets Autonomous Okrug in the North. Especially when it comes to their cultural rights and everyday realities, it is important to cover more settlements than just those in the motherland of the Izhma Komi.



Map 1: Illustrates the Komi Republic and NAO on the map of the Russian Federation
Map 1: Arto Vitikka, Arctic Centre, University of Lapland Border data: Runfola, D. et al. (2020) *geoBoundaries: A global database of political administrative boundaries. PLoS ONE 15(4): e0231866. <https://doi.org/10.1371/journal.pone.0231866>*

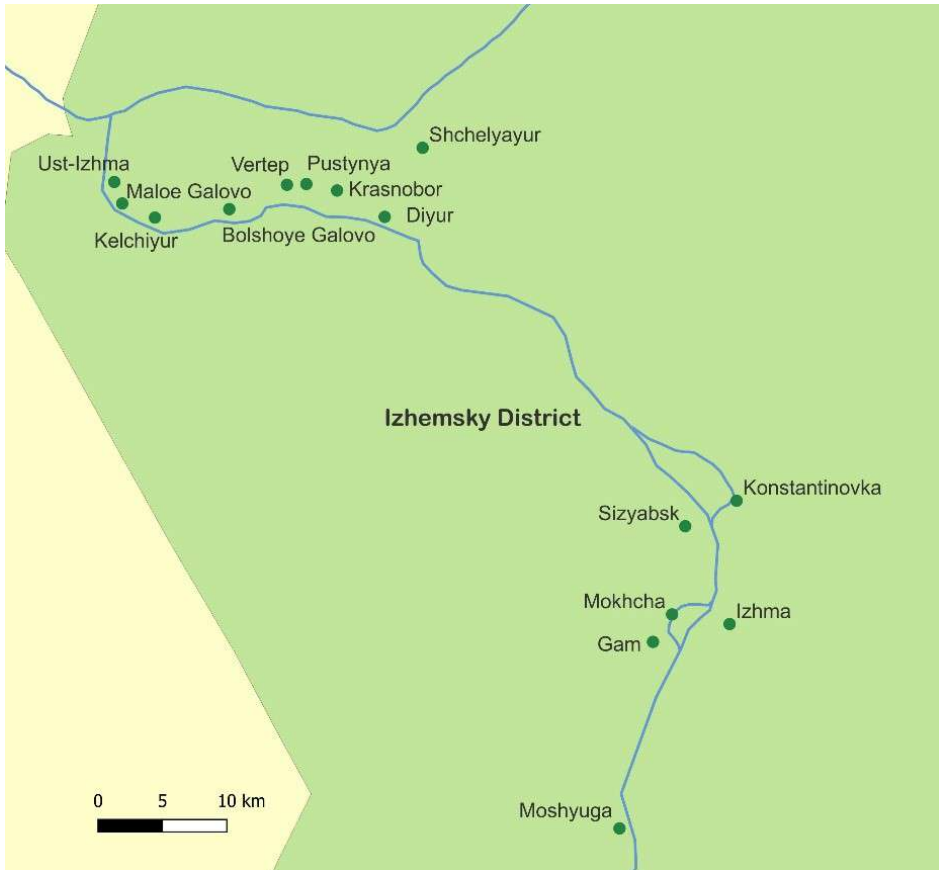
The ethnographic research for this thesis took place mainly in Izhemskii District of the Komi Republic, but I also visited the cities of Syktyvkar (the capital of the Komi Republic), Vorkuta (in the northeast of the Komi Republic), Naryan-Mar (the capital of the Nenets Autonomous Okrug [NAO]), the village of Krasnoe (NAO), and the Bol'shezemel'skaia tundra (northeast from Vorkuta).



Map 2: Illustrates main field sites in the Komi Republic and in NAO.

Map 2: Arto Vitikka, Arctic Centre, University of Lapland Border data: Runfola, D. et al. (2020) geoBoundaries: A global database of political administrative boundaries. PLoS ONE 15(4): e0231866. <https://doi.org/10.1371/journal.pone.0231866>

During the course of the fieldwork, I lived continuously in the village of Izhma (administrative centre of Izhemskii District), which became a basecamp for visits to the other villages along the left and right banks of the Izhma River. From the right bank, I interviewed field partners and conducted participant observation in Syziabsk, Mokhcha, Bakur, Gam, and Mash'iuga. On the left bank, I visited the so-called *Nizhnie Kusty* ('lower bushes', a maximum of 70 km from Izhma): Shchel'iaiur, Ust'-Izhma, Vertep, Pustynya, Krasnobor, Diyur, Bolshoye Galovo, Maloe Galovo, Kelchiyur, and Shchelyayur.



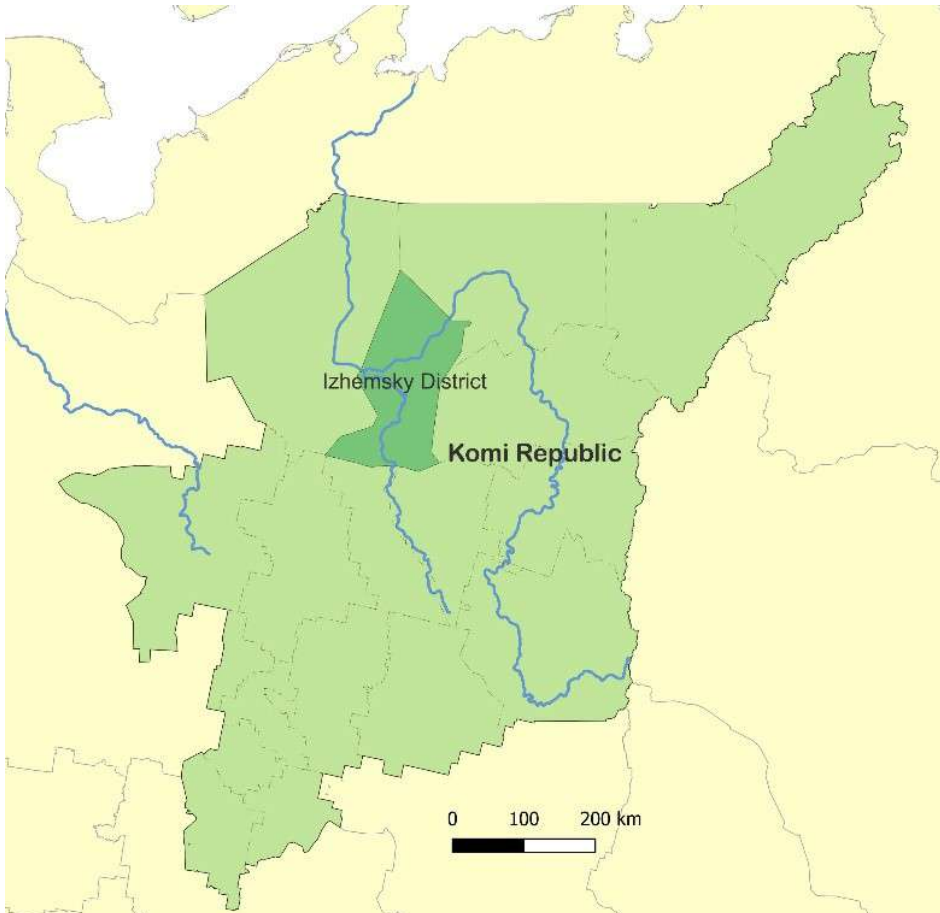
Map 3: Illustrates all field sites in Izhemskii District of the Komi Republic.

Map 3: Arto Vitikka, Arctic Centre, University of Lapland Border data: Runfola, D. et al. (2020) *geoBoundaries: A global database of political administrative boundaries*. PLoS ONE 15(4): e0231866. <https://doi.org/10.1371/journal.pone.0231866>

As Russell Bernard rightly noted, ‘researchers don’t usually pull research sites – like villages – out of a hat. They rely on their judgment to find one that reflects the things they are interested in’ (Bernard 2011:146). Indeed, the selection of the research sites was driven largely by my connections with reindeer herding cooperatives, and thus reindeer herders and tent workers (both active and retired). After my first fieldwork in 2021, it became clear that the village of Izhma and Izhemskii District were the right places to find out more about language policies and folklore, yet reindeer herding, despite the ‘Izhemskii Olenevod i Ko’ cooperative office in Syziabsk, was not well represented in the village discourses. The main reason was that reindeer herders employed in the ‘Izhemskii Olenevod i Ko’ cooperative mainly came from the villages of Syziabsk (along the Izhma River), Kipievo, and Brykalansk (on the Pechora River), and for ten months (April–January) they migrated with their herds across the Bol’shezemel’skaia tundra towards the North, crossing the border between the Komi Republic and the Nenets Autonomous Okrug. The herders migrated about 500 km one way, and any transfers (supplies or people) to the tundra were rare, because that part of the tundra was difficult to access from any point of the district due to the lack of infrastructure and the great distances. One would have to leave with the herders in April from the villages along the Pechora River and stay as long as needed, until some transportation option emerged, which might be only in a couple of months. Since this thesis is not per se about reindeer herding and I also did not have enough time to do research in the tundra, I decided to engage with only those Komi reindeer herding brigades which passed by in close proximity to the settlements. In this way, my field sites became Vorkuta and Krasnoe.

a) Izhemskii District:

Izhemskii District lies in the north-western part of the Komi Republic. Being located in the extreme northern taiga, it belongs to the regions of the Far North of the Russian Federation.



Map 4: Illustrates Izhemskii District on the map of the Komi Republic

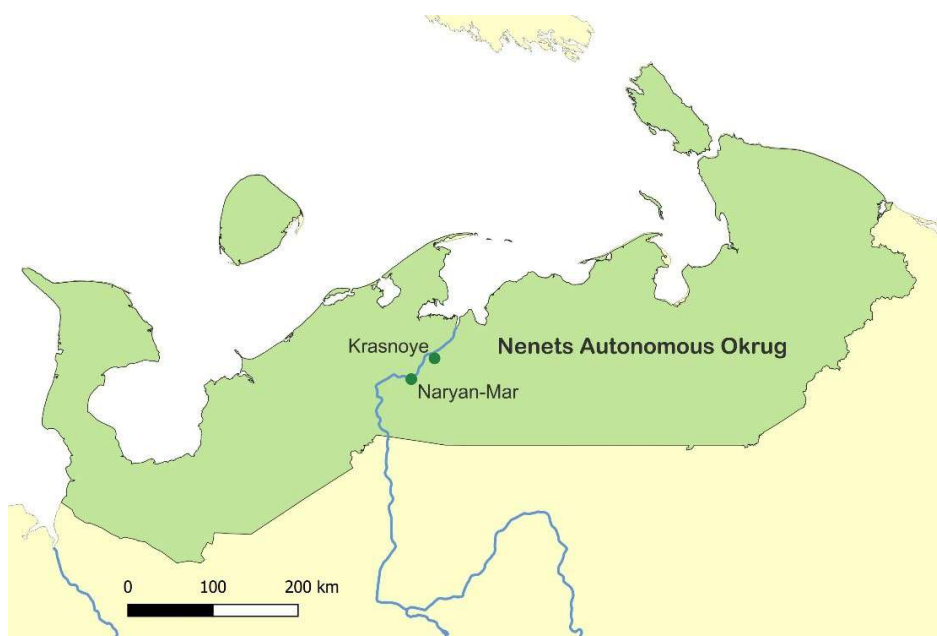
Map 4: Arto Vitikka, Arctic Centre, University of Lapland Border data: Runfola, D. et al. (2020) geoBoundaries: A global database of political administrative boundaries. PLoS ONE 15(4): e0231866. <https://doi.org/10.1371/journal.pone.0231866>

The vast majority of the district is covered with forests, predominantly spruce and pine, intertwined with many natural meadows and swamps, especially in the lower reaches of the Izhma River. The village of Izhma, which has about 4,000 inhabitants, forms the administrative centre of Izhemskii District. Izhma is located 600 km north of the capital of the Komi Republic, Syktyvkar, on the right bank of the Izhma River. According to the 2021 census (Russian Federal State Statistics Service 2021), the population of the district is 17,000 people, and Izhma Komi are the majority (87 per cent). Other residents include Russians (10.7 per cent), Ukrainians (0.3 per cent), and others (1.3 per cent). The main branches of the economy are animal husbandry and agriculture, focusing on potato, dairy, and meat production (horses, cattle, and reindeer). Reindeer herding, even though slowly decreasing, is still a form of livelihood for 300 people from the district, who are employed in the reindeer herding cooperative 'Izhemskii Olenevod i Ko' (field data 2021-2023). Industry in the district is not well developed, besides fragmented timber production and limited oil extraction.

b) Vorkuta:

Vorkuta is the third largest city, after Syktyvkar and Ukhta, located in the northeast corner of the Komi Republic, 1,100 km from Syktyvkar. Vorkuta is inhabited largely by Russians (77 per cent), Ukrainians (9 per cent), Tatars (3 per cent) and Komi (1.7 per cent) (Russian Federal State Statistics Service 2021). The city lies on the permafrost border, and is surrounded on all sides by the Bol'shezemel'skaia tundra. There is no road connection to the town; the only means of transportation are railway and aviation. Vorkuta grew rapidly from the 1960s to the 1980s due to coal extraction, but when in the 1990s most of the coal mines were deemed not profitable and closed, the population shrank by 50 per cent in comparison to its peak in the 1980s (Museum of Local Lore, Vorgashor, exhibition 2023). Nowadays Vorkuta has 57,000 inhabitants living among hundreds of abandoned buildings, and even whole neighbourhoods within Vorkuta have been abandoned. Those inhabitants who stayed in the area are either pensioners, or are employed by state institutions, or work in one of the few remaining jobs in the coal industry, or are reindeer herders associated with the reindeer herding cooperative 'Olenevod', which employs 200 people (Museum of Local Lore, Vorgashor, exhibition 2023).

c) Naryan Mar/Krasnoe:



Map 5: Illustrates the filed sites in the Nenets Autonomous Okrug
Map 5: Arto Vitikka, Arctic Centre, University of Lapland Border data: Runfola, D. et al. (2020) *geoBoundaries: A global database of political administrative boundaries*. *PLoS ONE* 15(4): e0231866. <https://doi.org/10.1371/journal.pone.0231866>

Naryan Mar is a sea and river port town and the administrative centre of the Nenets Autonomous Okrug, which is bordered to the south and east by the Komi Republic. Naryan Mar is inhabited mainly by the Russians (73 per cent), but also Nenets (6 per cent) and Komi (4 per cent) populations (Russian Federal State Statistics Service 2021). The region's economy is based on gas and oil extraction, making Naryan Mar one of the richest cities in Russia when looking at per capita income. Transportation to and from the Komi Republic and mainland Russia is difficult, as there is no permanent road connection nor any the railway. During the winter, Naryan Mar and Usinsk (Komi Republic) are connected by a winter road (possible when rivers and tundra are frozen), but during summer the only possible transportation in and out of Naryan Mar is by plane or by cargo ship (*teplokhod*) on the Pechora River to Shchel'iaiur (Komi Republic). Culturally, the (Izhma) Komi population is represented in the okrug by the Ethnocultural Centre in Naryan Mar, which hosts the Department of Komi Culture. The department organises Komi cultural events, and is greatly involved in research and folklore collection (field data 2023). An hour north of Naryan Mar (by boat or car) is the village of Krasnoe

(with about 1,500 inhabitants), where reindeer herding is an important part of the people's livelihoods. The reindeer herding cooperative 'Kharp', based in Krasnoe, employs both Nenets and Izhma Komi reindeer herders, and hosts a reindeer fur handicraft factory (personal observations in 2023). Because of the relative proximity to the tundra and the shorter migration routes (in comparison with the 'Izhemskii Olenevod i Ko' cooperative), village residents quite often can reach the reindeer herding brigades to buy meat or fur, while people from the reindeer brigades order from visitors from villages other goods, making mutual relations frequent (field data 2023).

4.2.1 Interviews

When conducting an ethnographic study about cultural rights, one runs the risk of interviewing only people professionally involved with 'culture' or other ethnic activists who are knowledgeable enough on the topic. These are often people who have higher social status in terms of their social authority, and thus can be the first point of encounter for a newcomer to a village, particularly in the context of the Russian 'provinces'. In the case of my research, these were administration workers, local officials, activists, and people working in public organisations, a group broadly called the intelligentsia. Due to their 'front stage' (Stammler, Ivanova, and Sidorova 2017) positions, and also because they had been trained to receive and interact with visitors, they were the most visible to me and thus the easiest to approach. Therefore, those interlocutors quite often had universal and standardised answers to most of the questions I asked at the beginning of the first conversation. The narratives that they shared, unsurprisingly, often tended to overlap with what one could read in local newspapers or come across in official press releases. Sometimes I had a feeling that they knew exactly what I wanted to ask, and provided me with ready-made answers. For instance, during my first meeting in the summer of 2021 with Irina Koroleva, the head of Izvatas, she struck up a conversation in which she largely repeated what she had already said in an interview published in the newspaper *Region* in November 2020 (Region 2020). In such cases, long presence in the field enabled repeated conversations which, especially in more informal settings, could help to 'break the ice' and allow for more nuanced discussions. Even though the support of the village intelligentsia can legitimise the researcher's presence in the field, at times it can prevent them from interacting with other important informants; fortunately, this did not happen during my fieldwork (Bernard 2011). Although I do not wish to undermine the intelligentsia's input in ethnographic legal research, I find it crucial to complete the picture and thus engage with people who are not involved in any political or cultural initiatives. Nevertheless, community leaders can serve as a starting point in the snowball method of encountering diverse interviewees across the village, to eventually reach less 'front-stage' interlocutors. Eventually, the roster of my interviewees included activists, researchers, representatives of public

movements, local officials, cultural workers from local museums, houses of culture, and libraries, school teachers, kindergarten teachers, journalists, entrepreneurs, as well as reindeer herders, tent workers, hunters, fisherman, pensioners, and ordinary village inhabitants from a variety of professions. Altogether, I interviewed one hundred people. Although I met most of them only once, often enough the conversations with those interviewees turned out to be groundbreaking for my understanding of village dynamics and for noticing nuances.

Bernard noted that ‘all successful ethnographers will tell you that they eventually came to rely on one or two key people in their fieldwork’ (Bernard 2011: 151). That was also true in my case. Out of all my interlocutors, there were four people whom I met frequently, very often daily, or with whom I lived for a period of months. All of the people I interacted with knew a lot about their cultural practices and knew the village dynamics. For their own reasons, they were willing to share their knowledge and time with me. While doing ethnographic research, I developed close relationships which will hopefully last for years. As Bernard states: ‘You don’t choose these people. They and you choose each other, over time’ (Bernard 2011: 150). Indeed, in the process of ‘partial socialisation’, I connected with people with whom I could address openly my concerns and confusion. They all helped me greatly to understand better the internal processes, cultural particularities, and community structures. There were two types of such people. On the one hand, there were pensioners who had known the village population across the generations and were often active in folk groups; they had time on their hands and were willing to spend it with me. There was a big dose of loneliness in these people’s lives, a need for companionship, and I believe this accounts for their eagerness to enter into a grandmother-like role towards me, to feel needed by someone and to share the knowledge that they had not been able to share so far with the younger people. I lived with one of these pensioners, while another would always treat me with food, and with another I would chat frequently. While many of them asked about translated and published versions of my work, they also valued the countless hours I spent with them and the help I provided with household chores. The other group was the cultural workers; they appreciated someone showing interest in their job, and they saw in me and my research a way to promote Izhma culture along with particular individuals who were responsible for the development of that culture. This could possibly translate for them into recognition from the local and republic administration as those promoting international cultural cooperation.

My approach was to allow the interviewees to choose their own narratives within the broad topic of Izhma Komi culture, especially since different people would find different elements of cultural practices more important than the others, and would or would not engage in local culture. That said, in my conversations with the community members I tried to frame questions in such a way that they related to each informant’s own experiences.

I avoided abstract and theoretical questions which could hamper spontaneous answers and leave the interviewee confused, with possible feelings of being not knowledgeable enough about their own traditions. For instance, a starting question would be, 'I would like to know: what do you value in your culture/traditions?' This would give a person the chance to narrow down the topic of conversation, by choosing the cultural elements most important for them. For some, it would be folklore or language, while for others it would be reindeer herding and reindeer fur art. From there onwards, I would adjust my questions to the flow of the conversation, and possibly ask more specific questions, such as: 'How did you learn that? Was this a family tradition? Is this tradition still present in your life/your family's life? How do you keep it alive?' I refrained from asking question after question from a list, instead allowing each interviewee to steer the conversation in the direction they found relevant from their own perspective. Therefore, conducting an interview was not only a means of generating 'data', but formed a process of mutual exchange between researcher and field partner (Coutin 2002). While informants would follow their own understandings when answering my questions, by asking questions I would enter ongoing debates or open new discussions in the villages. To give a few examples: Before I started asking diverse people about why fur art had been largely discontinued in Izhemskii District, many people had not given much thought to that question, including cultural workers. They just took it as a fact, that fur art 'is not necessary anymore', and were quite surprised that I was interested in that. One person in the village of Izhma even commented that 'if a foreigner is curious about fur mosaic, maybe there is some value in it [which we missed]'. Another example is related to the 'Lud' festival (for more on the topic see articles 3 and 4, and section 8.3). There was an ongoing discussion between the organisers of the festival about introducing a market on the festival day, during which both local and non-local traders (e.g., from former Soviet republics, like Tajikistan) could sell different goods. While some people supported the marketplace, arguing for more entertainment for the visitors, others were strictly against it. After the 'Lud' festival in 2023, some of the cultural workers in Izhma asked for my opinion on the matter, as for them I was already an in-between person – on the one hand, an outsider, on the other hand, not so much anymore, as I had been living in Izhma continuously and studying the cultural practices. Knowing my opinion, they brought it to the local administration as another voice in the discussion.

A final example is from the beginning of my first fieldwork. The library in Izhma organised an open meeting with me, during which I gave a presentation addressing who I am and where I come from, told about my family and about Polish and Finnish traditions, and shared private pictures. I appeared as a human being, not as a researcher, pointing out cultural similarities between Polish, Finnish, and Komi contexts. The event attracted a lot of attention from the local population, to the extent that the library was packed. Thus, together with the library staff, we decided

to organise two more meetings, inviting people from other villages, including school children from Syziabsk. Those meetings greatly helped me to enter the field, as many of the local people whom I approached later would immediately say that they had already heard about me, or saw my picture in the local newspaper. The fact that my presence in the villages was announced by the local library as well as in the newspaper article made it easier for me to start conversations with local people. Many interlocutors, knowing my personal and cultural background, would ask questions of me, for instance about my family, the education system in Finland or Poland, the job market, and reindeer herding practices in Finnish Lapland.

Most of my conversations would last around two hours; however, several conversations lasted five or six hours. I also had several repeated yet shorter conversations with many of the field partners, including people from within my closest circle. Thus, often enough it was challenging to draw a clear-cut boundary and categorise an encounter I had as either an interview or a casual conversation.

4.2.2 Participant observation and long-term field commitment

Techniques for gathering ethnographic data are never purely neutral. The researcher is always placed 'among a group of people who are engaged in a particular set of activities' (Coutin 2002:108). Participant observation is not about observing what people are doing but about establishing and entering social relations, which come with alliances, obligations, duties, expectations, and mutual trust. Taking part in practical activities, although not the sum total of participant observation, is nevertheless a means through which a researcher and field partners can become involved in relationship building. Therefore, one of the most fruitful ways to gain insider feeling and thus knowledge is to become accepted as a household sharer, and 'stalk culture in the wild' (Bernard 2011: 258). This is what I did in the course of my research. During all three field visits, while also working in Syziabsk, I lived with an elderly Izhma Komi woman who was born and lived her whole life in the village of Izhma. With her, I built the strongest and deepest relationship. Thanks to her, I got much more of an insider's glance. This pertained also to learning about everyday activities, such as how and what to eat, where to buy (or from whom to order) the best quality food, how to wear an Izhma costume, how to use the *bania* correctly, and which herbs to collect and when, so that they could serve as the best medicine for different illnesses. Ultimately, participant observation involves immersing oneself in interpersonal relations in order to notice what is unspoken, to ask more meaningful questions, to better understand the answers, and eventually to co-produce experiential knowledge (Bernard 2011). Yet, participant observation also involves learning how to detach oneself from that immersion in order to put those experiences into perspective and eventually draw conclusions.

For Herbert Kritzer (2002), the optimal research project would use a combination of both interviewing and observation. By interviewing, a researcher

receives only the straightforward information an interlocutor wishes to reveal (Bens and Vettters 2018). Even the most skilful researchers can retrieve only a fraction of the material, proving the limitations to pure interview methodology. Participant observation allows the researcher not only to see the unseeable, but to verify against the data gathered from initial and ongoing interviews. Participant observation helps the researcher to notice the subtle messages that the field partner does not fully disclose in an interview. I remember one such situation when I tried to understand ‘who decides’ about the Izhma Komi culture. After a series of conversations with cultural workers and administration workers, which always took place separately, I still felt that something was missing; but none of the conversations could point me to the answer. This was until I met with both a cultural worker and an administration worker in a common, semi-formal event. I noticed that these two people, who both held social and cultural authority yet seemed only loosely connected, called each other by diminutives of their names – for instance, the full name Tatiana Kirilovna would be shortened to Tanya. In the Russian context, people use this diminutive form only when they are in a good, close, and often private relationship with someone. It became clear that the personal relationship between these two people conditioned and largely supported the official cooperation between their respective institutions, which neither of them could tell me openly.

To be able to cross-check the researcher’s understandings of different narratives and situations, the ethnographic research process requires a significant time commitment, as observation is simply extremely time-consuming. Much of the time spent in the field can be relatively unproductive, as a researcher witnesses a wide variety of processes and events, not only those relevant to their study (Kritzer 2002). More than that, because a researcher can be present only at one place at a time, and will encounter only a limited number of people, the sum of sources is limited, and the probability of missing out on something important happening elsewhere is high, which poses questions of credibility (Kritzer 2002). I remember a situation in which I had to choose between two events taking place at the same time, not knowing what I would lose and what I would gain. That is part of the unknown. Long-term ethnographic fieldwork allows one to understand a significant part of the process, while at the same time identifying with particular people and situations.

4.2.3 Language

There are two official languages in the Komi Republic: Komi and Russian. While in Izhemskii District most of the population speaks the Izhemskii dialect of Komi as the primary language, everyone is equally fluent in Russian. However, as in many other parts of the Russian Arctic, the knowledge of the local language is gradually disappearing, particularly among the younger generations (currently elementary school children), both in rural and urban localities. In other regions I visited, mainly

Nenets Autonomous Okrug and Vorkuta District, knowledge of Komi was not self-evident, and most of the interlocutors did not speak the language. Obviously, which language to choose for ethnographic research is a crucial question. I conducted all my interviews in Russian, since I do not have Komi language skills; therefore, Russian was the main language of my field visits. This choice of language and my existing language skills did not condition my acceptance by the Izhma Komi community for two main reasons: the entire population is bilingual, and Russian language is widely used, especially in the administration and in legislation. Statistically, it would be more likely to encounter a Komi person who does not speak the Komi language than a Komi person who does not speak Russian. Secondly, using the Russian language while speaking with a non-Komi person was an obvious choice for my interlocutors. Nevertheless, a couple of times I had conversations where I needed the help of a Komi speaker to understand my target interviewees. In all cases, these were people from the older generation born in the 1920s and 1930s who, despite the fact that they spoke some Russian, often mixed the two languages. As a non-Russian citizen who is not a native speaker of Russian, I was in the position of a minority towards the majority of Izhma Komi and also Russians in the district. The Russian language was a tool to communicate with the local populations and not a tool of dominance or subordination. Since the fieldwork and all the conversations were conducted in Russian, in this thesis I use the Russian language in direct quotations, as well as Russian vocabulary to describe some of the particularities and features of Izhma Komi culture, such as their handicrafts, but also in referring to the Izhma Komi themselves (people used the word ‘Izhemtsy’ to refer to themselves while speaking Russian).

4.2.4 Gender and ethnic composition

A significant number of my interviewees were people who identified themselves as Izhma Komi or Komi.² The inhabitants of Izhemskii District are 87 per cent Izhma Komi (Russian Federal State Statistics Service 2021); thus, by default, most of my interlocutors were Izhma Komi. In other regions that I visited, namely Nenets Autonomous Okrug and Vorkuta District of the Komi Republic, I was purposefully looking for people of Komi origin. In Izhemskii District, I only once had a situation in which I encountered a Russian person who immediately mentioned their non-Komi origin. Thus, unlike other researchers working among ethnic communities in the Russian north, I did not encounter the challenges of identifying people’s ethnicity (Afanasyeva 2019).

Most of my interviewees were women (61) rather than men (22). There are three main reasons for that. First of all, the Russian Census of 2021 shows that from the

2 See section 6 for more on issues concerning self-denomination.

age of 35, the proportion of men and women in the Komi Republic is gradually diversifying, demonstrating a greater number of women than men (Russian Federal State Statistics Service 2021). Second, historically the Soviet gender role system and educational politics allocated the sphere of culture to women (Vladimirova and Habeck 2018). They were more often at-home workers responsible for educating the children, running the household, and keeping the hearth and home, while also working in 'female' professions, like nurses, teachers, and librarians. By contrast, men worked in oil companies, often on the shift system, spending time in the forest, fishing, and hunting, and some of them were involved in semi-nomadic reindeer herding. Thus, Izhma Komi cultural practices are gendered, with a clear separation into female and male cultural components, even though mixed elements are also present.

Those gender roles also affected my position in the field. When I first arrived in the village of Izhma out of nowhere, I was 27 years old, a young woman (*devushka*), Slavic, myself from a post-socialist country, quickly grasping many socio-cultural similarities. I was not as exotic as many of the local people had hoped me to be. Thus, the village community automatically allocated me to the more female environment, despite my versatile interests. This was reflected in my conversations with Izhma Komi community members. For instance, when having talks with female cultural workers or elderly women (often in 'kitchen talk' situations), my interlocutors would be very eager to share all their knowledge about cuisine, traditional medicine, costumes, or folklore with me. I could enter very profound and lengthy discussions with a better grip on the topic and the full involvement of both parties. Yet, while having conversations with men concerning the topics of hunting, fishing, or herding, I faced challenges in overcoming the pre-set gender roles. Often, men would be surprised that a 'girl' was interested in manly topics. Although no one refused to meet and talk with me, my being a woman determined the benign answers I got from many Komi men. I never met with any forms of disrespect; yet, I could not gain equally profound insights on 'men's topics.' Often my male interlocutors would say, 'men go fishing and hunting' (*muzhchiny zanimaiutsia rybalkoi i okhotoi*) or 'men apply for hunting licences' (*muzhchiny obrashchaiutsia za okhotnich'ei litsenziei*). If I asked whether a woman could also apply for permit and go hunting, clearly confused hunters would answer, 'yes, they [women] can as well, but this is not really practiced' (*da, oni [zhenshchiny] tozhe mogut, no eto ne osobo praktikuetsia*). It was clear to me that gender roles were something I could not easily overcome; therefore, on my next field visit or in a different locality I focused more on the female dimension of what were otherwise male occupations. For instance, during my visit to the tundra, I stayed with women and learnt from them how to put up a tent, how to prepare reindeer meat, how to prepare reindeer fur for sewing, while the men left the camp to look after the reindeer. The existing literature (Habeck 2005; Dwyer and Istomin 2009) also shows an overwhelming focus on the male-oriented

aspects of northern/Arctic livelihoods, while female perspectives are overlooked, even by female researchers (Loginova and Wilson 2020). Because of this and my pre-determined gender position, I focus in this thesis more on the female take on culture, livelihoods, and rights.



Illustration 1: On the left: Domna Fedorovna Arteyeva making bliny (pancakes) on the chum stove (pechka) using two types of reindeer fat and sugar, summer 2023, east from Naryan-Mar. On the right: worker of the reindeer herding cooperative 'Izhemskii Olenevod I Ko' making reindeer boots (pimy), Syziabsk, summer 2021

4.2.5 Fieldnotes

I did not record any of the interviews I did. This was a personal choice not to record the conversations. There were two reasons for this: First of all, if I were in the position of an interviewee, I would not want to be recorded myself, and I did not feel comfortable recording others. Despite many assertions in the anthropological literature (for instance: Bernard 2011) that recording a conversation does not hamper its flow and does not restrain the interviewee from providing honest answers, I am of the opinion that it still does, to a greater or lesser extent. This opinion is also based on the statement of some of my field partners, who had previously experienced being interviewed and recorded by Russian students who came to the district. They found this situation unsettling, with a remaining aftertaste of being 'chased' by the students. One of the field partners remarked that they were happy I was 'not chasing them with recorders, but writing things down'. Recording a conversation is also not a requirement for thorough and ethically coherent research (see AAA nd), even though the practice of recording has become widespread in current ethnographic

and anthropological studies. Another reason for not recording conversations, besides personal choice, was the need to provide a sense of security to my interlocutors. I was the first foreigner to come to the villages in about eight years, and the most important concern to me was to build trust and deep relationships with the local population. Moreover, all of my field visits happened in peculiar times. The first one, in May–July 2021, took place when the COVID-19 restrictions were still in force, and only certain categories of foreign nationals could enter the Russian Federation, after thorough anti-viral testing. Moreover, this was also the time when a big oil spill happened on the border of NAO and Komi, and the political situation in the region was tense. The second (October 2022) and third (May–July 2023) took place during the war with Ukraine when even fewer foreigners were traveling to Russia, especially to remote areas of the North. A foreigner with a recording device would not, therefore, arouse the trust of the local people and the officials, and could also put the researcher at risk of being excessively questioned by the special services. Having any data carrier which could have been potentially confiscated from me also posed a threat to my informants, who during the interview might have revealed their personal opinions on different touchy topics.

Thus, I felt that, in that particular place and time, recording conversations would not be beneficial for anyone. Instead, during a conversation, I took notes by hand in a notebook, writing mostly direct quotes but also keywords. The approach of taking notes in the ‘old-school’ way, in a notebook using a pen, gained people’s appreciation, since it gave them an impression that I was more engaged in saving and understanding their narratives. Just after each interview, I wrote up a ‘clean’ and much more elaborated version of the notes from the interview, again in a notebook. Therefore, I not only clarified things for myself and memorised details better by writing them down again; I also added my own comments, which was already a part of the data analysis process.

Both the first and second run of notes were taken in three languages simultaneously: Polish (my mother tongue), Russian, and English, often combining all of them in one sentence, using two alphabets. I did not do it purposefully; it just came out as a natural way of taking notes during the flow of conversation, when the notes had to be done quickly, without interrupting the narrative of the interlocutor. The ‘choice’ of which language depended greatly on the topic of the conversation. I used that language in which I could unconsciously relate to and understand better the storyline of the talk. For instance, while having talks about traditional medicine or sewing national costumes or reindeer fur items, I would take notes mainly in the Polish language, since the specialised vocabulary used by the interviewees to describe the processes is very similar to Polish wordings.

4.3 Legal analysis

A separate research method, but one that was also intertwined with the ethnographic fieldwork, was legal analysis, particularly reflected in article 1 of this thesis, but also articles 2 and 3. Insofar as article 1 reflects the doctrinal type of method, where I was analysing principles and rules of international law – human rights law and international cultural heritage law – in articles 2 and 3 I was identifying the relevant legal acts of Russian legislation and comparing the letter of law with the empirical data I gathered during ethnographic research. During that process I was able to verify the grassroots implementation of the legal norms enshrined in the legislation. Nevertheless, legal analysis is not the prevailing method used in this dissertation, since it does not serve the purpose of this study, which is to focus on the social life of norms and their relations with people and their culture. However, to know what the currently binding legal rules are, especially on the Russian side, I had to identify the relevant legislation. In the following table, I list the legal documents I analysed over the course of the research, both international and Russian. I use acronyms here; the full names of the legal documents are listed in the section ‘Acronyms and Abbreviations’ at the beginning of the thesis.

Table 1: A list of legal documents I used throughout the dissertation.

1. International law

Statute of the International Court of Justice 1945
UN Charter 1945
CERD 1965
ICCPR 1966
ICESCR 1966
ILO 169 1989
UNDRIP 2007

2. Human rights documents

UN Declaration on the Human Rights 1948
HRC General Comment nr 23 CCPR/C/21/Rev.1/Add.5. 22, 1994
HRC General Comment nr 25 CCPR/C/21/Rev.1/Add.7, 1996
HRC General Comment nr 31 CCPR/C/21/Rev.1/Add.13, 2004
CSCR General comments nr 13 E/C.12/1999/10, 1999
CSCR General Comment nr 21 E/C.12/GC/21, 2009
HRCouncil Report A/HRC/18/42, 2011
HRCouncil Report A/HRC/17/38, 2011
HRCouncil Resoultion A/HRC/RES/34/2, 2017

3. International Cultural Heritage Law

UNESCO Constitution 1945

Convention for the Protection of Cultural Property in the Event of Armed Conflict 1954

UNESCO WHC 1972

UNESCO ICH 2003

Framework Convention on the Value of Cultural Heritage for Society 2005

4. Federal laws of Russian Federation

The Declaration of the Rights of the Peoples of Russia 1917

Constitution of the Soviet Russia 1918

Constitution of the Soviet Union 1924

Decree, 'On the native peoples and tribes of the northern outskirts of the RSFSR' 1926

Decree 'On additional measures for the development of the economy and culture of the peoples of the North' 1957

Declaration of State Sovereignty of the Russian Soviet Federative Socialist Republic 1990

On the Languages of the Peoples of the Russian Federation 1991

Land Code 1991

On Fundamentals of the Russian Federation Legislation on Culture 1992

Treaty of Federation 1992

Constitution of the Russian Federation 1993

On the Protection of Wildlife 1995

On National-Cultural Autonomy 1996

On Guarantees of the Rights of the Indigenous Small-Numbered Peoples 1999

On General Principles of Organization the Indigenous Small- Numbered Peoples' Communities of the North, Siberia and Far East of the Russian Federation 2000

On Territories of Traditional Use of Natural Habitat of Small-Numbered 2001

On objects of cultural heritage (historical and cultural monuments) of the people of the Russian Federation 2002

On general principles of local self-government 2003

On Fishing and Conservation of Aquatic Biological Resources. 2004

On Hunting and on the Preservation of Hunting Resources and on Amendments to Certain Legislative Acts of the Russian Federation 2009

On Approval of the List of Places of Traditional Residence and Traditional Economic Activities of the Indigenous Small-Numbered Peoples of the Russian Federation and the List of Types of Traditional Economic Activities of the Indigenous Peoples of the RF 2009

On Amendments to the Federal Law On Guarantees of the Rights of the

Indigenous Peoples of the Russian Federation 'in Terms of Establishing the Procedure for Registering Persons Belonging to the Indigenous Minorities 2020

5. Republican laws

Constitution of the Komi Republic 1937

Constitution of the Sakha (Yakutia) 1992

Constitutions of the Komi Republic 1994

On national-cultural autonomy 2005

On Amendments to the Constitution of the Komi Republic 2009

Law on Reindeer Husbandry in the Komi Republic 2011

On the creation of unified register of objects of intangible cultural heritage of the Republic of Komi 2013

Strategy of national policy in the Komi Republic for the period up to 2025 from 2015

On hunting and on the conservation of hunting resources in the Komi Republic 2018

4.4 Ethical considerations

There are diverse formal requirements as well as life situations that researchers need to embrace when we 'study *with* people, rather than making studies *of* them' (Ingold 2018:10).

In the Russian context, unlike in other post-colonial countries, there are no guidelines endorsed by research or indigenous institutions for doing research with indigenous and ethnic communities. No Russian board or institution would assess the research plan and its quality of being right or appropriate for a particular community, purpose, and situation. Nevertheless, as a researcher, I have an ethical obligation to conduct the research at least in such a way that it does not harm anyone with whom I collaborated. Therefore, while planning and conducting ethnographic research among the Izhma Komi, I followed the ethical principles of research with human participants and ethical review in the human sciences (TENK Finnish National Advisory Board on Research Ethics 2019, 2023), the Code of Ethics issued by the American Anthropological Association (AAA, 2012), and the University of Lapland's policy on restricting institutional cooperation with Russia.

Throughout the research process, I was guided by the principle of transparency, thus addressing upfront the reasons for my presence in the region, as well as the topics I am interested in, as clearly as possible. It has been my duty to interact with the field partners always based on their free, prior, and informed consent regarding their participation in my research. They were informed and aware that the knowledge

they shared with me would be used in scientific articles and in this dissertation.

People's consent to take part in this research was negotiated before the conversation started, and was repeated afterwards. Even though the most preferable form of consent is a written agreement, I obtained consent only verbally, which is equally valid. The reason was mainly people's general memory of documents being 'fabricated' during Soviet times and even nowadays; institutions employ authority to manufacture documentation that may certify a voluntary decision that in fact is given under certain pressure. People also tend not to trust the legal systems that such written agreement would imply. They perceive themselves as unequal in front of the law in comparison to other societal actors, particularly powerful institutions, which they feel may be behind a researcher.

I decided to continuously and systematically pseudonymize all of the field partners, besides the name of the Head of 'Izvatas' who talked with me in her public function as a leader of the movement. By pseudonymizing, I mean that I rendered the field partners unrecognisable to the broader audience, even though I am aware they might be recognised within their respective social circles. I decided, further, not to reveal the identities of the people and thereby to protect the interlocutors in case unexpected circumstances were to appear in Russia. The data collected has been stored in safe online data repositories or in safe physical locations in accordance with the data storage regulations of TENK.

On the other hand, a large dose of ethical considerations that appear in the field are virtually impossible to solve by relying on official guidelines for doing research. In the field, even though everyone involved in research takes up a particular role – I as a researcher and others as research partners – we all are first and foremost human beings. Thus, I entered the field with a set of personality traits, social skills, vulnerabilities, and life experiences that shaped my perspectives and interpretations of social situations, and impacted my interpersonal communication with the interlocutors, who likewise brought their own features to the encounter. Entering and establishing relations with people, which as I discussed above is a crucial element of the ethnographic approach, requires a consciousness of how to navigate those relations. That is something we, as researchers, are not trained about. It is not only a matter of partial socialisation (Dudeck 2014); it is also about co-being with the people: how to respect someone's boundaries, how to set our own boundaries, how to react if our questions or casual situations trigger some unexpected emotional responses from the interlocutor, like grief, or sadness, or even flowing tears. In those very intimate moments, we are in a constellation of person-to-person, and researcher-to-interlocutor. Even though most of us do not have any psychological training, it is perhaps the responsibility of a researcher to become more familiar with those topics, as we aim at building deep, long, and healthy relations with people in the field.

5. The right to self-determination in Russia

When discussing the rights of the Izhma Komi, there are several relevant levels of legal regulations. I take into consideration international law and the respective treaties ratified by the Russian Federation, federal laws (both laws governing particular sectors as well as laws for the protection of small-numbered indigenous peoples of the North, Siberia, and the Far East), and the regional legislation of the Komi Republic.

Article 69 of the Russian Constitution (Russian Federation 1993) guarantees the rights of those groups holding KMNS status, in accordance with generally accepted principles and norms of international law and international treaties that the Russian Federation ratified. However, since the Izhma Komi are not recognised in the Russian domestic legal system as KMNS, Article 69 does not apply to them. Further, Article 15(4) of the constitution states that ‘universally recognised principles and norms of international law as well as international agreements of the Russian Federation should be an integral part of its legal system. If an international agreement of the Russian Federation establishes rules which differ from those stipulated by law, then the rules of the international agreement shall be applied’. Yet, considering that the Russian state did not ratify International Labour Organisation (ILO) Convention 169 on the Rights of Indigenous and Tribal Peoples (1989) (International Labour Organisation 1989), the convention recognising and protecting indigenous peoples’ rights worldwide did not become an integral part of Russia’s legal system. Russian officials justified this by claiming that most of the provisions included in ILO 169, as well as the spirit of the convention, already exist in Russia’s domestic legal framework, so ratifying the convention would be redundant (V.A. Kryazhkov and Garipov 2021). Nevertheless, if the Russian state had ratified ILO 169, the indigenous peoples on Russian territory would have been recognised based on self-identification criteria solely; thus, Russia’s own numerical threshold of 50,000 people (see below) and its territorial criteria would not apply. Furthermore, ownership and land rights of indigenous peoples to their ancestral territories would be recognised by a legally binding instrument. Moreover, in 2007, Russia abstained in the vote on the UN Declaration on the Rights of Indigenous Peoples (UNDRIP), which was the first document recognising the right to self-determination for indigenous peoples worldwide as a whole. Even though UNDRIP states deliberately in its Article 46(1) that nothing in the declaration can be interpreted as impairing the territorial integrity of any state, the right to self-determination is still seen by many

states as carrying the threat of being a Pandora's box, and this is particularly the case in multinational Russia.

Importantly, addressing that concern, Dorothee Cambou (2019) stresses that the right of indigenous peoples to self-determination should not be seen as situated within international law on decolonisation, which would imply that indigenous groups intended to create independent states.³ Instead, it should be approached from the human rights perspective, as originally established in two covenants from 1966: the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR). In 1973, the Soviet Union ratified both documents, which became part of the domestic legal order. These ratifications remain in force up to the present, as the Russian Federation is a legal successor state of the USSR.

Both of the covenants in their respective Articles 1 equally proclaim the right of *all* peoples to self-determination, and not only the colonised ones. In that respect, the Human Rights Committee clarified that, 'by virtue of the rights covered by Article 1(1), peoples have the right to freely determine their political status and to enjoy the right to choose the form of their constitution or government' (Human Rights Committee 1996:2).

Grounded in that interpretation, Articles 4 and 5 of UNDRIP state that:

Indigenous peoples, in exercising their right to self-determination, have the right to autonomy or self-government in matters relating to their internal and local affairs, as well as ways and means for financing their autonomous functions. Indigenous peoples have the right to maintain and strengthen their distinct political, legal, economic, social and cultural institutions, while retaining their right to participate fully, if they so choose, in the political, economic, social and cultural life of the State⁴.

Therefore, the right of indigenous peoples to self-determination is directed towards the principle of democratic governance. In this understanding, the right of self-determination does not stand in opposition to a state's territorial integrity and political unity; yet it does confirm a more inclusive model of governance of society, particularly in a way that allows indigenous populations to exert real influence on their internal and local affairs. Although the right to self-determination is embodied in the UN Declaration, which is a non-binding legal document, it nevertheless

3 As Cambou rightly points out 'indigenous peoples, who fall under the scope of international law on decolonisation, are still entitled to claim independence. This is, for instance, the case of self-governing territories such as Greenland or New Caledonia' (Cambou 2019: 36).

4 UN website (accessed 08.06.24) https://social.desa.un.org/sites/default/files/migrated/19/2018/11/UNDRIP_E_web.pdf

carries political weight and legal significance for the development of customary international law, especially as the declaration is grounded in the first articles of both covenants (Koivurova 2008).

Nevertheless, UNDRIP embodies diverse rules, and not all of them have so far crystallised as customary international law. On the one hand, the declaration incorporates norms that already were regarded as falling under customs in international law, such the rights of indigenous populations to maintain and enjoy their cultures and cultural diversity, to speak their distinct languages, and to profess their religions (Wiessner 2010). On the other hand, the declaration remains controversial to the extent that it supports the emergence of customary integrational norms for indigenous peoples' self-determination, including a collective right to govern their land and natural resources. Nevertheless, James Anaya, the former Special Rapporteur on the Rights of Indigenous Peoples, has asserted that UNDRIP has the same formal status as the Universal Declaration of Human Rights, and in a similar way, it does crystallise certain norms of customary international law (Anaya 2009).

In order to claim the existence of customary rules, both practice and *opinio juris* must be proved. With regard to the right to self-determination, the adoption of UNDRIP constituted an important step towards creating *opinio juris*, given that the declaration was endorsed by a majority of countries, and even though the Russian Federation, along with ten other countries, abstained from voting, no one from the international community voted against the endorsement.⁵ Following the adoption process, several UN resolutions reaffirmed support for the implementation of the rules enshrined in the declaration, including the right of indigenous peoples to self-determination (United Nations 2014: para 3, 20, 21; 2013). In this regard, the previous customary international norms, the adoption process of UNDRIP, and the declaration itself, along with the fact that UN resolutions do affirm the willingness of the international community to recognise the right to self-determination of indigenous peoples, all confirm the existence of *opinion juris* as an element in the creation of such an international customary right.

Second, the standards incorporated in UNDRIP already do guide the behaviour of states, thus effectively putting into practice to the rights of indigenous peoples at the domestic level. This takes place when a state adopts national-level legislation as well as relevant policies, along with creating self-governing indigenous political bodies. For example, in Finnish national legislation the core provisions on Saami rights are laid down in the Finnish Constitution, which grants the Saami, as an indigenous people, the right to maintain and develop their own language and culture (Kuokkanen 2009). On the other hand, Canada recognises that indigenous peoples

⁵ Even though Canada, USA, Australia, and New Zealand voted against UNDRIP in 2007, since then they have reversed their positions and now support the declaration.

have an inherent right of self-government guaranteed by the Constitution Act, and therefore indigenous governments have decision-making power over protection of their cultures and languages, education, as well as lands and resources (Nurieva 2012). However, it is important to stress that, globally, the practices of states regarding the right to self-determination of indigenous peoples are not consistent.

In that sense, the right to self-determination of indigenous peoples has not yet become international customary law, but may serve as a source of soft law. The sources of international law, including customs, are prescribed by Article 38(1) of the Statute of the International Court of Justice, which is a part of the UN Charter and was ratified by Russia in 1945. Considering that Article 15(4) of the Russian Constitution universally recognises principles and norms of international law, the UN Charter should become an integral part of the Russian national legal system. Therefore, once the right to self-determination becomes the custom in international law, it should become binding on Russian territory as well.

Nevertheless, there is no consensus among states, international lawyers, or human rights scholars as to what the minimal standard of the right of indigenous peoples to self-determination should be. As long as the cultural and educational aspects of the right are most often met, the right to control the lands indigenous peoples inhabit and the resources attached to those territories is contested. In a way, it is the right to have rights, particularly collective rights, as opposed to being granted rights by an all-powerful state (Rohr 2014). Yet, until the right to self-determination is better conceptualised and the basic requirements for states are set, the prospect of claiming the full set of rights as recognised in the UNDRIP will remain restricted. Thus, a lot depends on the particular states and how they operationalise the right to self-determination in practice.

5.1 Komi self-determination: Titular nations and indigenous peoples

Historically, the development of the right of peoples to self-determination owes much to the Soviet Union. In relation to Russia, the fundamental idea of the right to self-determination lies, first of all, in the fact that the Russian Federation is a multinational state that brings together all the peoples living within its borders who have self-defined themselves as separate nationalities. The Constitution of the Russian Federation declares that the 'multinational people' (*mnogonatsional'nyi narod*) are the sole source of power in the Russian Federation (Article 3). Therefore, all these diverse peoples (ethnic minorities) enjoy internal self-determination within the Russian territory, while preserving the historically established state unity. In other words, self-determination as associated with the right to secession is excluded, while the peoples of Russia are granted a certain amount of autonomy

and jurisdiction in relation to issues of their development and participation in state affairs. In this respect, the Constitution of Russia (Article 5) established a system of various subjects of the federation: republics, krais, oblasts, cities of federal importance, autonomous oblasts, and autonomous okrugs, which should have equal rights as constituent entities of the Russian Federation; however, each subject has a different degree of autonomy. Quantitatively, the most common type of federal subject is the oblast' (with a minimal number of ethnic minority populations, as for instance in Murmansk Oblast'). Okrugs historically were designed to provide some level of autonomy to indigenous peoples of the North, who later became listed as small-numbered indigenous peoples of the North, Siberia, and the Far East (KMNS).⁶ Republics, however, were designated to a specific ethnic minority as a titular nation, understood as the main ethnic group on a given territory besides Russians. Republics, by law, hold the highest degree of autonomy in comparison to the other subjects of the federation; republics each have their own constitution, official language (after the Russian language), and legislature, although they are represented by the federal government in international affairs (Russian Federation 1993). The Russian Constitution does not specifically name or characterise the subject-forming (titular) peoples of the republics or the okrugs. Yet, the logic of the legislature has been to grant to the small-in-number ethnic minorities the status of KMNS along with the corresponding rights and benefits, while being territorially and administratively concentrated in the okrugs. By contrast, ethnic minorities whose number exceeds 50,000 people, like the Komi and the Sakha, retained the autonomy they had been granted back in Soviet times within autonomous republics, without acquiring KMNS status. Nevertheless, both categories of ethnic minorities – those who have been listed as KMNS and the titular nations within republics – can be defined as indigenous peoples in the understanding of international law, and particularly in the definition of Special Rapporteur José Martínez Cobo.⁷

Despite those legally inscribed features of federal state structure, political power and decision-making processes in Russia have been largely centralised since the

6 In 2007, the Taimyr, Dolgano-Nenets, and Evenk Autonomous Okrugs were merged into Krasnoyarsk Krai; the Koryak Autonomous Okrug was merged with Kamchatka Oblast', and the Komi-Permiak Autonomous Okrug was merged into Perm Krai.

7 José Martínez Cobo was a former Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities. In his 'Study on the Problem of Discrimination against Indigenous Populations' from 1981, Cobo offers a working definition stipulating that 'Indigenous communities, peoples and nations are those which, having a historical continuity with pre-invasion and pre-colonial societies that developed on their territories, consider themselves distinct from other sectors of the societies now prevailing on those territories, or parts of them. They form at present non-dominant sectors of society and are determined to preserve, develop and transmit to future generations their ancestral territories, and their ethnic identity, as the basis of their continued existence as peoples, in accordance with their own cultural patterns, social institutions, and legal system'.

late 1930s, with periodic regionalisation tendencies during Khrushchev's rule (1952–1964) and from the late 1980 to the 1990s (under Gorbachev 1985–1991 and Yeltsin 1991–1999). In practice, the relationship between the centre and the regions is not federal. Nevertheless, some degree of federalism is welcomed, to avoid political instability on the territory of such a large state, and to shift blame to the regional authorities in case of failures and crises. One recent and very blunt example, which relates to the Komi Republic, is the 'Shiyes' case. In 2018, the federal government decided to create the Shiyes landfill in Arkhangelsk Oblast', just at the border with the Komi Republic, as a destination for imported waste from the city of Moscow and the Moscow region. The decision met with large-scale protests by residents in the Arkhangelsk and Komi regions, whereas the regional authorities were supportive of the investment. Ultimately, the project was suspended and the head of the Arkhangelsk Oblast' resigned from his position due to protests. The head of the Komi Republic resigned as well, officially due to the poor management of the COVID-19 situation in the republic (Barents Observer 2020). De facto, both heads stepped down by the order of the federal authorities, and shortly afterwards, new heads of Arkhangelsk Oblast' and the Komi Republic were appointed by the President of the Russian Federation (Semnasem 2022). That example gives a sense how federalism works in practice, and how much power is concentrated in the federal centre, stripping regions of their historically claimed autonomy.

Of great relevance is the fact that, in most of the regions, ethnic Russians form a majority of the population (Russian Federal State Statistics Service 2021). Currently, the number of all the Komi people in the Komi Republic oscillates around 17 per cent of the republic's total population (from 23 per cent in the 2010 census), and the number of the Izhma Komi remains 0.5 per cent of the republic's total population (Russian Federal State Statistics Service 2021). Therefore, the Komi people are no longer the majority of the republic's population, although when the Komi Republic was established in 1926, Komi people constituted 92 per cent of the population, and were 72 per cent in 1939. Looking at the demographic numbers, it seems possible that Izhma Komi claims for the KMNS status, and thus their separation from the Komi people as a separate ethnic minority, might undermine the status of the republic as a territorial-administrative unit, which theoretically could cause it to be degraded to the status of an okrug and placed under the auspices of a larger administrative unit such as Arkhangelsk Oblast'. In that variant, the only people that could claim KMNS status would be Izhma Komi, leaving all the other groups of Komi peoples without legal protection, neither as a titular nation of the republic nor as small-numbered indigenous peoples, since the other Komi populations do not reside in territories of indigenous inhabitancy as prescribed by law.

5.2 Self-determination of the Komi peoples

Until the Bolshevik revolution of 1917, the northern areas of what is currently the Komi Republic were part of the Arkhangelsk Governorate (*Arkhangel'skaia guberniia*), whereas the southern territories constituted a part of the Vologda Governorate (*Vologodskaia guberniia*). Despite the administrative disunity of the Komi ethnic territory, at the end of the nineteenth century the first ethno-politicians formulated the idea of creating Komi (back then Zyryan) statehood. At that point there were no voices or initiatives concerning Izhma Komi autonomy; then, for the first time in history, that there was an effort to unite all the Komi groups as one people. In December 1918, the newspaper '*Zyryanskaia Zhizn'* called for uniting all territories where Komi people lived 'into one autonomous land'. Yet, the struggle for power that flared up both in Russia and locally between various political forces led to a cessation in local autonomy-building initiatives. As Igor Zherebtsov states ironically, 'Komi autonomy was not the result of suddenly arising violent fantasies from "below", but was the result of threatening instructions "from above"' (Zherebtsov 2016:16). In 1921, according to the communist notion of self-determination, the policy of *korenizatsiia* was pursued in the Komi-Zyryan Autonomous Oblast' under the umbrella of the encompassing Russian Soviet Federative Socialist Republic (RSFSR) (Zherebtsov 2016).⁸ According to the 1926 census, the Komi people living in the Komi-Zyryan Autonomous Oblast' constituted 92 per cent of the population, and hence several Zyryan (Komi) politicians proposed unifying all the Komi people within the Komi Republic. Therefore, in 1936, according to the new Constitution of the USSR (Article 13), the Komi-Zyryan Autonomous Oblast' was transformed and elevated to the rank of the Komi Autonomous Soviet Socialist Republic (Komi ASSR), granting the Komi people autonomy within the administrative-territorial unit of this new republic (Jääts 2009). Yet, already in the 1930s the policy of *korenizatsiia* was replaced with full-scale centralisation of power, russification, and unification of Soviet society. De facto, the political and cultural self-determination of the ethnic minorities across the Soviet Union ceased to exist.

Consequently, in 1937, the Constitution of the Komi Republic proclaimed the Russian language as the official language of the republic. The Komi language started to disappear from schools, as well as from the media; all mass media and newspapers were published in Russian. The village dwellers and tundra reindeer herders, nevertheless, maintained their largely diverse Komi dialects, which continued to be

8 Besides the Komi-Zyryan Autonomous Oblast', in 1925 the Komi-Permyak Autonomous Okrug was created under the administration of Perm Oblast', and during the Soviet period, it was split into several regions within Perm Oblast'. In 1992, the Komi-Permiak Autonomous Okrug became its own federal entity, but then in 2005 it lost its autonomy and was merged with Perm Krai as the Komi-Permiak Okrug. Currently, Komi and Permiak constitute 59 per cent of the population of the okrug, and roughly 3 per cent of the population of Perm Krai.

the main spoken languages in Komi households. However, Komi celebrations, such as the 'Lud' festival discussed in article 3 of this thesis (Sikora and Fedina 2021), were deemed illegal because they carried religious and ideologic weight. It was not until the mid-1980s that voices of democratisation of power and liberalisation of public life began to be heard all across Russia. As a result, in 1990 the Declaration of State Sovereignty of the Russian Soviet Federative Socialist Republic was proclaimed, which stated the supremacy of the republic's laws over the laws of USSR. This declaration was soon followed by the other declarations of the republics of RSFSR, including Komi, Karelian, Buryat, Yakut, Tuva, Mari, and others. The Declaration of State Sovereignty of the Komi Soviet Socialist Republic was announced in August 1990. It stated:

Expressing the will of the multinational people living on the territory of the Komi SSR, in order to ensure its political, economic, legal guarantees, as well as the need to preserve and develop the centuries-old culture, language, traditions and way of life of the Komi people, we declare:

1) The Komi ASSR is a *sovereign national state that voluntarily forms part of the RSFSR and the USSR* on the basis of concluded treaties guaranteeing legal and economic equality of all its citizens, regardless of nationality. (...)

4) The land, its subsoil, water, airspace, flora and fauna, other natural resources, as well as cultural monuments on the territory of the Komi SSR are the property of the republic. (...)

6) On the territory of the Komi SSR, the supremacy of the Constitution and Laws of the Komi SSR is established over the legislation of the RSFSR and the USSR in cases of infringement by them of the legitimate rights and interests of the peoples of the Komi SSR.

Moreover, the declaration provided for the possibility of secession from the USSR as well as the RSFSR through a referendum. Thus, it appeared that the Komi ASSR should be considered simultaneously a subject of both federations – the USSR and the RSFSR – with the possibility to secede from either of those, which Boris Zheleznov (2007:43) labelled 'legal nonsense, not to mention the fact that it contradicted the constitutional order'.

Soon afterwards, the Soviet Union dissolved, and the Komi Republic had to define its political status: either to remain within the Russian Federation (former RSFSR) or to (theoretically) establish an independent state (Zheleznov 2007). Despite its state sovereignty declaration, the Komi ASSR remained a part of the Russian Federation as the Komi Republic, which was the most logical move given

its geopolitical location and historically determined economic integration with neighbouring territories. Provisions of the declaration regarding not only sovereignty, but also land rights, resources, and constitutional order never materialised, and after adopting the Constitution of the Russian Federation (1993), the former Soviet autonomous republics had to clarify the nature of the sovereignty declarations they adopted, removing clauses on secession (Zheleznov 2007). In 1992, a Treaty of Federation was signed between officials in Moscow and the respective federal units of the Russian Federation (*Federativnyi dogovor*). This treaty is a set of several agreements that delimitates the jurisdiction and the division of powers within the federation, between the federal authorities and the authorities of the constituent entities of the federation, namely republics, oblasts, okrugs, and cities, as well as between the constituent entities themselves. The Constitution of the Russian Federation still declares the supremacy of its norms over the norms of the Federal Treaty, but at the same time it confirms (Article 11) the structural relations within the federation.

Adoption of the Treaty of Federation secured the territory of the federation and the status of its subjects. In the Komi context, the treaty meant recognition of self-governance by the multinational people of the Komi Republic, as a form of internal autonomy.

In particular, the Treaty of Federation states that the republics within the Russian Federation possess legislative, executive, and judicial authority over their territory, except for specific authority given to federal governing bodies. The people living on the territory of the Komi Republic (and not only the Komi people themselves) enjoy autonomy in establishing the self-governing and representative bodies of the republic that shape domestic policy-making, and especially national policies.

At present, legislative power lies in the hands of the State Council of the Komi Republic (*Gosudarstvennyi Sovet Respubliki Komi*). It consists of thirty deputies who are elected for five-year terms, with no quota designated for deputies of Komi origin. During the time of political reform, the Komi peoples did not succeed in getting their own political representation in the council through establishing, for instance, an indigenous chamber in the republican parliament. Currently there is no data available on the proportional divisions between Russian and Komi among the council's members, even though such data is available for the previous terms (in 1990, 56 per cent of the council members were of Komi descent, while in 2017 it was 13 per cent). Executive power is held by the Government of the Komi Republic (*Pravitel'stvo Respubliki Komi*) and its ministers. The Head of the Komi Republic (*Glava Respubliki Komi*) is the highest official of the Komi Republic, elected in direct elections. The head holds executive power, represents the Komi Republic in relations with federal government bodies, and signs laws adopted by the state council (Komi Republic 1994). The current Head of the Republic, Vladimir Viktorovich Uyba, is of Russian descent, and so were a majority of the former Heads of the Republic. As

the third branch of power, the Constitutional Court of the Komi Republic holds judicial power.

When the self-governance structures and policies were created in the early 1990s, the Komi people, as a whole, already constituted a minority population of the Komi Republic (roughly 30 per cent). Already back then, their rights as the indigenous population of the region were not specifically recognised and protected by the republican laws. For instance, the Constitution of the Komi Republic does not mention indigenous peoples on the territory of the republic, and does not refer to the Komi as indigenous, in contrast to the Constitution of the Republic of Sakha (Yakutia), which does explicitly mention the Sakha people. Instead, the Komi Republic's constitution states that 'the formation of the Komi Republic and its name are associated with the primordial (*iskonnym*) residence of the Komi people on its territory' (Article 3). This provision of the constitution can be read as acknowledging the historical presence of the Komi people on the territory of the republic; yet it does not stress the continuity of their inhabitancy. Thus, it treats the Komi historical demographic prevalence in the region, and the reason for establishing Komi peoples' autonomy within the republic, as a thing of the past, nevertheless noting their contribution to the regional culture. Indeed, a 2009 amendment to the Komi Republic Constitution changed the preamble, replacing the words 'the people of the Komi Republic' with the words 'the people living on the territory of the republic' (Komi Republic 2009), implicitly elevating the position of ethnic Russians in the politics of the republic. Moreover, the claims of the Komi peoples to recognise and protect their lands, resources, and language were not supported on the republican level either. In addition, the economic crisis of the 1990s, associated with a crash in public finances and the bankruptcy of state-owned enterprises, impacted severely the urban population of the Komi Republic, who are largely of Russian descent. By contrast, village dwellers, predominantly Komi, were able to sustain themselves and also provide basic support to family members in the cities. That placed the Russians in a more disadvantaged position than the Komi, which contributed to the general lack of support for safeguarding Komi rights, especially to lands and resources.

As a response to the weak position of the Komi peoples in republican legislation and politics, the 'Komi Voityr' interregional public movement was created to represent all the Komi peoples of the republic. Importantly, Komi Voityr is the only movement to which the Komi Republic Constitution grants the right of legislative initiative, technically allowing the Komi peoples to have more decision-making power in the republic (Article 75). Yet, in recent years, Komi Voityr has not used this right that was enshrined in the constitution for them, and de facto it has become a satellite organisation for the Ministry of National Policies (Fedina 2022). In that legal and political setting, the only space for Komi peoples' self-governance and self-determination has been on the local level: in districts (*raiony*). Article 1.2 of the

federal law 'On general principles of local self-government' from 2003 states: 'Local self-government ... is a form by which the people exercise their power, ensuring, within the limits established by ... an independent decision made by the population under their own responsibility directly and (or) through local government bodies on issues of local importance based on the interests of the population, taking into account historical and other local traditions' (Russian Federation 2003). The same wording is found in the Constitution of the Republic, in Article 9. The administrative division of the Komi Republic consists of eight cities and twelve districts (*raiony*). The Komi people form the majority of the population in Izhemskii District (88 per cent), Ust'-Kulomskii District (76 per cent), Kortkerosskii (68 per cent), Sysolskii (64 per cent), and Priluzskii (55 per cent). Thus, seven out of the twelve districts and all the cities are predominantly Russian. From looking at the statistics, it certainly seems that Izhemskii and Ust'-Kulomskii districts may enjoy the highest level of self-governance and self-determination of the Komi people. In this regard, a study of ethno-national policies and the implementation of federal and republican laws must definitely look separately at each district. This research addresses the situation only in Izhemskii District, which has the highest concentration of Komi, and particularly Izhma Komi, people in the administrative unit. Thus, the results of the study, cannot be unquestionably applied to other districts of the Komi Republic.

5.3 Komi nationalities policy to 2025

In April 2015 the Government of the Komi Republic accepted Decree N133-p, in which the 'Strategy of national policy in the Komi Republic for the period up to 2025' (Komi Republic 2015) was approved. The document defines priorities, goals, principles, objectives, and the main directions of national policy in the Komi Republic. Yet, the actual legal significance of the strategy is not clear, as it is not a legally binding instrument. Nevertheless, such a document can be used as a guideline for the implementation of already existing laws and a direction-setter for future legislation. Despite the already weak recognition and protection of indigenous rights (*korennyye prava*) of the Komi people in the republic, the strategy document goes further, in that it not only does not prioritise their rights, but does not even mention them, emphasising instead balanced ethnonational relations. In this respect, as with the priorities articulated in nationalities policy 2025, the strategy indicates preservation of the ethnocultural and linguistic diversity of the republic; preservation of the state languages of the Komi Republic; and respect for the rights of indigenous peoples living in the republic. In the Russian language version of the text, the provision refers to indigenous small-numbered peoples (*korennyye malochislennyye narody*) as the holders of special rights, and not to the Komi population. Nevertheless, what the strategy stresses explicitly in several provisions is the 'nativeness' of the Komi people

to the republic, thus positioning them as indigenous inhabitants (*korennye zhiteli*), but not indigenous small-numbered (*korennye malochislennye*). That contradicts the Constitution of the Republic, which deliberately avoids calling the Komi people indigenous.

By stressing the ‘harmonisation’ of interethnic relations, Strategy 2025, on the one hand, situates Komi, Russians, and other ethnic minorities equally towards each other, as if to support the ethnocultural diversity of the republic, while on the other hand, it underlines the worth of ‘traditional Russian spiritual and moral values’ (para 15d). Following that logic, the strategy articulates the main objective of the Komi Republic’s nationalities policy as strengthening Russian national (*userossiaskaia*) civic identity (*grazhdanskaia identichnost’*) and the unity of the multinational people of the Russian Federation (*Rossiyskaya natsiya* Russian nation)⁹. Thus, the Komi peoples’ rights and interests as the titular nation of the republic are not regarded as a priority. The stressed harmonisation and peaceful co-existence of different nationalities within the republic means, in practice, the superiority of the Russian nation, as all the ethnic minorities in the Komi Republic are still Russian citizens and Russian passport holders.

5.4 National-cultural policy

Strategy 2025 addresses also the ethno-cultural aspects of nationalities policy, again placing great emphasis on balanced interethnic relations, patriotism, and friendship of peoples, for which responsibility is delegated to the Ministry of Nationalities Policy (point 10). Intercultural infrastructures in the form of non-profit centres, such as the House of Friendship of Peoples (*dom druzhby narodov*), the multifunctional ethnocultural complex ‘Finno-Ugric Ethnocultural Park’, and the Finno-Ugric Cultural Centre, should contribute to the goals of Strategy 2025. Yet, these are just some examples of how the policy is realised on the republican level. As a rule, all strategies, national and republican, should be implemented by municipal self-governance bodies, which enjoy discretion in formulating their own respective strategies reflecting the socio-cultural and historical particularities of the regions.

This issue is further concretised by the Law of the Komi Republic ‘On national-cultural autonomy’ from 2005. Importantly, the law provides a definition of cultural-national autonomy, which is said to be:

9 Russian language uses *российский* (*rossiyskiy*) when directing attention to the Russian civic nation, and *русский* (*russkiy*) when referring to ethnic Russian

a form of self-determination (*samoopredelenie*),¹⁰ which pertains to an association of citizens of the Russian Federation who considers themselves as belonging to an ethnic community; on the basis of their voluntary self-organisation, they can independently resolve issues of preserving identity, developing language, education, national culture, and [added in 2018] strengthening the unity of the Russian nation and harmonising interethnic relations (Komi Republic 2005).

The same definition is included in the Law of the Russian Federation ‘On national-cultural autonomy’ (Russian Federation 1996). Both the federal and the republican laws on national-cultural autonomy operate using the term *samoopredelenie*, which in a direct translation means ‘self-determination’. This is an example of a very rare use of this term in Russian legislation, which instead prefers to use the term *samoupravlenie*, understood as self-administration or self-governance (Rohr 2014). Indeed, Article 4 of the federal law on cultural national-autonomy states deliberately: ‘The right to national-cultural autonomy is not the right to national-territorial self-determination’. Thus, cultural autonomy cannot lead to claims of territorial and political secession, although international law instruments, such as UNDRIP, place strong emphasis on the understanding that the concept of self-determination (*samoopredelenie*) under any condition could validate the impairment of territorial integrity or political unity. Yet, in Russia, being a large federal state with immense ethno-cultural diversity, fears of separatism are regularly instrumentalised to reinforce cultural and ethnic hierarchies and domination of the centre over the peripheries – thus the reluctance to use the term self-determination (*samoopredelenie*) in the legislation. The right question to ask, then, is why in the case of national-cultural autonomy the legislature decided to use the controversial term of self-determination (*samoopredelenie*)? Looking back again at the Soviet policies of full-scale russification – which prohibited practicing ethnic forms of cultural expression and imposed language policies that asserted the Russian language as the only language of instruction above primary level – cultural and linguistic autonomy, or literally cultural self-determination, was a matter that the ethnic minorities in the newly formed Russian Federation were not willing to give up, if they were deemed to be part of the federation (Malakhov and Osipov 2023). Therefore, the federal law on cultural-national autonomy (Article 13) asserts among others the right to create non-state (public) institutions of national culture, such as theatres, cultural centres, museums, libraries, clubs; to organise professional and amateur groups for the study of national cultural heritage; and to hold mass events like festivals. The Komi Republic’s law on culture indicates that the relevant programs should

10 I am following Rohr (2014) in his translation of *samoopredelenie* as ‘self-determination’, and *samoupravlenie* as ‘self-administration’.

be developed to implement those rights in practice, and that priority should be given to the development of culture in rural areas. Again, as with many aspects of social and cultural life in Russia, the question is not only if the cultural practices and relevant organisations are banned, but if there exists genuine, everyday support for those activities. Many of my field partners stated, more or less directly, that the element of ‘not prohibited’ (*ne zapreshcheno*) is crucial, whereby ‘the rest can always be somehow organised’. This is an often recurring mindset of Soviet and post-Soviet societies, which allows for creativity and the existence of a fractured space in which rights, both codified and customary, can be realised to serve the needs of the communities. This issue will be deeply discussed in the conceptual framework section of this dissertation.

6. Izhma Komi: Groups and rights

The general feeling of many outside observers of political developments in Russia is that Izhma Komi are highly disadvantaged by not being listed as KMNS. However, currently, this seems not to be the leading opinion in Izhemskii District itself. Especially with the generational change, the previous agenda of Izvatas leaders Valentina Ivanovna Anufrieva and Nikolai Vasil'evich Rochev, who were consistently fighting for KMNS status, was set aside. The new and younger leadership, members, and emerging leaders of Izvatas do not see the need nor any realistic chance to list Izhma Komi as KMNS, a position which some of the previous leaders often see as undermining Izhma Komi's interests within the Republic.

Claiming rights through KMNS status requires proving among other things a unified identity as a separate ethnic group that the legal system can recognise; yet, as shown later in this section, it is also about creating identities through rights. For the needs of the Russian domestic legal system, the Izhma Komi as a 'group' had to emerge. By that, I mean as an outwardly homogeneous construct with a unified identity and political, social, and cultural interests (Brubaker 2002). Given the fact that the Komi Republic legislation did not secure rights for the titular and indigenous Komi people, especially in relation to lands, natural resources, and distinct culture, including a particular language with its dialects, the Izhma Komi initially found themselves in a particularly challenging setting. As the northernmost group of the Komi, the only one involved in reindeer herding, fishing, and hunting on an everyday basis, with the largest population in Izhemskii District, they were left without any recognition or protection of their rights, although the Komi Republic was established exactly to protect the interests of the titular Komi peoples. Therefore, the only way to secure the livelihoods of the Northern Komi people was to claim and prove their distinctiveness from the other Komi people. Even though common interests of the Northern Komi people certainly do exist, as previous research has explicitly revealed (Istomin and Shabaev 2016; Shabaev and Sharapov 2011), group self-identification could not have been evoked.

The problem is grounded largely in semantics, since the names Komi Izhma, Izhemtsy, or Izvatas refer to the name of the concrete geographical location of the Izhma village. However, other northern Komi populations, who have been likewise reindeer herders pursuing a nature-based way of life and speaking the 'northern Komi' dialects, do not recognise themselves as Izhma, Izvatas, or Izhemtsy, because they inhabit other northern areas of the Komi Republic besides Izhemskii district, in particular Izhma village (Shabaev and Istomin 2017). In Izhemskii District itself,

the distances between the village of Izhma and other villages of the district, especially those on the Pechora River, can be great, and transportation is not very frequent, particularly during the summer months, making the small settlements greatly isolated. Most of the migration that takes place in the region is one-way, from the villages of the Pechora River to the village of Izhma, allowing for building some interpersonal connections within the district. Over time, Izhma, as an administrative centre, has become almost like a little capital for the northern Komi, with all its advantages and disadvantages. It is the most populated village, with the best connectivity in the district, with several shops, a small hospital, bathrooms with running water in some of the homes, and a stretch of asphalt road in the village centre. It is a place where, alongside horse-drawn carriages and cows roaming the streets, one can see perfectly groomed women wearing high heels, of whom the streets of Moscow would not be ashamed. Certainly, life in Izhma is very different than in other Komi settlements.

From my own observations during field visits, the original population of the village of Izhma tends to have very little knowledge about other villages in the district. Many have never visited villages situated only ten kilometres away from Izhma, like Diiur or Lasta. Moreover, family connections between Izhma and localities to the North of the Komi, like Inta or Vorkuta, are not very common, and where they do exist, people are more likely to sustain ties through telecommunication channels than through personal visits. Thus, particularly in the village of Izhma, there is not much knowledge about the regions where Komi people live in diaspora, whether elsewhere in Izhemskii District, or in other parts of the North of the Komi Republic or other localities of the Russian North. One of my field partners recalled that when, in the 1970s/1980s, she started to travel together with a folk ensemble to other parts of Russia, they were very shocked to hear people from other regions speaking northern Komi. She said that during that time, many were not even aware that the diaspora existed. As a result, the diaspora tended to know much more about Izhma than Izhma about the diaspora.

Thus, the reluctance of Northern Komi groups from other regions to be called 'Izhemtsy' is understandable. Many would call themselves simply 'Komi', importantly pointing out that they differ significantly from the Southern Komi in terms of language (dialect), traditions, and especially forms of livelihood. This observation was made already by Istomin in his research in the early 2000s. Twenty years after, based on my field research in different localities of the north of the Komi Republic, as well as in the Nenets Autonomous Okrug and the Kola Peninsula (private visits), I can confirm that the same phenomenon still exists. The terms *Izhemtsy* or *Izhemskie Komi* refer only to the original population of the village of Izhma, and not even generally to the population of Izhemskii District. In Izhma, I frequently encountered comments like, 'they are ours, Komi, but not from Izhma. They are from the other side of the river' (*Oni nashi, komi, no ne izhemskie. Oni iz zarech'ia*). The local population commonly adds the location adjective, referring to the particular

village one comes from: *bakurskie, syziabskie, shchel'iaiurskie, kipevskie, izhemskie Komi*. Being a Komi person from the village of Izhma seems to be an internal status marker, embodying self-essentialising Kominess.

In the course of my research I also witnessed significant differences on various levels between Komi village dwellers and Komi reindeer herders. For instance, Komi herders were much more fluent in the Komi language than in Russian; their children would not feel comfortable speaking Russian with me, at times saying that they understood what I was saying but could not answer, and asked adults for help in translation. I experienced that several times among the children in the reindeer herding village of Syziabsk (Izhemskii District), as well as among children from brigade no 2 of the 'Olenevod' cooperative in Vorkuta, and in the village of Krasnoe (NAO). This was not a unique situation among pre-school children who are raised in the tundra; it was also common among children who were already attending school. One of my interlocutors, a Komi female from NAO, who was born herself in the tundra and went on to become a cultural worker in Ust'-Kara, stated that working with the children of reindeer herders could be challenging, especially when they entered the first grade.

When they leave their parents in the tundra and join the school, they are far from being fluent in Russian. Some, especially the Nenets children, do not understand Russian at all [many brigades in NAO and Vorkuta have herders of Nenets and Komi origin]. So, when they come to the settlement, we [the cultural workers and teachers] need to first teach them Russian; they have an unequal start at school. They are used to nomadising, life in a chum, and freedom in nature. It is hard for them to adapt to the settled life away from their parents. Many struggle a lot psychologically; some escape the settlements hoping to reach their parents in the tundra (personal communication ZM 2023).

In NAO, especially in reindeer herding cooperatives of Ust'-Kara, Varandei, Karataika but also Vorkuta, herders have relatively short migration routes in comparison to the Izhemskii cooperative. For those other locations, the tundra starts just outside the settlement. Depending on the location of the brigade, it is possible to reach the herders by sledge in a relatively short time. Thus, it is not unfeasible, especially for older children (by the age of ten), to reach their parents.

One further comment on the language spoken: The reindeer herders do speak the Northern Komi language (so called Izhemskii dialect), yet they tend to adopt significant vocabulary from the Nenets language, especially terms referring to herding techniques and life in the tundra. At the same time, there is a whole group of Nenets who switched to adopt the Komi language and culture; they are sometimes called Komi-Nenets (field data 2023). On the other hand, village dwellers, particularly

in Izhemskii District, are fully bilingual, equally fluent in Komi and Russian. The younger generation speak the Komi language less and less, replacing it with Russian, largely as a result of education, social media, and Internet content being in the Russian language, and also due to the higher prestige of the Russian language.

When it comes to the livelihoods, reindeer herders tend to be much more emotionally connected and dependent on the surrounding environment for their survival. Many try to limit to a minimum the time they spend in settlements in late winter and very early spring. They do the necessary repairs, take on food supplies, visit relatives, and often spend time hunting until the migration starts again in early April. Many set up the tent (*chum*) in the yard of their houses in the settlements, where women sometimes prepare meals or host guests. Some brigades do not take this spring break, but keep nomadising all year round (in NAO). That also means that the herders have a diverse diet; when they are in the tundra, dairy products, which are considered a basic ingredient in the settlements, are not available. Both in the villages and in the tundra they rely on reindeer meat, which is seen as a delicacy for the settlement dwellers. During the warm season, when slaughtering whole reindeer is seen as wasteful, herders rely on fish, hunted birds, and collected wild eggs. There are almost no farmed fruits or vegetables in the herders' diet, which is supplement mainly with berries, wild roots, and wild vegetables and herbs.



Illustration 2: On the left: chum-kitchen talk, summer 2023, with Ol'ga Mikhaylovna Kutsuban'ska (left) and Domna Fedorovna Artyeva (right), east from Naryan-Mar. On the right: chum in Syziabsk, next to the main house, summer 2021

By contrast, in the villages, almost every household maintains its own farming facilities. People grow their own conventional vegetables, and the times of seeding and harvesting potatoes are heavily discussed in the neighbourhoods. They keep

animals – mainly cows, horses, and chickens – that provide meat and dairy products all year round, even in unfavourable seasons and weather conditions. Freshly baked bread is a must on every table. In most of villages there is some small, privately owned shop, where people can buy a supply of basic ingredients; there are also mobile shops, mainly owned by the former *sovkhos*, that travel around selling butter, cream, milk, and a kind of fresh, soft cheese called *tvorog*. In 2018, the first chain supermarket, ‘*Magnit*’, was opened in Izhma, allowing people to stock up on products available in the cities, as well as foreign ingredients. Foods like bananas and oranges entered the local diet. During the weekend, people started to travel from small remote villages to shop in the supermarket and visit relatives in Izhma. Food culture and the accessibility of ingredients are very different in the village than in tundra. Most of the people in Izhma no longer have any connections to reindeer herders, and they are not familiar with their livelihoods, routines, and habits, even though the reindeer is a symbol of the district administration, and during festivals one can buy different souvenirs made from reindeer fur. ‘You will not find reindeer herders here’ (*u nas ne naidesh’ olenevodov*): this quote illustrates that reindeer herders, even though they are still northern Komi, are seen by villagers as a particular type of Komi population, what one might call a triple minority.



Illustration 3: Village landscape: Izhma, summer 2021 (left), and autumn 2022 (right)

6.1 Importing indigenous rights to Russia

Western democracies tend to operate based on the idea of universal rights for all ethnicities, meaning that regardless of attributed features, everyone should be regarded as equal under the law. If some group does experience injustice, a vulnerable situation, or lack of self-determination, and seeks recognition of their particular rights, it is usually taken for granted that those rights will be enforceable, and as a result the group will be also more empowered in their legal standing. What Coutin (2002) notes, in that respect, is that recognising rights based on someone’s

identity can be simultaneously dehumanising and empowering. That certainly matters in the Russian context, where belonging to a certain ethnic category may mean entitlement to rights and benefits, although not without some costs attached. Anderson (Anderson 1996:107) suggests that the answer to the question, ‘Who are you by nationality?’ (*vy kto po natsional’nosti?*) can enable one to easily ‘satisfy ethnographic curiosity as well as assess the potential bundle of rights available to the man or woman standing before you.’

For decades, preferential treatment of indigenous peoples in Russian has been regarded by the majority of society as self-evident. Falling under the category of the ‘small peoples’ has been considered nothing to be respected for, but rather a source of generational and ethnic humiliation (Slezkine 1994; Forsyth 1994; Sokolovskii 2005). Because the ‘small peoples’ were seen as backward, at the lower level of social and cultural organisation, the Soviet state kindly offered support to raise them up from the tribal evolutionary stage into full Soviet (and later Russian) citizens. The policy of openness (*glasnost*) and the partial democratisation of society in the 1990s gave hope to indigenous leaders for establishing a system to protect indigenous lands and languages from loss. The Western indigenous rights framework was the only instrument offered that formulated land rights and language rights in a way that could help indigenous peoples leave the stigma of patronage and shame behind (Eckert et al. 2012). On this wave of deceptive hope, many indigenous populations undertook a challenge to revitalise their cultural distinctiveness and assert their indigenous rights and indigenous identities (Donahoe 2011).

Indeed, just after the collapse of the Soviet Union and during the whole period of transformation in the 1990s, Russian legislative efforts attempted to reproduce the Western indigenous rights framework. During that time, the indigenous population received declarations protecting their land rights and traditional economic activities (Russian Federation 2001a), their native languages (Russian Federation 1991), their cultures (Russian Federation 1992), and their local self-governance (Russian Federation 2003). The Russian Constitution (1993), established also an obligation to guarantee the rights of indigenous peoples in compliance with generally accepted principles and standards of international law and treaties of the Russian Federation (Article 69). And finally, between 1999 and 2001, three federal laws on indigenous small-numbered populations were passed. These federal laws include one on ‘guarantees of the rights of indigenous small-numbered peoples’ (1999), another on ‘the general principles of the organisation of ancestral communities (*obshchiny*) (Gray 2001) of the indigenous, small-numbered peoples’ (2000), and a third one on ‘territories of traditional nature use of indigenous small-numbered peoples’ (2001b).

Changes in the legal, political, and socio-economic spheres in Russia were groundbreaking. Many believed in the possibility for the full democratisation of public life, although some part of the society was not in favour of this (for

more, see Anderson 1996). For indigenous populations, the newly established legislation, including official legal status for KMNS, seemed like grasping the holy grail, providing not only civil and cultural but also political rights, thus declaring indigenous populations to take a position as governors of the Russian Arctic, and as equal partners in the conversation with authorities and industries (Xanthaki 2004; Stammler and Peskov 2008).

6.2 The shortcomings of the small-numbered peoples' rights framework

Certainly, the established legal framework for recognition and protection of indigenous small-numbered peoples' rights was broad; yet, it suffered significant deficiencies: parts of it have been frequently amended, sometimes even before being implemented; it lacks effective enforcement mechanisms; and it is susceptible to political changes (Sulyandziga and Sulyandziga 2020). Kryazhkov goes so far as to describe the various legislative acts as 'decorative where no actual legal relationships arise from their basis' (Kryazhkov 2013:147). That description does not pertain only to the indigenous small-numbered peoples' rights framework, but perhaps is a generic description of the Russian legal framework in general, on all levels of governance: federal, regional, and local. However, the difficulty emerges primarily in relation to the rights of indigenous peoples as culturally distinct, nature-based, and at times nomadic communities living in the most remote areas of Russia (Sulyandziga and Sulyandziga 2020). The existing legal framework which governs the rights of the small-numbered indigenous peoples is exceedingly unstable; rights tend to be officially recognised but not necessarily enforced, and afterwards withdrawn from the legislation. For instance, the right of indigenous peoples to obtain plots of lands for lifetime ownership with hereditary succession assigned to traditional economic sectors – reindeer herding, fishing, marine animal hunting, foraging – were withdrawn from the federal law in 2007 (Russian Federation 2001b; Sulyandziga and Sulyandziga 2020). Moreover, the former obligation for development projects to conduct an assessment of the ecological impact on the traditional way of life was completely removed from legislation (Kryazhkov 2013; Florian Stammler and Ivanova 2016b). Indigenous representatives for decades have been decrying the tendency to frame indigenous rights as related to 'singing and dancing' while removing from the table discussions about land rights and industrial development (Gray 2005; Stammler and Ivanova 2016a; Tysiachniouk et al. 2020).

Moreover, there is a lack of synergy between levels of legal regulations, which matters to the extent that the legal framework governing indigenous issues is intersectoral, regulated not solely by the three federal laws, but also supplemented

by a patchwork of legislation on other subjects: federal laws, decrees, orders, and corresponding legislation at the regional and local levels (Sikora 2022). All those tend to be amended several times before, during, and after the implementation process, contributing further to the shaky condition of law.

Currently, indigenous small-numbered peoples, as a legal, social, and ethnic category, are far from being agents of social change (Rohr 2014). Those populations who have been legally recognised as indigenous small-numbered peoples have not necessarily improved their legal and factual standing. The legal turmoil and constant confusion among local people and officials about the norms governing everyday areas of life, as well as the presence of other actors on their lands, straightforwardly translates into disempowerment of KMNS in a legal sense (Stammler and Ivanova 2016a). As a result, despite their initial aspirations, indigenous populations have remained within a paternalistic system, characterised by a one-sided relationship between them and the state (Anderson 1996). In the hierarchy of ethnic categories in Russia, they are kept in a relatively low position, standing behind titular nations and national minorities (Protsyk and Harzl 2013).

6.3 Indigenous subjects

Going beyond the violations of indigenous rights in Russia, it is hard to resist the impression that the West does not fully grasp the meaning of the indigenous small-numbered peoples framework. It appears that there is a fundamental error by some in assuming that the rights of indigenous peoples as developed within the human rights framework can be and have been translated one-to-one into the Russian context, which as I will prove further on is not the case. Despite the temporary thaw in the 1990s, Soviet mechanisms were never eradicated from the societal mindset, including those of political elites. As during the Soviet times, indigenous populations of the North have been placed within a heavily bureaucratised system governing their everyday lives, characterised by a 'penchant for vertical command chains and paranoiac aversion to horizontal organisation' (Anderson 1996: 104).

I would therefore agree with Brian Donahoe that 'the more Russia's indigenous peoples strive to conform to the official definition of "indigenous", the further they move away from becoming full "citizens", and the more firmly they "incarcerate" themselves in "subject" positions' (Donahoe 2011). 'Indigenous subjects' versus 'indigenous rights holders' is a key distinction in this debate. Although the term 'subject' can be understood in a causative dimension, as opposing the object, being subjected means being subordinated and dependent. I use the term 'indigenous subjects' to mean those who conformed to a definition of indigeneity that was codified in law and became prisoners of that legal category to qualify for still-dubious rights and entitlements.

The definition of 'indigeneity' in Russia was not co-created by indigenous people's representatives. On the contrary, this has been the effect of work by ethnographers and anthropologists who, over the centuries, studied what were considered the most backward populations of the empire (Slezkine 1994). Due to indigenous peoples' 'primitivism', they were for the most part excluded from debates in which their status and existence were being defined.¹¹ Historically, indigenous populations of the Russian North were classified from above as *tuzemtsy* (natives), *inorodtsy* (aliens), *inovertsy* (of a different faith) and *malye narody* (small peoples), while nowadays they are labelled from without as indigenous small-numbered peoples (Stammler-Gossmann 2009). Yet, it is important to do justice to the fact that the demand not to be named 'small peoples', but rather 'small-numbered indigenous peoples' was made by indigenous peoples' representatives, such as the Khanty activist Eremai Aipin (Aipin 1991).

The definition of who can be seen as 'indigenous' is provided by the Federal Law 'On the guarantees of the rights of the indigenous small-numbered peoples'. It states that only the ethnic groups which inhabit traditional territories in the North, Siberia, or the Far East (listed in the law), are involved in traditional forms of economic activities (listed in the law), comprise fewer than 50,000 people, and self-identify as a separate ethnic group may be considered by law as indigenous-small numbered peoples. Most of the peoples of the North were either automatically classified as 'indigenous' or fell out of that category based on the given criteria, which was followed by political interest or lack thereof on the local level. There were also groups that initially were not placed on the list but subsequently applied for the KMNS status, among them Komi Izhma and Sojots (Donahoe 2011). Such groups had to not only adhere to the outwardly established criteria, but also accept them as their own, relinquishing some of their self-determination in defining their indigeneity. Certainly, this also went beyond mere acceptance of the definition. Part of the process was to convince not only the authorities but especially the people themselves of their existence as indigenous, and thus to internalise the definition and incorporate it as a part of the people's identity and self-perception. Having to prove one's existence, besides undermining people's humanity, allows the state to rule by belittling, which appears to be profoundly ingrained in people's consciousness (Donahoe 2009; 2011; 2012). Donahoe, while defining indigenous subjects, points out that 'these are people who have come to think and act in new ways in relation to the official definition of "indigenous"' (Donahoe 2011: 398). Law, especially in the Russian context, is an area where indigenous identities can be created or denied, which directly conditions the rights of the people (Donahoe 2011; 2012). Indeed,

11 There were phases when indigenous people did enter the discussion. One such phase was the time of '*korenizatsiia*' policies during the early Soviet era, and the other was the time of Gorbachev in the late 1980s and early 1990s.

‘indigenous small-numbered peoples’ became not only a legal category, but also a thought category that leads such populations to self-instrumentalise themselves, and subordinate under state domination. Interestingly, during my fieldwork, several people told me that yes, indeed, they are ‘indigenous’ (*korennye*), but not *malochislennye* (small in number), which continues to have a pejorative undertone associated with backwardness. That is what Koroleva said as well in the interview I cited at the beginning: ‘We ourselves came up with the idea that we are indigenous [small-numbered]’. In that sense, the indigenous peoples in Russia are not peoples who enjoy internal-self-determination, but ‘indigenous subjects’ who are in a subjected and subordinated position.

6.4 Governing through rights

Until the 1960s, the majority of Russian society did not possess individual documents confirming their identity, even though village administrations or church parishes kept and registered information about taxation, marriages, and births (Forsyth 1994). From the 1960s onwards, all Soviet citizens were in possession of an internal passport, which served as an identification document, making them visible to and manageable by the state (Anderson 1996). The internal passport included diverse information about a citizen: basic data such as home address, workplace, and civil status; information about children; and information about ethnicity. For decades, the internal passport was used as proof of one’s belonging to an indigenous small-numbered people as well as in the process of claiming rights and entitlements. In 2002, the old Soviet internal passports were abolished, and the new documents did not contain information about one’s ethnicity; thus, individuals lost a tool to prove their group belonging (Fondahl, Filippova, and Savvinova 2020). In 2020, Russian authorities introduced a long-negotiated amendment to the Federal Law on Guarantees, which establishes a registry of individuals belonging to recognised small numbered-indigenous peoples, which was supposed to solve the impasse (Fondahl, Filippova, and Savvinova 2020). According to the amendment, the right to be included in the registry, and thus to be officially recognised as indigenous small-numbered peoples, was granted *only* to those *individuals* who live in a place listed as one of the known habitation areas of small-numbered indigenous peoples and who pursue *only* traditional economic activities (Russian Federation 2020). It is crucial to point out that the land that has been inhabited by indigenous peoples since the time immemorial is not automatically regarded by law as the area of their traditional habitation. According to the Federal List of Places of Indigenous Habitation from 2009, not all of those traditional areas qualified for a place on the list (Russian Federation 2009b). Moreover, the law also provides a list of traditional economic activities, which includes cattle breeding, beekeeping, fishing, hunting, agriculture,

arts and crafts, and the making of traditional dwellings (Russian Federation 2009a).

In practice, the new regulation means that people who (as defined by law) do not engage in traditional economic activities – such as cultural workers, teachers, or doctors (broadly speaking, the intelligentsia) – or those who inhabit lands that are not recognised as ‘indigenous territories’ are not able to claim and prove their indigeneity and thus gain their rights and privileges. In addition, indigenous peoples’ representatives are not included in the governing bodies and bureaucratic structures that manage the registry of indigenous peoples. According to the new regulation, the unified list was to be approved by the Government of the Russian Federation upon the request of the federal executive body responsible for the development and implementation of ethnic policies – namely, the Federal Agency for Ethnic Affairs (Russian Federation 2020).

Given the conditions one needs to meet to be listed as a certified indigenous individual, the new regulation further limits indigenous peoples’ true self-determination. Not only has peoples’ indigeneity been outwardly defined; now they are deprived of the opportunity to develop economically as they wish, for fear of losing the ‘indigenous stamp’ that would categorise them further as indigenous subjects. The new law appears to support the thesis that the outspoken aim of established laws, which in this case is access to rights, is not related to underlying political goals, and in that sense mask unjust political machinations (Sikora 2020). Indeed, it is a form of hypocrisy, how the framers of such a law are pretending to just be bureaucrats passing a politically neutral law, when in reality they have every intention of weakening the framework of indigenous rights. The law from 2020 is based on the principle of ‘divide and rule’ (*divide et impera*), creating divisions within the already divided indigenous world in Russia. Now, besides titular nations and indigenous but not small-numbered peoples, there are also indigenous small-numbered peoples and ‘true’ indigenous small-numbered *individuals* with relevant registration, primarily those engaged in traditional economic activities. It is hard to resist the impression that the law is directed against the indigenous intelligentsia, and aggravates the still present stereotype in mainstream society of indigenous populations as backward, at the same time reinforcing the self-perception of those who are dependent on nature as ‘out of place’, particularly when located in a settlement (Sikora 2020).

During my fieldwork with reindeer herders, I experienced how people’s self-perception rapidly changed once they entered the town or village. ‘We are just shepherds’ (*my tol’ko pastukhi*), said two young men (19 and 23 years old) in a village in 2021, clearly confused and shy that someone wanted to talk with them rather than with the office workers of the cooperative. In 2023, when I joined the herders in the tundra, no one said that they were ‘just’ a herder, helper, or tent worker; everyone had their own roles and tasks, each one being equally important for the collective. The policy *divide et impera* has also entered Komi villages on a

sub-group level, where reindeer herders have started being perceived as an exotic oddity and not really belonging along with the many other Komi groups. On the one hand, village people associate them with resilience: ‘heroes of the tundra’ (*geroi tundry*) is an expression I encountered often. On the other hand, most of the village dwellers had never been to the tundra, and when I asked them if they would go if the possibility presented itself, they would look at me with smile. Interestingly, when I came back to Izhma village after being with the herders in the tundra, many laughed at me and commented sarcastically, ‘*v tundru ee zakhotelos*’, expressing the silliness of the idea from the perspective of some villagers. Returning to my conversation with Koroleva, the fear of being grouped and accused of ‘primitivism’ is certainly there, yet perhaps it also has a different dimension. One of my closest field partners pointed out that, in the current world, being ‘primitive’ is no longer about one’s way of life, but about being dependent and not being fully aware of that. In that sense, ‘being independent’ (*samostoiatel’nyi*) can be associated with consciously staying away from legal and political structures, which at times, by offering rights and privileges, habituates people to become dependent on them. Indeed, becoming an indigenous subject of rights necessitates obedience and requires submission to the authority that grants those rights. This certainly adds another layer to the discussion. The power to grant and withhold rights, benefits, and privileges, and to determine who qualifies for them, lays within the state’s discretion, and as I have shown above, this power is actively used to govern societies (Samson 2020). It is not about rights being ‘good’ or ‘bad’ *per se*, but it is about how and for what reasons they are used by states. Creating indigenous subjects as a subjugated mindset and legal category by granting rights and privileges can be, in Bal Sokhi-Bulley’s terms, ‘dangerous’, because the rights can be regulatory and limiting, and not only in service to a good cause (Sokhi-Bulley 2016:48).

That is precisely the false assumption of understanding indigenous rights in the Russian context as being the same category as that found in the West. Indigenous small-numbered peoples are not rights-holders, but indigenous subjects of rights that are granted rights in principle for as long as they are politically useful – the more rights you get, the more tools we have to govern you. In this way, rights have continually transformed from being primarily an instrument of resistance against power to being co-opted into a tactic through which that power operates. I also suggest that the bare *promise* of rights is equally as ‘dangerous’ as the rights themselves, since it allows the state to control and manage populations at a lower cost than actually engaging in rights discourse. As a consequence, being categorised as KMNS often backfires on indigenous populations, who cannot expect that the state will respond to public pressure or become embarrassed enough to change its approach towards ‘the natives’. Without implying that those indigenous peoples who are not classified as indigenous small-numbered find themselves in a more beneficial situation, I would argue that they may at least be able to bypass subordinated politics to some

extent. If one comes to realise the price to be paid for gaining official rights and – more importantly – if the community can sufficiently provide for the individual and collective needs outside of KMNS status, then the prospect of having rights loses its appeal. Therefore, when discussing indigenous rights in both Western and Russian contexts, indigenous populations in Russia and Western scholars and lawmakers should be very precise about their understanding of the practical meaning of rights.

7. The realities of law

In this section, I bring the discussion from the previous section into the Izhma Komi context. This part tightly combines the theoretical framework with the ethnographic data; yet I am shifting focus from rights as tools in the exercise of power over societies to rights as people's choice to take responsibility (or not) for their real-world circumstances and socially engraved values. In this sense, I perceive rights not as an expected outcome of state politics, but as a mundane process on the grassroots level conditioning how the societies operate. Thus, instead of looking at people as recipients of rights, either right-holders or indigenous subjects, I look at rights as values and practices that emerge locally and are tailored to community peculiarities, yet tended by scattered individuals. The main question I address here is: How do the Izhma Komi whom I encountered understand human and indigenous rights, and how do they 'do the rights in practice'?

If the KMNS framework does not serve its intended purpose and, as a result, the Izhma Komi as a group cannot count on being listed, it has been central to inquire how the people run their everyday realities, to cover up for their structural deficiencies. In this discussion, I refer to the right to cultural heritage as a human right; in the indigenous context, this is understood very broadly, due to the holistic perception that indigenous populations have over their cultural heritage. Elsewhere, I have argued that the conceptualisation of the human right to cultural heritage (for more on the topic, see article 1 of this thesis) involves:

...a set of rights that covers two different categories. The first relates to the identification, interpretation, and development of cultural heritage, and respective policies; namely what has been included in the cultural heritage law system. The second involves follow-up activities associated with 'knowing, understanding, entering, visiting, making use of, maintaining, exchanging and developing cultural heritage, as well as [with] benefiting from the cultural heritage and creations of others. These elements construct an area of 'rights to culture', as developed under the human rights law framework (Sikora 2021:11).

If this is the case, and if indigenous heritage spans all across folklore, language, handicrafts, customs, nature use, and related knowledge, then one stumbles upon the right to cultural heritage in most everyday activities. While choosing to speak the native language, herding animals, fishing using old techniques, gathering

berries, selling handicrafts, or developing ethnotourism, many to a greater or lesser extent exercise the right to heritage; nobody uses the terminology of rights, which does not mean that the human rights are not there – not as laws, but as ideals, responsibilities, and the fulfilment of physical and psychological needs. I discuss this issue extensively in article 4 of the thesis. As my field research shows, particularly people who have higher education or are involved in politics tend to use legal vocabulary and understand the discourse of human rights through the prism of laws and international organisation. Following that line, the concept of human rights is unambiguously associated with power relations and political interests under the cover of the fight for equality and the realisation of societal needs (Zwart 2012; 2014; Fraser 2019; 2020). This assessment is not entirely unjustified, to the extent that *human rights law* is certainly a political invention whose structures and mechanisms are driven by the leading UN states. Unsuccessful examples of top-down implementation of human rights mechanisms in developing countries are numerous (Fraser 2020; Merry 2005). Acknowledging the concept of cultural relativism, yet not questioning the universality of human rights, I wish to note that human rights as values and practices of ordinary people are much more widespread than one might expect. In contrast to the KMNS rights framework, human rights are not granted by the state; yet these two categories do at times overlap, making it possible to enjoy indigenous rights within the human rights framework and without being granted indigenous rights. Ultimately, in many cases, a population does not need to be granted rights if the majority, individually and collectively, is able to take responsibility for themselves, and if their actions and choices provide optimal or at least acceptable conditions for the community's existence. In the Izhma Komi example, while facing the refusal of and dissatisfaction with the rights framework, the partial solution has been to autonomously manage the public sphere in a socially meaningful way. One of my field partners stated: 'You have to pursue such policies that would make people want to do things and care about something. And not just privileges, and benefits; sometimes they will give them to you and sometimes they will not. See how the village [Izhma] looks' (*dolzhny provodit' takuiu politiku, chtoby liudi khoteli chto-to delat' i zabotilis' o chem-to. I ne prosto l'goty; inogda oni dadut, a inogda net. Posmotri, kak vygliadit derevnia [Izhma]*) (personal communication EES 2021). It would be difficult not to agree that the village of Izhma was one of the most taken-care-of villages that I saw in the Russian North.

An example of such an approach, from the 2010s, is the way the strong environmental activism movement of the Izhma Komi was able to negotiate with Lukoil-Komi a system of benefit-sharing and eventually a partial withdrawal of the company from the district, despite the lack of the KMNS right to be consulted in the event of industrial development on the ancestral lands (personal communication FF 2021). Nevertheless, the taxes from oil and gas extraction are still paid to the federal budget rather than remaining in the project area, which is related not to the

indigenous rights framework, but to the provisions of federal tax legislation. Looking at the reindeer herding case, the lack of any regional law of the Komi Republic that would regulate the matter regardless of whether a herder was KMNS or not meant that the Izhemskii reindeer herding cooperative (Izhemskii Olenevod i Ko) received a lower selling price per kilogram of meat in comparison with neighbouring cooperatives; again, at least a partial solution was found by registering the Izhemskii reindeer herding cooperative in Naryan Mar, to acquire the same price for reindeer meat as in NAO. That has not solved all the challenges, as the Komi reindeer herders still receive lower salaries and less social benefits than the Nenets herders, since they lack KMNS status (personal communication FF 2021). The representative of the Komi government stated in a conversation with me in 2021: ‘There is a need for something more than just status, and just laws. Real solutions to real problems. Especially since the people in the region are not aware of any rights, and they do not have to be, things should simply function for them’ (personal communication AT 2021). Similarly, with the revival of the ‘Lud’ festival, even though there exists both a federal and a republican ‘Law on Culture’, with related cultural executive programmes, without the groundwork laid by cultural workers and local people from different villages in Izhemskii District, the celebration would not have gained such momentum among the local population, and ultimately would not have gotten onto the list of intangible cultural heritage of the Komi Republic (see article 3 of this thesis).

As a result, in Izhemskii District, rather than asking what one is entitled to, or which rights one has, the question to ask is what one can do for the benefit of the community, and how to do it. That mentality, while unusual today on a broader scale, was common prior to the emergence of modern state structures (see also Scott 2009). The former Soviet Union and the present-day Russian North are prime examples of such an approach. On the one hand, the frontier territories have been the focus of the central planning, and had to adhere to comprehensive development plans; on the other hand, the areas are very remote and sparsely populated, and people depend on interpersonal-relations for community survival. Certainly, many societies of the Russian North, borrowing from Scott (2009), had to learn the art of not being governed, or of being governed only in a particular way to meet heterogeneous community needs.

7.1 Shatter spaces

In his book *The Art of Not Being Governed*, James Scott anthropologically and historically studies the people of the highlands of Southeast Asia (Zomia), which stretches from Vietnam through Cambodia, Laos, Thailand, and Myanmar, to China, India, and Bangladesh. He describes the hill people – as opposed to the valley

people – as those who fled the big nation-state projects like slavery, conscription, and taxes. Scott argues that ‘Zomia is the largest remaining region of the world whose peoples have not yet been fully incorporated into nation-states’ (Scott 2009: ix), and he attempts to examine why people would deliberately remain stateless while being self-governed. Scott calls those highlands areas, mainly the state periphery, a ‘shatter zone’, inhabited by ‘the people who have never been state *subjects*’ [emphasis mine] (Scott 2009: 10). The term ‘shatter zone’ has its origins in physical geography, in which it refers to an area of fissured or cracked rock that forms a network of veins that are often filled with mineral deposits. Although the term has started to infiltrate anthropology, its meaning is unequivocal (Raffield 2021). Scott claims that shatter zones can be found ‘wherever the expansion of states ... have driven large numbers of people to seek refuge’ (Scott 2009:8), often in geographically inaccessible territories. He presents the story of the people who voluntarily chose to remain ‘barbarian’ in order to keep the state uninterested in them and thus at arm’s length, while at the same time living within the state’s territorial borders.

In his study with Evenki, Nikolai Ssorin-Chaikov refers to the early twentieth-century diary of tax-inspector Pokrovskii, in which he states that, in the Evenki inhabitation area, ‘we already do not meet statehood’ and ‘the natives of the wild North’ were pushed by ‘a more cultured tribe’ (Ssorin-Chaikov 2003:4). Interestingly, that is also Scott’s description of Zomia when referring to the shatter zone: ‘ethnicity and “tribe” begin exactly where taxes and sovereignty end’ (Scott 2009: xi), indirectly imposing a division between the centre and the periphery. Ssorin-Chaikov, based on his own ethnographic observations, draws a rather different picture of the Far North of Russia as not beyond the state’s reach, but where the state is present in a very peculiar way. As Ssorin-Chaikov reveals, ‘the social life of the state in everyday context that extends beyond formal state institutions’ (Ssorin-Chaikov 2003:202) is more personalised and relational, relying on the local intelligentsia – ‘the same people who flee the state in some circumstances seek to represent it in others’¹² (Ssorin-Chaikov 2003:10).

Looking at North of the Komi Republic, I would certainly agree that the state is there, it has not gone anywhere, and I do see the spaces that, in my understanding, are ‘shattered’. In contrast to Scott, I would see shatter zones in the ‘grey’ spaces of public life (Ledeneva 2006) that, despite and alongside the state presence, either through laws, officials, and institutions, are filled up by local people’s understandings of what is ‘good and needed’ individually as well as collectively. In many cases, the space of

12 Aleksei Yurchak (2006) also describes such niches, referring to them as “vnye.” The term vnye denotes a space where individuals, groups, or phenomena exist outside official state structures, such as law or governance. Yurchak developed this concept to understand how informal networks function in societies where formal institutions are often inefficient, exploring the interactions between official regulations and informal social realities.

what is 'good and needed' is fulfilled by a well embedded system of unwritten rules, customary norms, tacit social contracts, and ad hoc pragmatic solutions. Therefore, the shatter zone has a multidimensional plasticity that allows it to adapt to changing circumstances, through collusion, accommodation, and avoidance between the locals and the 'state' (Scott 2009; Ledeneva 2006). This recalls Ledeneva's criticism of 'Russian chaos' as a recurring keyword that has been used by outsiders, believing it carried some alleged explanatory power. To the contrary, as I have tried to show in the course of this thesis, 'chaos' is a form of elasticity that is cleverly suited to a tumultuous environment, allowing people to step into a non-subject position within a state's borders. However, being a non-subject in the case of Izhma Komi is not a permanent state of affairs. Referring to Ssorin-Chaikov, I claim that some of the Izhma Komi, at certain times and in certain specific spaces, may encounter certain situations in which they experience the absence of subordination within a state. Yet, in other circumstances the same people may experience the power of the state, and rather firmly. After all, the educational system, the army, taxation, industrialisation, and to some extent infrastructure are in place.

7.1.1 Village

In the cultural sphere, state-run institutions are present across all Komi villages in Izhemskii District and beyond. These include the Houses of Culture (*doma kul'tury*, or DK), libraries, and museums. All these institutions are supervised by the Department of Culture of the local administration based in Izhma. The Department of Culture is responsible for implementing cultural programmes, organising events, submitting reports to higher officials, and providing and applying for funding (Grant 1995; Donahoe and Habeck 2011). Everyone involved in 'culture', professionally or privately, will not be overlooked the department (see also Vaté and Diatchkova 2011). Certainly, as Yngvesson (1993) notes, taking any actions, regardless of whether they lead to empowerment or disempowerment of the population, always draws the state's scrutiny; thus collusion and accommodation in village settings can be the key.

In article 4 of this thesis, I discuss the invisible social contract between the workers of the Department of Culture and some of cultural intelligentsia in Izhemskii District, which is based on the bureaucrats' 'non-interference' in the content of the Izhma Komi's cultural practices (personal communication EES 2022, 2023; EY 2023, GVC 2021–2023, TAF 2021–2023). The contract is conditional, as the cultural intelligentsia needs to deliver some cultural outcomes as a form of 'window dressing' (*pokazukha*: see Halemba 2011), such as a performance, event, or handicraft, and then submit a report which emphasises the support of the local administration and the implementation of republican cultural programmes and plans, while remaining silent on everything that went wrong (Halemba 2011; Grant 1995; Vaté and Diatchkova 2011). The officials' strategy of 'I do not interfere, I do

not help' (personal communication EES 2022) implies that they maintain a safe position while benefitting from accomplishments and carrying no responsibility for failures. Despite appearing to be a vertical interaction, particularly in public settings between officials and cultural workers, the chain of mutual dependencies may transform the relationship into a more horizontal one, in which a 'subject' is substituted by a partner. Konstantinov (2015), Anderson (1996), Ssorin-Chaikov (2003), and Stammler and coauthors (2016b; 2008) discussed the same phenomenon in different parts of the Russian North, and importantly between different actors – reindeer herders, local administration workers, and industry representatives – showing a recurring pattern of flattened relationships between diverse parties in both Soviet and post-Soviet contexts. What my field research revealed is that, in the Izhma Komi case, what enables such horizontality are the multiplex relationships across villages, in which one person can fulfil several social roles. As a result of the extensive networks of kinship or acquaintances, local people establish more mutual solidarity, which makes horizontal links between people and institutions possible, even though the links are legally sanctioned as vertical (Anderson 1996). Following on from this, the overlap of private and professional spheres generates a sense of belonging to a larger social context, a phenomenon that is prevalent in post-socialist societies, where alliances can emerge in one realm, either the private or the professional, and then tend to expand to the other realm, situating power in a more diversified position. At the same time, horizontal relations are not absolute, and people position themselves differently depending on their interests. Therefore, although the segmented bureaucratic structure continues to exist, people have learned to negotiate with the rigid system and to rely on the support of known individuals. William Felstiner, Richard Abel, and Austin Sarat capture this very precisely when they write that we should 'direct our attention to individuals as the creators of opportunities for law and legal activity: people make their own law, but they do not make it just as they please' (Felstiner, Abel, and Sarat 1980:633).

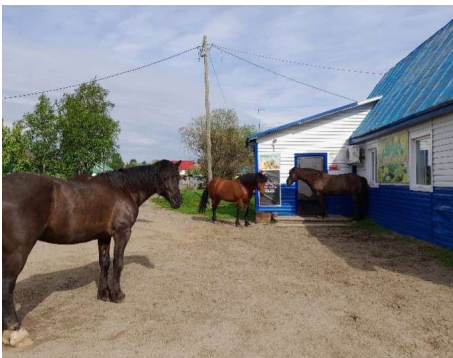


Illustration 4: Village landscape: Izhma summer 2021 (left), Syziabsk autumn 2022 (right)

7.1.2 Forest and tundra

While filling in the shatter zone of doing good for the community in the village context depends largely on navigating interpersonal relationships and establishing tacit contracts and alliances, in the forest and tundra things seem to work differently. For centuries, avoiding state structures was not an unattainable goal, but in the present day, the development of transportation, the expansion of cell phone coverage, and modern conveniences allow the state to establish and maintain its authority over larger territories. Non-state spaces have vanished almost completely, leaving little room to manoeuvre for those wishing to flee state control. One still-conceivable although disappearing solution, which harkens to earlier days, is geographical isolation from larger clusters of people through retreating to hardly accessible areas, which hunters and nomadic populations typically do in order to maintain their subsistence routines.

While hunting can be done individually, depending on the type of animal game, the terrain, and the season, reindeer herding among Izhma Komi is a fully collective activity. In both cases, though, the system of customary norms and ad hoc practical solutions is well-developed and governs everyday lives. During conversations with local hunters and the hunting inspector, I was able to identify several customary norms that are the actual source of regulations on hunting practices among Izhma Komi, in Izhemskii District, and perhaps beyond in other diaspora regions. First of all, everyone has their own hunting areas and works within their limits. This is not an administratively determined territory but a customary one, passed down from generation to generation through the male line. Upon agreement with the neighbours, it is possible to establish new hunting grounds; yet entering someone else's area without permission is forbidden. The mandatory customary legal norm under which the hunter activates rights as the owner in the forest area that he occupies continues to be his duty to build a forest hut (Komi: *kerka*, Russian: *izbushka*) and to set a snare (Komi: *latch*, Russian: *kapkan*) in autumn and winter. In the hunter's hut, one will always find dry firewood, a supply of food (tea, sugar, crackers, salt), matches, clothes, some medicines, and minor kitchen utensils. The hunter's huts are built without any administrative permissions or building plans, and thus, according to official building legislation, they should be torn down. The tacit agreements between the hunting community, the hunting inspector, and the local administration take for granted that no one will dare to demolish the huts, and knowledge about who is the owner is kept confidential.

Almost all hunting territories are federally owned within the forest reserve (*lesnoi fond*), and thus are subject to federal and republican laws regulating hunting and nature use, including hunting seasons and hunting quotas. Regardless of state laws, hunters choose to determine the optimal timing and number of animals to hunt based on the weather and their observations of nature. Summer hunting is forbidden under customary law. In the autumn, if a hunter begins hunting before the internally

defined hunting season, the entire hunting community condemns the act, which frequently implies that if caught red-handed, hunters have the right to beat up (*dat' v mordu*) a poacher, who cannot report the incident to the police or hunting inspector. Even if reported, the inspector and police typically close their eyes to the incident, taking it as a problem 'between the men' (*mezhdum muzhikami*). Typically, men form groups of four to five for the hunt; these groups commonly consist of relatives or others more experienced hunters, as well as boys. Men hunt for at least two weeks, and sometimes several weeks, depending on the season, weather, and type of game animal. It is usual for employees to take days off from work during hunting seasons, and employers typically accept the vacation, if needed agreeing to allow the employee to work additional hours after the season. There are additional norms governing the use of gears and traps and the distribution of prey, as well as consequences for breaking commonly accepted rules. Every hunter who finds himself in a difficult situation has the right to use another hunter's hut, but according to the customary norms, this should be done only in case of an urgent need. This could include illness, a vehicle breakdown, or an injury. It is usually forbidden to touch snares and traps or to steal prey. However, in emergency situations, customary law allows the consumption of part of the catch from a snare; in such cases it is obligatory to notify the owner of the site. Stealing the catch is one of the most serious forms of misconduct, and can disgrace the entire family, which gains a reputation as thieves. A person recognised as a thief will not be helped by other hunters in a difficult, even life-threatening situation. The concept of eco-balance is crucial as well. It is forbidden to catch more than one is able to process or to leave snares unchecked, allowing prey to rot.

In the tundra, likewise, there is a detailed system of traditional knowledge and customs relating to navigating migratory routes and dividing tasks between the tent workers, herders, and helpers; rules about slaughtering an animal; and taboos on tent sharing or usage of everyday utensils. In the Komi case, many of the rules relate equally to Komi and Nenets reindeer herders, since the Komi adopted their style of reindeer herding from the Nenets, but also since most of the brigades, especially outside of Izhemskii District, are of mixed composition, including both Komi and Nenets. The fact that part of the Komi from the settled, agricultural population became nomadic may mean that this was a strategic choice to avoid incorporation into state structures, which started penetrating the Russian North from the sixteenth century. Even though rare, some cases of settled people becoming nomadic do happen, as Pierre Clastres portrays in his research among indigenous peoples in South America (Clastres 1988). He argues that we should look beyond the evolutionary theory of Darwin to see nomads not as primitives who failed to settle and adopt agriculture, but as those who abandoned agriculture to live in the shadow of states. Therefore, it is not a matter of what Scott (2009:140) calls missing a 'talent for civilisation', but rather of choosing a way of life to avoid 'being ordered about'.

That whole system of customary norms had a chance to emerge organically because, in the times before the collectivisation, the state did not establish fully its authority over nomadic populations. At the same time, I wish to distinguish between the system of social institutions in the tundra among the herders and the system of coping at the junction between the herders and the broadly understood state. Reindeer herding nomads have been very skilful at balancing between being a part of a state-owned cooperative and following their own regulatory processes. They have learnt how to take advantage of what for them are favourable developments, while avoiding subordination as subjects; thus, nomadism became an adaptation strategy in the context of modern state-centred conditions. In practical terms, it means that herders (also private ones) use the vaccination and slaughtering facilities of the cooperatives, take advantage of helicopter transportation to the tundra, and benefit from deliveries of food products, while keeping a physical distance from the administrative centres, like the cooperative offices. Even though the herders are formally employees of the collective, and the brigadier (*brigadir*), who is one of the herders, acts as a group leader, everyone in a *chum* is equal (Habeck 2005; Stammler 2005). During my fieldwork, I did not spend enough time with reindeer herders in the tundra to be able to understand their system of informal rules and practices in-depth. Nevertheless, I did witness the intersection of cooperative office workers and reindeer herders in several locations: Krasnoe (NAO), Syziabsk (Komi), and Vorkuta (Komi), all of which were different.

What was striking were the office spaces themselves, particularly in Krasnoe and Vorkuta. One could feel 'the power' immediately upon entering the administrative building, where a secretary behind a high desk allowed me to enter through a double door into the directors' offices. In both cases, I stepped into a massive empty room with a long conference table in the middle, big enough to accommodate the whole brigade. The design was supposed to make me feel some sort of respect towards the director sitting a couple of meters away from me, and indeed I felt uncomfortable. How different this reality was in comparison with the acephalous forms of social organisation among the herders. The cooperative office in Syziabsk was in that regard an exception, as it was an ordinary office space in which the director, Natalia Alekseevna Chuprova, was accessible for everyone, and the office and workshop workers were an integral and equal part of the cooperative administration. Once again, as discussed earlier in this thesis, the multiplex society structure matters, in the sense that all employees of the Syziabsk cooperative are Komi, often from reindeer herding families, and from neighbouring houses or settlements – *use svoi* (all are our own folks). The egalitarian structure of the *chum* seems to prevail in the office as well. That was not the case in Krasnoe and Vorkuta, where the directors were Russians and were not connected privately with herding traditions, and even though they had very different leadership styles, they still played the role of managers from above. I asked both of the directors, 'How often do you go to the

tundra? To check the corral for instance?’ One said, ‘never, there other people for that’ (*nikogda, dlia etogo est’ drugie liudi*), snorting under their breath. The other director, on the contrary, said they monitor the vaccination and slaughtering points frequently, treating the cooperative as if it was a ‘private business’ they were in charge of. Together with other cooperative workers, I witnessed that director’s stormy argument with Vanya, the driver of the all-terrain vehicle (*vezdekhod*) and a former Komi herder. The director shouted: ‘You must inform me about your plans! I do not have to inform you about mine!’ The driver, who in the cooperative yard was just an ‘employee’ and had to accommodate the director’s orders, turned out to be someone who held a lot of power in the tundra (which the director was probably aware of and perhaps felt threatened by). As a driver (*vezdekhodchik*), Vanya was the link between the chum and the settlement, between the tundra and the state-power represented in the person of the director. He was the one who brought food products from the cooperative, privately ordered parcels with vodka, sweets, and cigarettes, and brought letters to people. He was the one bringing the people to the brigade and back from there, controlling the flow of people in the tundra, often away from the director’s eyes.

The figure of Vanya represents a complex interplay of subordination and autonomy within formal regulatory systems. Positioned at the intersection of the “shatter zone” and state authority, Vanya navigates this liminal space by employing strategies of collusion, accommodation, and avoidance to advance the values and practices he deems essential for the herders’ community. Through these tactics, he exercises agency within existing constraints, negotiating the boundaries of formal governance to serve communal needs while simultaneously engaging in subtle resistance to hierarchical structures. This duality underscores the nuanced relationship between individual agency and structural subjugation in regulated social environments.



Illustration 5: On the left and right: Bol’shezemel’skaia tundra, brigade nr 2 of the reindeer herding cooperative ‘Olenevod’, summer 2023. On the left the reindeer herders load the boat onto the all-terrain vehicle. On the right, they assist the children in preparing the reindeer sledge for a shot ride to fetch water from the nearby river.



Illustration 6: On the left: forest south-east from Naryna-Mar; right: reindeer herding cooperative 'Olenevod' Vorkuta, summer 2023

8. Articles summary

The previous sections of this synthesis chapter serve as the introduction to the doctoral dissertation, as well as providing the methodological, conceptual, and theoretical framework of the whole doctoral research project. However, the initial part of the writing process as well as the core of this dissertation is comprised of four research articles, which ponder different problems from different methodological viewpoints. The quality of that original work was ensured in the double-blind peer-review process, adjusting to each journal's requirements and going through an English language check. Even though these are four separate pieces, together they form a coherent whole; thus, the goal of this synthesis chapter is to underline clearly the linkages between the four pieces and offer a streamlined storyline behind them.

In the following section, I summarise the main findings of the four research articles and demonstrate the interconnectedness between them on a more overarching level. I also add contextual nuances and images which I could not include in the articles themselves. As stated in my introduction, four research questions are reflected in the articles: Q1 in article 1, Q2 in article 2, and so forth. Article 1 of this dissertation was written first; articles 2 and 3 were written simultaneously; and the last one was article 4. The content of the articles and the methods used also clearly reflect the path this doctoral research took over the years. Article 1 is a purely legal text, based on doctrinal and legal analysis reflecting desk research. Articles 2 and 3 were written after the first and second rounds of fieldwork, and thus reflect my efforts to put the relevant Russian laws, policies, and some political events into context and to verify them against the ethnographic data I gathered in the field. Article 4 is an anthropological piece, in which the analysis of codified laws is no longer present; rather, I draw on deep and diversified field data gathered in the third field visit to reveal the tacit, informal, and customary normativities.

8.1 Article 1

The first article, titled 'The Right to Cultural Heritage in International Law, with Special Reference to Indigenous Peoples' Rights', was published in 2021 in *Santander Art and Culture Law Review*, and is open access. This article serves as a conceptual foundation for the dissertation overall. Methodologically, it is grounded in the legal, doctrinal analysis of two international law frameworks: human rights law and international cultural heritage law.

The starting point of the research article was the 2011 report of the Human Rights Council, issued by the former Special Rapporteur in the field of cultural rights, Farida Shaheed. The report addresses the growing significance of the social dimension of cultural heritage in international law. Particularly, the report investigates the extent to which the right of access to and enjoyment of cultural heritage forms part of international human rights law, although it had not yet been attained.

Drawing on the report's outcomes, my goal in this research article was to bring the human right to cultural heritage into the context of indigenous peoples' rights. In the article, I first trace the path that cultural heritage law has taken to adopt a human rights law dimension. Second, I examine the content of the human right to cultural heritage and map the connections and disconnections between and within cultural heritage law and international human rights law frameworks.

Developments in the intersection of human rights and cultural heritage law and theory have been far-reaching, as initially those two spheres were regarded as separate and unrelated. Until the Second World War, curiosity about cultures and the meanings of contemporary practices were dismissed by legal scholars as an issue of 'anthropological observation rather than a subject of legal protection' (Polymenopoulou 2017: 99). However, by the second half of the twentieth century, some cultural qualities had been recognised as cultural heritage, with outstanding value for all of humanity.

The perspective on heritage as *items* of cultural and natural importance, as well as elements of the cultural past, began to change in the 1970s, when heritage theory underwent a great evolution, influenced by indigenous peoples' ontologies and the newly emerging indigenous peoples' rights movement. As a result, intangible cultural heritage gained wider recognition, and eventually, the Intangible Cultural Heritage Convention was adopted in 2003 (UNESCO 2003). Recently, scholarship has critically addressed the nature-culture division, arguing that, in the case of many indigenous and non-indigenous communities, broad relationships within the entire ecosystem do not allow for detaching one from the other. The evolution of cultural heritage legislation has led to the acceptance of the viewpoint that heritage as a cultural process is an important component of people's individual and collective identity, with the potential to empower previously marginalised individuals and communities.

The shift from a state-centric to a people-centric approach to cultural heritage has been widely addressed, both in legislation and in scholarship. A big challenge was how to implement that in practice, using a bottom-up approach, and to challenge the still-prevailing power dynamic that legitimises the authority of heritage experts and the state apparatus over the understandings, knowledge systems, and self-determination of local populations.

In this regard, articles 2, 3, and 4 of this dissertation portray how the Izhma Komi over the decades have been creating and developing their cultural self-determination,

and how that process has been fostering the political and economic aspects of self-determination. Moreover, I analyse the decisive factors in that mechanism, which are informal connections and a system of social institutions linking the local population and the representatives of the district administration. The tacit informalities, customary norms, and social contracts that fill in a 'shatter zone' within the state system (see section 7 above) are an environment where the human right to cultural heritage can be broadly enjoyed.

Even though Farida Shaheed's 2011 study directly addressed the relationship between human rights and cultural heritage, the right to cultural heritage has not been explicitly regulated in any of the international law documents (HRC 2011). This is due to the divergent approaches taken by the two primary legal frameworks governing heritage: international human rights law and international cultural heritage law, which could not be merged. Thus, the only way to address the right to cultural heritage has been to subordinate it to other existing rights. As a result, the right to cultural heritage has been defined as a bundle of rights that encompasses two distinct categories: The first relates to the identification, interpretation, and development of cultural heritage and respective policies – namely what was included in the international cultural heritage law system; the second involves follow-up activities associated with 'knowing, understanding, entering, visiting, making use of, maintaining, exchanging and developing cultural heritage, as well as [with] benefiting from the cultural heritage and creations of others' (HRC 2011: para 58). These elements taken together constitute a realm of 'rights to culture', as developed under the human rights law framework. As a result, the right to heritage encompasses both the technical recognition and protection of cultural assets as well as the right to culture in general.

In this context, the human rights dimension of cultural heritage addresses four questions: *who* decides on *what* was protected, *why*, and for *whom*. Those questions relate to the concept of participation in decision-making, which derives from the field of human rights. I reflected on these four questions, based on the Izhma Komi example, in article 4 of this dissertation, which brings closure to the dissertation's thematic scope, drawing on ethnographic insights that are central while examining the realities of laws.

8.2 Article 2

The second article, titled 'Indigenous yet unrecognised: The legal reality of the Izhma Komi people', was published in *The Polar Journal* in 2022. The article is based on ethnographic research conducted mainly in 2021, with a smaller contribution from 2022 fieldwork, since the article was submitted to the journal before the second field trip. In this article, I clarify the legal and factual situation of the Izhma Komi,

who are not recognised as KMNS, yet reside on lands listed as places of indigenous habitation, and are involved in indigenous traditional economic activities listed in federal laws.

As a first step in conceptualising the research article, it was crucial to identify and analyse the relevant Russian legislation: federal and republican laws. I focused on the regulations relating to nature-based economic activities as one of the forms of indigenous cultural heritage – namely fishing, hunting, and reindeer herding. My goal was to enter the field with prior knowledge of the legislation. One of my tasks while in the field was to compare the letter of the law with the practical implementation of laws on the ground, from the local people's perspective. Therefore, I was interested in whether and to what extent local field partners were aware of laws and their rights, as well as their viewpoint on practical implementation of them. To find the answers, I approached both ordinary village inhabitants, the staff of the local administration, and the hunting inspector. I targeted particularly those local people who, in everyday life, were involved in fishing, hunting, and reindeer herding, which meant primarily men. However, while exploring the realities of the reindeer herding laws, I approached also many women who were members of reindeer herding families and who were former and current tent workers (*chum rabotnitsa*), as well as male retired reindeer herders and stand-by herders.

Out of three ethnography-based articles, only article 2 touches upon questions relating to nature-based activities. Articles 3 and 4 of this dissertation discuss other cultural elements, like festivals, handicrafts, or folklore. The slight disproportion between focusing on the ethnic cultures versus the traditional livelihoods resulted from my positioning in the field (see section 4 above). As a woman, I could enter into deeper conversations and build relations primarily with other women, whereas hunting and fishing were regarded as predominantly male activities, beyond female reach. That disproportion has been evened out in the synthesis chapter, as I was able to give more attention to the practices and realities in the tundra as a result of the data gathered I during my last round of fieldwork. Even though gender divisions and preconceptions are also present in the tundra, there is a greater concentration of people in a smaller living space in comparison to the village. Therefore, the men were more accessible to me when they were not out with the animals and remained closer to the *chum*. By contrast, in the villages men appeared to be more scattered, having plenty of chores in different corners of the village and in the forest. I also spent several hours traveling in all-terrain vehicles with reindeer herders and veterinarians, where I could address my questions but also listen to the stories they were telling to entertain each other during the journey.

Comparing the letter of the law with people's realities revealed many misconceptions I had about both the legal and factual positions of the Izhma Komi. Most importantly, it helped me to discover the system of customary norms ruling the everyday lives of hunters and fishermen and other informalities that existed in

the relationships between the representatives of the state power and the people. Nevertheless, initially, it was important to know exactly what was (back in 2021) the up-to-date state of Russian legislation relating to fishing, hunting, and reindeer herding, and what right the Izhma Komi possessed despite the lack of the KMNS status.

A mistaken belief reproduced often in the scholarship is that Izhma Komi people do not have *any* rights, since they are not listed as KMNS. As I have shown in article 2, that is not accurate – Izhma Komi certainly do not have all the rights of KMNS, but they do have some rights provided within the KMNS legal framework. More than that, there is separate legislation at the federal and republican levels regulating fishing, hunting, and the use of wildlife resources, and at the republican level regulating reindeer herding, in which rights and obligations are granted to the people concerned regardless of their KMNS status.

The 1999 federal law ‘On guarantees of the rights of the indigenous peoples of the Russian Federation’ *may* extend its effect on ‘persons who are not designated as small-numbered indigenous people but reside in the places of indigenous peoples’ traditional residence, engage in traditional economic activities on a regular basis and pursue the same traditional nature use and traditional way of life as indigenous peoples do’. That provision of the law pertains to Izhma Komi who inhabit Izhemskii district, Usinsk, and Inta, but it does not refer to the Komi population of Vorkuta, which is not listed in the law as a ‘place of traditional residence and traditional economic activities of the KMNS’ (Russian Federation 2009b). The federal law ‘On guarantees of rights’ does not grant individual rights or benefits, but the municipalities mentioned above could potentially benefit from additional state funding to support traditional activities of the small-numbered indigenous peoples, as well as members of groups that are not small-numbered but do engage in such activities.

What is also important is that in the districts listed as territories of traditional residence and traditional economic activities of KMNS, the Izhma Komi could, upon agreement with local authorities, restrict the non-traditional use of their lands by state-owned companies, such as oil and gas companies. Similarly, the Federal Law ‘On territories of traditional nature use’ can apply to non-small-numbered indigenous peoples who reside in indigenous areas and conduct traditional subsistence activities (Russian Federation 2001b). The law ‘On territories’ refers largely to the procedure of creating territories of traditional nature use (*territoriia traditsionnogo prirodopol’zovaniia*; henceforth TTP). Within those territories, KMNS and non-KMNS are bound to engage only in traditional economic activities for their subsistence and can use natural resources only for their private purposes (Article 13). In those specially protected wildlife areas, both indigenous small-numbered peoples as well as non-KMNS people residing on the lands of indigenous people are entitled to receive plots of land to be held in limited ownership (Article

11). However, business activities and the use of natural resources are still allowed by law, and in cases of expropriation, KMNS and non-KMNS shall be provided with compensation (Articles 12, 13). The Government of the Komi Republic decided in 2018 to create five territories with the special status TTP (Vorkuta, the territories surrounding the municipalities of Inta and Usinsk, and Ust'-Tsilemskii and Izhemskii districts) (Komi Republic 2018), but to date none of them has been actually established.

What my fieldwork revealed is the general lack of knowledge among bureaucrats in Izhemskii district of the fact that, by law, Izhma Komi fall under the legal category of non-KMNS, although they reside in an area of indigenous residence and engage in traditional economic activities on an everyday basis. While some administration employees and also activists try to stay up to date about the changing legislation, others are not very aware. The problem is also that not all federal legislation identifies non-KMNS as beneficiaries of specific indigenous rights based on their way of life, instead referring only to 'small-numbered indigenous peoples'. This causes a great deal of inconsistency in how the state apparatus applies the laws. The hunting case shows that while some state representatives treat Izhma Komi as non-KMNS who nevertheless can claim indigenous hunting rights, others treat them as poachers, and apply fines for illegal hunting.

Ultimately, the article reveals that the Izhma Komi have certain rights protected by Russian Federation and Komi Republic legislation. Yet a significant challenge is in the enforcement of laws and rights, as well as the structural instability of the Russian legal framework. The legislation tends to be very fragmented, as well as frequently amended, to the extent that even the local administration is not fully aware of the binding regulations and legal developments. Not to discount the corruption of authorities, bloated administrative bureaucracy, and intentional legal and political processes limiting indigenous rights, but on the local level it is not always the bad will of local bureaucrats, but the lack of up-to-date knowledge about currently binding norms that causes issues.

8.3 Article 3

The third article is titled 'Izhma Komi cultural identification and self-determination: The study of the "Lud" tradition', and was published in *Arctic Yearbook 2021*. This article was co-authored with Maria Fedina (Helsinki University). In this publication, I contributed the fieldwork data as well as legal and conceptual analysis, while Maria Fedina contributed the archival and historical part of the article.

In this article, we tried to merge our fragments of knowledge, understandings, and observations around the Izhma Komi 'Lud' festival, which had been vividly developing over the years. Before writing the article, we had already separately

gathered the data, both archival and field-based. The main goal of the article was to show how the revival of the mid-summer celebration led to more far-reaching socio-political consequences than ‘just’ cultural enrichment. For members of diverse ethnic groups, The USSR’s decades-long russification campaign brought ingrained generational shame about one’s nationality and cultural individuality. Those cultural elements which were allowed to be enjoyed had to be developed and continued under the umbrella of Soviet values, in a more standardised way, familiar to an average Soviet citizen. Celebrations and practices that bore ideological or religious weight were banned from the public sphere. This happened with the Izhma Komi’s ‘Lud’ midsummer celebration, which was grounded in pagan traditions of the transition from spring to summer.



Illustration 7: Left and right: Lud festival – vorota (gate), Izhma, summer 2023

During the ‘thaw’ of the 1980s and 1990s, many of Russia’s nationalities experienced ethnic and ethno-political awakening and strived to safeguard and revitalise cultural distinctiveness. This concerned likewise Izhma Komi cultural elements, particularly the ‘Lud’ festival, but also the traditional female costume (*sarafan*) and folklore.

Exploring the ‘Lud’ festival tradition, during my field visits I was particularly interested in uncovering who initially stood behind its revival and why. This was a challenging task, at a time when ‘Lud’ was attracting thousands of participants and became listed as the cultural heritage of the Izhma Komi. Everyone involved in preparations wished for their role and effort to be recognised, especially in the eyes of a newcomer to the village who expressed interest in Izhma Komi cultural expressions. Two persons were pointed out by the local people as the initiators of the ‘Lud’ revival, although there are more nowadays who claim that role as well. One of the two began collecting endangered local folklore in the 1980s to use as part of the repertoire of the folk group that she led. Eventually, in collaboration with other cultural workers from the district, that person became responsible for

the groundwork, encouraging community members, particularly children, to gather lyrics and melodies from their grandmothers. From the bits of material that the local people and the folk ensemble members collected over the years, she led the revival of 'Lud'. The second person who was often mentioned by cultural workers in Izhemskii District was in charge of promoting 'Lud' on the republican and federal levels, finally resulting in its inclusion as the Izhma Komi's intangible cultural heritage. The second person is no longer involved in the festival's organisation and has also left the Komi Republic, while the first person to this day supervises the preparations of the celebration, in cooperation with the local administration (see more in article 4) and other cultural workers. It is crucial to stress that 'Lud' *is not* a staged performance, but is rather a surge of people – mostly locals, but it can include visitors – who dance and sing together in a choreographed figure that they learned beforehand and have repeated over the years. That figure, called *vorota* ('gate'), continues across the Izhma village up to the river bank, where the celebration continues with many pre-Christian elements, like dancing in a circle, a bonfire, or the selection of the most beautiful woman. Even though the festival has grown extensively, the informal ways of governing, preparing, and safeguarding it are still present in the district (see article 4).



Illustration 8: Left and right: Lud festival: pagan part at the Izhma river banks, summer 2023

From a celebration on a local scale, 'Lud' became an event of republican significance, not only in terms of the number of attendees, but also in terms of new local projects that have emerged as a result of and in response to the festival, particularly in tourism, handicrafts, and food production. At the same time, there are voices of criticism that 'Lud' has evolved from a collective cultural experience to become increasingly commercialized, even though its resurgence has united all the Izhma Komi across the Russian North. Indeed, it is still a celebration that brings Izhma Komi living in diaspora to the village of Izhma and to other villages in the district, to search for relatives and visit graves. As discussed in the synthesis chapter,

back in the 1970s and 1980s, many Izhma Komi from Izhemskii District were not very aware of the existence of the diaspora; therefore, the celebration contributed to rebuilding family ties on a micro level, as well as (Izhma) Komi identity across the Russian North. At the same time, it is important to point out that the revival of ‘Lud’ overlapped in time with the development of the Izvatas movement and political claims for the KMNS status, along with the fight for environmental protection in the north of the Komi Republic. The ‘Lud’ festival demonstrated to authorities, and to the people themselves, their togetherness across group divides, resulting in at least partial self-identification. By that, I mean that the group’s self-identification as *Izhma*-Komi was largely contested by the northern Komi themselves, given the proposed ethnonym as well as internal and regional differences (see section 6 and article 2). Nevertheless, during the times when Izvatas was claiming KMNS status, ‘Lud’ was central in boosting northern Komi self-identification.

In 2013, when ‘Lud’ was listed as an ‘intangible cultural heritage of the Izhma Komi’ in the Republican Registry of the Komi Republic, it was a clear indication that this separate Komi group exists, despite internal divisions. Even if the political aspirations to win KMNS status have faded, the festival’s political, cultural, and social relevance remains, since community leaders frequently employ cultural distinctiveness to achieve other political aims.

The festival is also a manifestation of the cultural self-determination of Izhma Komi, many of whom choose to participate in the celebration, which besides being a collective cultural expression is also a family fest. At the same time, ‘Lud’ now includes pre-events that take place a few days before the main celebration and are by invitation only. These are ‘Izhma readings’ (*Izhemskie chteniia*) and ‘The School of the Young Leader’ (*Shkola molodogo lidera*), which take place interchangeably almost every year, and both of which I was able to attend, respectively in 2021 and 2023. The events are organised mainly by Izvatas with the approval of the local administration.

‘Izhma readings’ is a conference that welcomes activists, journalists, researchers, and politicians. During the event, all topics were straightforwardly raised, even those seen by Russian authorities as separatist, especially relating to self-determination, land rights, environmental protection, and activities of Lukoil-Komi in the region, along with language and cultural policies. The conference was exceptionally vibrant, with all statements able to be expressed, evoking strong emotions from many participants.

On the other hand, ‘The School of the Young Leader’ welcomes young Izhma Komi from different regions of the Russian North who are active in social, cultural, or political spheres, and thus are seen as emerging leaders. Every year, the school is organised in a different region of the Izhma Komi north, and in 2023 it took place in the village of Izhma, just before ‘Lud’. The participants visited local cultural centres and diverse businesses. The school also included a series of workshops during

which participants presented challenges, strategies, and development plans in their respective regions, as well as political and economic struggles, comparing one to another and learning from differences and similarities.

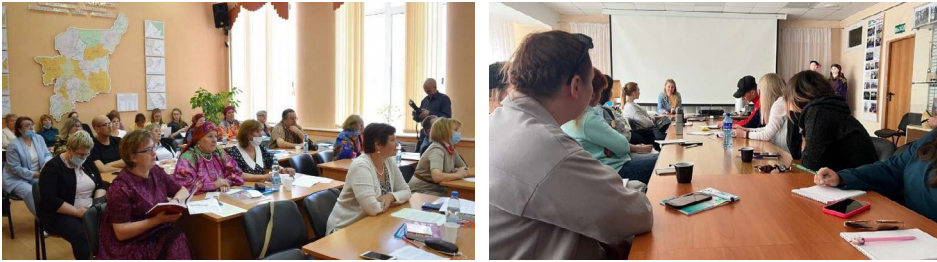


Illustration 9: On the left: Izhma readings' (Izhemskie chteniia), Izhma 2021; on the right and 'The School of the Young Leader', Izhma, summer 2023

Both events organised in the shadow of 'Lud' gave space to discuss touchy topics, which otherwise would have been considered by the authorities too inconvenient to discuss. 'Lud', as an apolitical cultural event, offered room to accommodate those happenings outside of formal and political frames, allowing for a neutral space to articulate diverse problems under the umbrella of cultural heritage.

8.4 Article 4

The last article of this doctoral dissertation, titled 'Who constructs the Izhma Komi's heritage today? The social contract as a non-legal tool to realise the human right to cultural heritage', was published in *Arctic Anthropology* in 2024. This article is based on three ethnographic field visits between 2021 and 2023, in the North of the Komi Republic and in NAO. The conceptual component is based on four questions that narrow down the understanding of the human right to cultural heritage and bring it back down to earth' – namely, *who* decides on *what* to protect *why* and for *whom*. While article 1 examines the legal limits of the human right to cultural heritage, article 4 seeks to reveal what the human right to cultural heritage means in practice among the Izhma Komi, and how it is practiced by individuals and communities at the grassroots level. The article is a response to voices in academia pointing out that scientific knowledge about the practical realisation of this right among local people remains a grey zone (see for instance Bortolotto 2017).

With reference to article 1 of the dissertation, in this article I stress that states, as designated duty bearers in international human rights treaties, enjoy discretion and can and should choose such domestic implementation measures that foster the effectiveness of human rights on the ground. These need not necessarily be legal

means, like establishing a national legal framework, but may be culturally embedded, non-legal tools, such as local social institutions. In this respect, I highlight the agency of those actors who typically remain invisible within the state's field of enforcement of human rights, namely village intelligentsia and community members.

A crucial aspect underlined throughout the article is the distinction between human rights *laws* versus human rights *as values and moral principles*, practised by the people. In the latter understanding, human rights are not granted by any state and exist regardless of whether a state chooses to recognise them. Many of today's 'human rights' ideals, albeit with varied emphasis and forms, may be found in non-Western ideologies, religious beliefs, and cultural traditions as well. While acknowledging the Western influence and institutionalisation of the human rights legal regime, in this study I emphasise the value dimension, variety, and multiple understandings of human rights. Therefore, I claim that for human rights to be effective, they must be initiated and pursued by those within a community and not imposed from above.

Indeed, the terms 'human rights' and 'cultural heritage' were not only abstract concepts to my field partners, but evoked mixed feelings of mistrust and suspicion related to Western-driven discourses. Therefore, even though I use the concepts 'human rights', 'law', and 'cultural heritage' throughout the dissertation, both in the articles and in the synthesis chapter, I did not use those terms while interacting with people in the field.

Even though none of my field partners ever used the expression 'human rights', and no one would describe their behaviour as an exercise of their rights, it does not mean that human rights as values are not present among the community members. They certainly are; yet the terminology used by the local population is different. Many expressed a sense of *responsibility* for the Izhma Komi's collective identity, traditions, and future. Thus, a question arises: Why do some people have that feeling of *responsibility*, and what kind of personality features does a person need for the feeling to emerge and externalise as behaviour? Is this an attitude that can be spread to other community members as well?

Thus, over the course of my field visits, I worked to understand field partners' life stories and personality traits, while at the same time analysing community networks. While in article 2, as well as in sections 6 and 7 above, I described the customary norms and tacit informalities within and between the communities of reindeer herders, hunters, fishermen, local inspectors, and the cooperatives' leaders, in article 4, and also article 3, I focused on other actors – cultural intelligentsia, cultural workers, and the local administration employees – in my effort to answer the question of 'who' decides about the Izhma Komi ethnic culture.

This was the most challenging question to answer. It required a significant amount of time spent with many Izhma Komi people to gain a gradual understanding of informal networks and connections between community members. It required recognising who holds the actual power versus who has mere *de jure* authority.

Ultimately, in the article, I argue that Izhma Komi cultural heritage is largely driven by some of the local people and cultural intelligentsia, as individuals, owing to their tacit social contract with the local administration.

In the article, I introduce three cultural workers from Izhemskii District who are the driving force behind cultural developments in the district, and one of the parties to the unspoken social contract. The analysis of social networks in the Izhma Komi community was crucial to illustrate the grassroots-to-power dialogue within a continuously renegotiated social contract, which developed from the desire of many members of the cultural intelligentsia to clearly distinguish the tasks and scopes of obligations between cultural workers and local administrative bodies (personal communication GVC, EES, TAF: 2022–2023; ESJ 2022; local administration 2022). In practice, the social contract means that the local administration takes responsibility for providing funding to support cultural projects, while the content of the work should stay entirely in the hands of the cultural intelligentsia and cultural workers.

That social contract is grounded in the mutual dependency of the community members, which also implies structural loyalty. What I mean by that is the fact that, in small communities of northern Russia, one encounters the same people in a variety of social settings. As a result, tensions in one aspect of social life can readily spill over into another, damaging the social environment, which is characterised by mutual dependency. In the Izhemskii District case, the social contract is thus one of noninterference. Local administration workers do not decide or persuade cultural workers about which ‘traditions’ should be preserved, in what shape, and with what components. The price for that partial freedom is in the form of delivering the so-called *pokazukha*, which is a standardised, ethnically inspired performance for visitors, ordered by the local administration when officials of higher rank or other esteemed visitors enter the villages. However, when the social contract is one of noninterference, loyalty can be severely weakened if the agreement is breached; this is why the social contract is fragile and so invisible, unless one takes a fine-grained view of social networks, or if the contract is actually breached.

Conclusions

As I noted at the beginning of this dissertation, I did not want this study to be yet another inquiry into human and indigenous rights, claiming to bring standardised and ‘unbiased’ knowledge. The framework of rights is itself regulated to the extent that relevant experts can measure the effectiveness of rights and tell the ‘objective truth’ about the condition of rights within a specific context or area and thus recommend how to engage in rights discourse correctly. Neither did I want to conduct research that engaged in wishful thinking, concluding finally that Russia should ratify ILO169 and adopt the UNDRIP.

The goal of this dissertation has been to show the palpability of human and indigenous rights in an everyday context based on long-term ethnographic fieldwork among the Izhma Komi peoples of the Russian North. I wanted to understand how local people perceive, experience, and create cultural values, norms, and rights. To be able to take up such perspectives, one needs to get it through one’s head that ordinary people, in Russia and beyond, will not refer to the texts of legal acts, will not exercise their rights by appealing to the court system, and will not speak in legal jargon.

At the same time, diverse scholars continue to evaluate the legal position of indigenous populations in Russia according to Western standards. I have argued that the concept of indigenous small-numbered peoples’ rights in the Russian Federation should not be indiscriminately understood as a synonym of the concept of indigenous peoples’ rights in the international law framework. The KMNS scheme, including all its structural limitations and frequent amendments, is not a plain legal category of classifying groups that can be called indigenous small-numbered peoples. It is first of all a thought and identity category, one that shapes and changes people’s self-perception as not only ‘indigenous’, but especially ‘small-numbered’, which to this day has a connotation of ‘backwardness’, not only among the majority of Russian society, but also, as I showed, among some of the Izhma Komi themselves (section 6.3). In this way, indigenous rights are a ‘gift’ for which one needs to pay with the sacrifice of their self-determination. That has been one of the reasons why the new leadership of Izvatas has given up striving for recognition as KMNS, although Koroleva’s reasoning and position in local politics may seem not straightforward.

More than that, there is a need to ensure that the Western language of enforceable rights is not inadequately or idealistically applied to non-Western legal settings. The findings of articles 2 and 4 of this dissertation show that, among the Izhma Komi population, the term ‘human rights’ does not exist, which does not imply that the

values and ideals of human rights are foreign to them. On the contrary, many of the Izhma Komi from Izhemskii District, NAO, and Vorkuta, are highly conscious of the importance and value coming from safeguarding their distinct cultural expressions. In my observations, this awareness stems from the aftermath of the imposed Soviet policies of russification, the alienation of ethnic minorities from the majority of society, and the later socio-cultural thaw of the 1990s. That phenomenon is not exclusive to Izhma Komi, but has been observed among many ethnic minorities of the Russian Federation.

Certainly, not everyone among the Izhma Komi is concerned about the condition of their cultural survival. Those who are could be called the 'village intelligentsia'. They are the driving force in mobilising the local population to take part in events, speak the Izhemskii dialect, and also talk with a researcher. Again, not everyone who could be considered part of the intelligentsia is at the same time a cultural leader. I encountered examples of cultural workers who were not very preoccupied with the condition of local cultural forms of expression. I cited in article 4 one of my field partners who described them this way: 'They work like robots, without particular involvement; it is important for them that the reports match' (EES 2022). In my field experiences, such individuals were not very keen on talking with me, either; possibly they saw in me some sort of inspector of their work, and they preferred keep things brief. On the other hand, I met several people who had very little education, perhaps only up to third grade, who nevertheless participated in workshops (*master-klassy*) and village meetings, or were teaching some folk elements to their many grandchildren and great-grandchildren.

I recall very well one elderly woman (*babushka*), clearly in her eighties, who visited the library in one of the villages rather frequently. Every time she came, she would take a few magazines, some in Komi and some in Russian, as the choice was limited. She would sit in the reading hall (*chital'nyi zal*) for an hour or two and slowly read articles and look at the pictures. She was not eager to have longer chats with me, but every time we saw each other, we would exchange a couple of gestures. Her Russian was not fluent; she seemed to prefer the Izhemskii dialect, although I felt the real reason why she always kept silent might not have been her lack of Russian skills but her lack of desire to speak with me. After a couple of days, I would visit the library and see her again, sitting in the reading hall, reading the same magazines. This was repeated many times over the months and eventually years. Initially, I thought that perhaps she was lonely or simply enjoyed reading the same magazines over and over again, which was quite common among people who grew up and still live without TV or smartphones. Later I learnt that the library was her place of escape from her son, who was an alcoholic and could be very aggressive, especially when her pension came. Her choice to come to the library seemed a logical one, as she could easily pretend to be a reader (*chital'el'*), and nobody would ask why she actually came, even if everyone knew. The library was also close to her home, it was warm inside, and

she certainly did not feel like a ‘burden’ there. How surprised I was when once I saw the woman shouting at teenage boys who were watching videos and chatting in Russian: ‘Speak Komi! Your mother and father are Komi!’ Her strong emotional reaction implied that, at that moment, she felt deeply concerned about the use, or rather the lack of use, of the local dialect by the younger generations, and the fact that she decided to intervene, although she was usually taciturn, displayed her sense of *responsibility* for cultural markers of Izhma Komi, such as the language.

I relate this story only at the end of the dissertation on purpose, even though it disturbs the conventional structure of the conclusion, as a summary of the main theoretical insights of my work. It is a parable. This scene from the local library includes all the elements of what the human right to cultural heritage is and can be among individual Izhma Komi community members. This narrative allows one to visualise the content of this doctoral dissertation in a very condensed way, especially for those potential readers who do not have any academic background, yet might be interested in the topic. The scene from the local library intuitively directs the reader into how complex the right to cultural heritage can be, while at the same time explicitly showing that engaging the rights does not lie solely in the hands of scholars and officials, but depends on the decisions of ordinary people. The scenario also embodies some answers to the four questions I have posed throughout the dissertation: who decides on what to protect, why, and for whom. The answers will be different for different people, in different situations, and in different stages of their lives.

What matters for the broader society is that many of the Izhma Komi I encountered do not remain indifferent, and do make individual decisions that guide their behaviours. The word *responsibility*, repeated by a variety of village dwellers and reindeer herders as well, is thus a synonym for realising one’s rights in everyday life. It is a process, and not an outcome, in which mundane and minor efforts become significant. It is a feeling that one has to take care of the realities around oneself, that one has a relationship of belonging. One belongs to the culture and the culture belongs to oneself – that is the source of feeling responsible for it, but also of feeling that the culture serves one’s needs.

Focusing on the collective of individuals who assume the role of safeguarding cultural practices implies an acknowledgment of the individual agency of those people. The shatter zone that is created to circumvent the official system in the villages and in more isolated spaces, like forests and tundra, gives people some room to exercise their self-governance and self-determination in matters that undoubtedly relate to their internal and local affairs (see section 5).

I wish to highlight the importance and effectiveness of social institutions, like informal agreements, customary norms, and unspoken social contracts, in bringing regulatory safety in conditions where the political climate makes more formalised arrangements virtually impossible. Even though the authorities are fully aware of the

existence of the shatter zone, it should remain slightly hidden, so as not to irritate the bureaucrats' eyes. The presence of that space should not be seen as illegal; on the contrary, I would see it as Izhma Komi's way of enjoying the right to maintain and strengthen their distinct political, legal, economic, social, and cultural institutions (see section 5 on UNDRIP). Therefore, where others may see mere chaos, arguing for the greater reliability of the codified legal system and its authorities, I see a unique legal culture that is significant and complete in itself. Similarly, and on a micro level, the local library became such a shatter zone for the elderly woman. Everyone knew she would be there, and knew why she was there, even though she tried to hide both the fact and her real motivation. That was the space left untouched in a landscape of personal destruction, of physical and psychological danger, which allowed for some relief and independence in making decisions.

Addressing the widespread criticism – with which I sympathise – that human rights discourse promises a lot in theory, but in practice is rather vague, throughout the dissertation I have portrayed a variety of people who were engaged with the everyday aspects of human rights, as values and practices. Presenting those different human faces was necessary to understand human rights as a field of practice, where human rights are not 'simply' implemented by state bodies, but rather, just like other values and ideals, they are continuously negotiated and compromised differently between different actors.

That is also a reminder that research should be done not on people, but with and for people. I believe that co-creative, ethnographic research, based on mutual trust, is a centrepiece of studying normative systems, societies, and cultures beyond disciplinary boundaries.

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Interviews

The toponyms refer to the place where the interview was conducted.

AR 2021 male Syktyvkar

AT 2021 male Syktyvkar

ESJ 2021-2023 female Izhma

EES 2021-2021 female Izhma

EY 2023 female Izhma

GVC 2021–2023 female Syziabsk

TAF 2021–2023 female Izhma

FF 2021 male Izhma

Irina Koreleva 2021-2023 female Izhma

JC 2021 male Izhma/Syziabsk

JP male 2024 (online)

LMC 2023 Krasnoe

Local administration 2021-2023 Izhma

MF 2021 female Syktyvkar

VF 2023 male Izhma/ Shchel'iaiur

VES 2021, 2022 male Syktyvkar

VKK 2022 female Izhma

VS female Syktyvkar

ZM 2023 female Naryan-Mar

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GENERAL ARTICLES

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The Right to Cultural Heritage in International Law, with Special Reference to Indigenous Peoples' Rights

Abstract: In recent years, the social dimension of cultural heritage has gained significance in international law. A better understanding of the human rights dimensions of cultural heritage has resulted in substantial recognition of the right to heritage; a right that has not been explicitly regulated in international law. This article aims to analyse the path that cultural heritage law has taken to adopt a human rights law dimension. It also discusses the construction of the right to heritage and maps the connections and disconnections between and within cultural heritage law and international human rights law frameworks. The article uses the example of Indigenous peoples as a referent, due to the special bond that many may have to cultural values which play a significant role in the formation of Indigenous identity. In this context, I argue for a human rights approach to cultural heritage, which offers not only participation but also the co-creation of heritage together with local and Indigenous communities.

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Introduction

Until the Second World War, interest in cultures and the meanings of contemporary practices were referred to as a matter of “anthropological observation rather than a subject of legal protection”.¹ In the second half of the 20th century, however, some of the cultural values became recognized as cultural heritage, having outstanding value for the whole of humankind. The tasks of recognizing and protecting cultural heritage have been mainly entrusted to UNESCO, a special agency of the United Nations (UN) that aims to promote cooperation in the educational, scientific, and cultural fields.² Despite this, the preservation and safeguarding mechanisms created after the Second World War placed cultural heritage in the category of a constituent element of the cultural past.³ Therefore, for decades cultural heritage has not been considered as falling within human rights law. This perspective on heritage began to change when the work on the Convention for the Safeguarding of the Intangible Cultural Heritage (“the ICH Convention”) started.⁴ The direction in which cultural heritage law has evolved since then led to adoption of the perspective that heritage as a cultural process is an indispensable component of people’s individual and collective identity and thus empowers formerly marginalized groups and communities. Consequently, human rights mechanisms have declared the right to heritage as a human right. However, this has not yet been explicitly regulated in international law⁵ due to the different approaches taken by the two main legal frameworks related to heritage: human rights law on one hand and international heritage law on the other. In examining the fundamental change in heritage discourse, I argue in this paper for the human rights law approach to cultural heritage, as it shifts more agency on Indigenous peoples and local communities to identify and select relevant cultural pieces. In this regard, the article focuses on two issues, which together present a narrow perspective of the broad topic. However, due to the complexity of different aspects of the matter, this article

¹ E. Polymenopoulou, *Indigenous Cultural Heritage and Artistic Expressions: “Localizing” Intellectual Property Rights and UNESCO Claims*, “Canadian Journal of Human Rights” 2017, Vol. 6, p. 99.

² Constitution of the United Nations Educational, Scientific and Cultural Organization, 16 November 1945, 4 UNTS 275 (“UNESCO Constitution”).

³ T. Kono (ed.), *The Impact of Uniform Laws on the Protection of Cultural Heritage and the Preservation of Cultural Heritage in the 21st Century*, Martinus Nijhoff Publishers, Leiden 2010.

⁴ 17 October 2003, 2368 UNTS 3.

⁵ Human Rights Council, *Report of the Independent Expert in the Field of Cultural Rights, Farida Shaheed*, 21 March 2011, UN Doc. A/HRC/17/38.

does not comprehensively discuss all of them. As the starting point of the article, I conceptualize cultural heritage and discuss the development of the notion. In this context I refer specifically to Indigenous peoples' perspectives on heritage and present the influence of Indigenous ontologies on heritage theory. Then I analyse the development and construction of the human right to cultural heritage within the international law framework.

Cultural Heritage and Its Recognition under International Law

Given that the humanities apply various concepts of culture across multiple scientific disciplines, the different concepts are contested inside diverse fields.⁶ Nonetheless culture is largely understood as the sum of the spiritual and material outputs of a society.⁷ Some of the remarkable, but also mundane, cultural elements may get a chance to be recognized as cultural heritage, which is already a more specific term than culture, especially from a legal point of view.⁸ Primarily, cultural heritage has been defined as the legacy of tangible and intangible, pieces that were inherited from the past and are considered to be worth protecting and passing on to the next generations.⁹ Inheritance, in this case, allows politicians and researchers to decide which pieces of culture are worthy of being safeguarded, and which are unworthy of such safeguarding for either humanitarian or moral reasons.¹⁰ Consequently, settling an issue involves a complex process of selecting and producing heritage, which includes the identification, documentation, protection, and transmission of cultural elements.¹¹

The development of the concept of cultural heritage in international law

The protection of cultural heritage at the international level started with a discourse on the loss of cultural memory in connection with the colonial era¹² and continued with a discussion concerning the outcomes of the massive destruction

⁶ D. Denby, *Herder: Culture, Anthropology and the Enlightenment*, "History of the Human Sciences" 2005, Vol. 18(1), pp. 55-76.

⁷ R. Rosaldo, *Ideology, Place, and People without Culture*, "Cultural Anthropology" 1988, Vol. 3(1), pp. 77-87.

⁸ N. Adell et al. (eds.), *Between Imagined Communities of Practice: Participation, Territory and the Making of Heritage*, Göttingen University Press, Göttingen 2015.

⁹ K. Konsa, *Heritage as a Socio-Cultural Construct: Problems of Definition*, "Baltic Journal of Art History" 2013, Vol. 6, pp. 125-151.

¹⁰ R. Harrison, *Excavating Second Life: Cyber-Archaeologies, Heritage and Virtual Communities*, "Journal of Material Culture" 2009, Vol. 14(1), pp. 75-106; L.V. Prott, P.J. O'Keefe, "Cultural Heritage" or "Cultural Property"? "International Journal of Cultural Property" 1992, Vol. 1(2), pp. 307-320.

¹¹ C. Geering, *Protecting the Heritage of Humanity in the Cold War: UNESCO, the Soviet Union and Sites of Universal Value, 1945-1970s*, "International Journal of Heritage Studies" 2020, Vol. 26(12), pp. 1132-1147.

¹² G. Steinmetz, *The Uncontrollable Afterlives of Ethnography: Lessons from "Salvage Colonialism" in the German Overseas Empire*, "Ethnography" 2004, Vol. 5(3), pp. 251-288.

of historical monuments in the major wars of the 19th and 20th centuries; in particular the latter.¹³ It is unquestionable that UNESCO was initially designated the task of creating a legal framework to prevent the destruction of cultural heritage during times of armed conflict, which materialized with the 1954 Hague Convention.¹⁴ This UN agency was subsequently responsible for establishing international protection mechanisms to recognize and preserve cultural pieces of unique significance from physical loss.¹⁵ In 1972, the Convention for the Protection of the World Cultural and Natural Heritage (“the WH Convention”, or WHC)¹⁶ established a framework to prevent the destruction and disappearance of items of cultural and natural heritage. The scope of the Convention covers monuments, sites, objects, and artefacts, thus considering heritage as only physical pieces. This standpoint has been justified for two reasons. Firstly, it was tangible heritage that had been primarily destroyed or illegally traded during wartime.¹⁷ Secondly, for many scientific disciplines the materiality of physical objects guarantees a basis for reliable evidence.¹⁸ However, only those cultural elements which are considered to be of “outstanding value” for the whole of humankind will be granted recognition under the WHC. The concept of universal values worth protecting has been dominant across all fields of international law and has also established a system for international cooperation in the cultural heritage field.¹⁹ Despite the former appreciation for the concept of universality, current scholarship has largely criticized it as tending to homogenize cultural elements. Moreover, the current literature attacks the notion that some sites and monuments are more valuable than others due to their “universal” significance. This has given rise to tension between “universal heritage” and “heritage of local and/or Indigenous significance”, the latter of which can be challenged by grass-roots initiatives, leading to conflicts between local communities and officials.²⁰

Since the 1970s, heritage theory has been gradually and incrementally influenced by Indigenous peoples’ ontologies and the then-emerging Indigenous

¹³ T. Kono, *op. cit.*

¹⁴ Convention for the Protection of Cultural Property in the Event of Armed Conflict, 14 May 1954, 249 UNTS 240; see J. Blake, *International Cultural Heritage Law*, Oxford University Press, Oxford 2015, p. 4.

¹⁵ C. Geering, *op. cit.*

¹⁶ 16 November 1972, 1037 UNTS 151.

¹⁷ W. von Truetzschler, *The Evolution of “Cultural Heritage” in International Law*, in: *15th ICOMOS General Assembly and International Symposium: “Monuments and Sites in Their Setting – Conserving Cultural Heritage in Changing Townscapes and Landscapes”, 17-21 October 2005, Xi’an, China*, <http://openarchive.icomos.org/id/eprint/303/1/1-33.pdf> [accessed: 26.10.2021].

¹⁸ J. Blake, *International Cultural Heritage Law*.

¹⁹ *Ibidem.*

²⁰ P. Taruvinga, W. Ndoro, *The Vandalism of the Domboshava Rock Painting Site, Zimbabwe: Some Reflections on Approaches to Heritage Management*, “Conservation and Management of Archaeological Sites” 2003, Vol. 6(1), pp. 3-10.

peoples' rights movement.²¹ Consequently, heritage started to be perceived as an uninterrupted process that undergoes constant (re)creation each time it is enjoyed.²² This acknowledgement implied that "the history of art and architecture, archaeology, anthropology, and ethnology no longer concentrate on single monuments in isolation but rather on considering cultural groupings that were complex and multidimensional".²³ At this point, a fundamental shift has arisen in how States perceive cultural heritage,²⁴ and an intangible heritage that was not fully recognized by previous legislation has come into being, the growing importance of which found expression in the adoption of the 2003 ICH Convention. This Convention defines intangible heritage as "practices, representations, expressions, knowledge, skills – as well as the instruments, objects, artefacts and cultural spaces associated therewith – that communities, groups and, in some cases, individuals recognize as part of their cultural heritage".²⁵ This can be exemplified as "oral traditions, performing arts, social practices, rituals, festive events, knowledge and practices concerning nature and the universe or the knowledge and skills to produce traditional crafts".²⁶

Therefore, in contrast to material heritage, the significance of intangible aspects has been built up around the symbolic meaning of objects and practices and has been rather tied up with their relevance for local communities.²⁷ This implies that heritage is situated within a particular social and historical context and has meaning only in that particular background.²⁸ This development has been especially relevant for ethnic minorities and Indigenous communities, as it has helped them to prevent significant parts of their cultural elements from exclusion – parts that are often intangible and valuable for a narrow group of people.²⁹ Furthermore, the ICH Convention establishes heritage as belonging to specific communities regardless of their belonging to a particular State and its territory, which means that cul-

²¹ F. Francioni, L. Lixinski, *Opening the Toolbox of International Human Rights Law in the Safeguarding of Cultural Heritage*, in: A. Durbach, L. Lixinski (eds.), *Heritage, Culture and Rights: Challenging Legal Discourses*, Hart Publishing, Oxford 2017.

²² L. Smith, *Uses of Heritage*, Routledge, London 2006.

²³ World Heritage Committee, *Expert Meeting on the "Global Strategy" and Thematic Studies for a Representative World Heritage List*, 13 October 1994, UN Doc. WHC-94/CONF.003/INF.6, p. 3.

²⁴ W.S. Logan, *Closing Pandora's Box: Human Rights Conundrums in Cultural Heritage Protection*, in: H. Silverman, D.F. Ruggles (eds.), *Cultural Heritage and Human Rights*, Springer, New York 2007, pp. 33-52.

²⁵ ICH Convention, Art. 2.

²⁶ UNESCO, *What Is Intangible Cultural Heritage?*, <https://ich.unesco.org/en/what-is-intangible-heritage-00003> [accessed: 20.03.2020].

²⁷ J. Blake, *International Cultural Heritage Law*.

²⁸ L. Smith, *op. cit.*

²⁹ R. Kurin, *Safeguarding Intangible Cultural Heritage in the 2003 UNESCO Convention: A Critical Appraisal*, "Museum International" 2004, Vol. 56, pp. 66-77.

tural, religious, and linguistic communities are not defined by territorial borders.³⁰ As a result, the two UNESCO Conventions from 1972 and 2003 have created separate systems for the protection and promotion of tangible (the 1972 Convention) and intangible (the 2003 Convention) heritage. These documents manifest various uncertainties which were present at the times of their drafting, and therefore reflect various approaches. The 1972 WH Convention regulates the protection of the common heritage of mankind worthy of international protection, whereas the 2003 ICH Convention counterbalances the power of globalization and addresses the growing desire to recognize and protect local forms of heritage, which are deemed to be no less relevant than the universal ones (i.e. the 'common heritage of mankind').

The Indigenous perspective on cultural heritage discourse

Indigenous peoples, like any other group, are certainly not internally or externally homogeneous. However, in order to offer recognition and protection of their rights under the international law framework, there was a need to create a legal category of Indigenous peoples.³¹ Therefore, certain commonalities that Indigenous peoples may share worldwide had to be gathered together and systematized in order to establish protection of the rights of a particular group. The same applies to the preservation mechanisms for Indigenous peoples' cultural heritage and other relevant cultural pieces. While international law provides valuable tools to safeguard Indigenous heritage, they are, however, often insufficient. The prevailing international cultural heritage law discourse strives to set heritage within universal, clear, and cognitive structures. Such structures provide a common approach to the conservation of heritage in a uniform manner, and thus focus predominantly on the tangible aspects thereof, substantially narrowing the understanding of heritage.³² Nowadays, the classical institutional framework under the WH Convention has been widely criticized as a tool that reinforces the authorized character of heritage.³³ Even though the redefined approach under the 2003 Convention pays greater attention to the Indigenous perspective of heritage, it is still a demanding task to provide effective legal protection for Indigenous cultural heritage. Several reasons have been put forward for this. Above all, the dualistic

³⁰ M. Cornu, R. Smeets, Art. 12: *Inventories*, in: J. Blake, L. Lixinski (eds.), *The 2003 UNESCO Intangible Heritage Convention: A Commentary*, Oxford University Press, Oxford 2020.

³¹ J. Anaya, *Indigenous Peoples in International Law*, Oxford University Press, Oxford 1996.

³² C. Bortolotto, *UNESCO and Heritage Self-Determination: Negotiating Meaning in the Intergovernmental Committee for the Safeguarding of the ICH*, in: N. Adell et al. (eds.), *Between Imagined Communities of Practice: Participation, Territory and the Making of Heritage*, Göttingen University Press, Göttingen 2015.

³³ L. Smith, op. cit.; E. Waterton, L. Smith, *There Is No Such Thing as Heritage*, in: L. Smith (ed.), *Taking Archaeology Out of Heritage*, Cambridge Scholars Publishing, Newcastle-upon-Tyne 2009, pp. 10-27.

view of cultural heritage, as developed in heritage law and theory, may not necessarily reflect the views of certain groups who understand heritage in a holistic manner.³⁴ This means there exists a lack of differentiation between the material and intangible aspects of heritage, as tangible heritage often encompasses the symbolic meaning of objects as well. What's more, certain aspects of Indigenous heritage might also be co-produced together with non-humans forces.³⁵ This is because the extensive relationships, sometimes described as kinships, with entire ecosystems do not allow us to detach culture from nature.³⁶ In consequence, Indigenous ontologies may confront anthropocentrism vis-à-vis their approach to humans as superior to nature.³⁷ Finally, heritage understood as a process can no longer be placed within a framework of a linear concept of time, but has to instead be perceived as a self-repeating cycle.³⁸ The consequences of insufficiently addressing the cultural values of Indigenous peoples in the legal framework reflect people's habitual existence. For certain Indigenous communities, the positive aspect of heritage implies the recognition and protection of many daily (and ancient) activities, particularly in connection to the land. The land rights ensure, most importantly, biological survival and the means of subsistence, and also foster well-being and health.³⁹ At the same time, on the emotional level heritage perceived as a form of non-renewable resource for producing and promoting local identities may be vulnerable to over-exploitation.⁴⁰ As previous cases have shown, shaping a strong cultural identity requires resistance to the forms of discrimination and prejudices that Indigenous peoples often experience.⁴¹ Therefore, recognition of the constant creation of heritage allows Indigenous communities to sustain their cultural continuity, which determines the survival of Indigenous communities as distinct peoples and thus affects their status in international law.

³⁴ F. Lenzerini, *Reparations for Wrongs against Indigenous Peoples Cultural Heritage*, in: A. Xanthaki et al. (eds.), *Indigenous Peoples' Cultural Heritage: Rights, Debates, Challenges*, Brill, Leiden 2017.

³⁵ R. Harrison, D. Rose, *Intangible Heritage*, in: T. Benton (ed.), *Understanding Heritage and Memory*, Manchester University Press, Manchester 2010; P.K. Virtanen, *Ancestors' Times and Protection of Amazonian Indigenous Biocultural Heritage*, "AlterNative: An International Journal of Indigenous Peoples" 2019, Vol. 15(4), pp. 330-339.

³⁶ R. Harrison, *Beyond "Natural" and "Cultural" Heritage: Toward an Ontological Politics of Heritage in the Age of Anthropocene*, "Heritage & Society" 2015, Vol. 8(1), pp. 24-42.

³⁷ R. Harrison, D. Rose, op. cit.

³⁸ P.K. Virtanen, op. cit.

³⁹ D. Short, C. Lennox (eds.), *Handbook of Indigenous Peoples' Rights*, Routledge, London 2018.

⁴⁰ L. Meskell, *The Intersections of Identity and Politics in Archaeology*, "Annual Review of Anthropology" 2002, Vol. 31(1), pp. 279-301.

⁴¹ A. Xanthaki et al. (eds.), *Indigenous Peoples' Cultural Heritage: Rights, Debates, Challenges*, Brill, Leiden 2017; D. Khanolainen, Y. Nesterova, E. Semenova, *Indigenous Education in Russia: Opportunities for Healing and Revival of the Mari and Karelian Indigenous Groups?*, "Compare", 20 October 2020, doi: 10.1080/03057925.2020.1834350.

Cultural Heritage and Human Rights

There are two ways to approach the intersections of cultural heritage and human rights law. The majority of the existing literature takes the perspective of cultural heritage studies, treating human rights more like an admirable idea than an actual legal tool to shape heritage law and practices. While such a position is valuable for a wider understanding of how heritage contributes to human diversity and how it constructs societies, this approach downplays the role of human rights mechanisms in shifting the power dynamics in heritage politics. On the other hand, while looking from the human rights law standpoint the discrepancies between human rights and heritage are already visible at the semantical level. Human rights language has been excluded from most cultural heritage law documents, except for the ICH Convention.⁴² Even though the 1945 UNESCO Constitution had a primary goal of creating universal respect for justice, the rule of law, human rights, and fundamental freedoms,⁴³ that tone has disappeared over the years due to the fear of potential conflicts between culture and human rights. Considering that culture may not necessarily reflect only the enlightened and refined legacy of humanity, this doubt reinforces the debate over cultural relativism and its place within the human rights system. Specifically, insofar as concerns intangible aspects, heritage may play the role of a double-edged sword, as certain cultural practices may infringe upon universally-recognized human rights principles, like non-discrimination, equality, or physical integrity. Therefore, only those cultural practices compatible with existing human rights instruments can be protected and promoted at the international level.⁴⁴ However, this clause functions only within the scope of the ICH Convention. Thus, the limitation included there will apply only in the case of a nomination for inscription on the Representative List of the Intangible Cultural Heritage of Humanity, and will not have retroactive power. This means that ambiguous practices, which to some extent might have found recognition under the previous UNESCO Programme of Masterpieces of Oral and Intangible Heritage, are not covered by the limitation clause.⁴⁵ Additionally, the Universal Declaration of Human Rights⁴⁶ purposefully focuses on universal, individual rights and does not introduce the rights of cultural minorities, limiting the role that cultural relativism might play in human rights law.⁴⁷ Understanding culture as societal and always interpersonal – based

⁴² A.F. Vrdoljak, *Human Rights and Cultural Heritage in International Law*, in: A.F. Vrdoljak, F. Lanzerini (eds.), *International Law for Common Goods: Normative Perspectives on Human Rights, Culture and Nature*, Hart Publishing, Oxford 2014.

⁴³ UNESCO Constitution, Art. 1.

⁴⁴ ICH Convention, Art. 2(1).

⁴⁵ F. Francioni, L. Lixinski, *op. cit.*

⁴⁶ 10 December 1948, 217 A (III).

⁴⁷ P. Jones, *Human Rights, Group Rights, and Peoples' Rights*, "Human Rights Quarterly" 1999, Vol. 21(1), pp. 80-107.

on the social practice of differentiation – usually involves groups of people but also takes place at the individual level. Consequently, culture requires the recognition of collective rights, which do not refer to any specific group but rather to all communities that share common cultural values. Although the 1966 International Covenant on Civil and Political Rights (ICCPR)⁴⁸ has tried to challenge the individualism of human rights, its Article 27 protects cultural rights exercised jointly in communities with others, which despite their quasi-collective form remain of an individual nature.⁴⁹ Still, the Human Rights Committee has underlined that Article 27, while protecting individual rights, depends on sustaining the culture of a particular group as a collective.⁵⁰ Thus, the rights aim at safeguarding the identities of minority groups and “enriching the fabric of society as a whole”.⁵¹ Currently, legal scholarship tends to interpret Article 27 ICCPR as having both individual and collective dimensions. This position is based on the argument that all cultural rights are two-dimensional, regardless of how the norms are constructed.⁵² Because the collective dimension is not clearly incorporated into the definition of cultural rights, whether their content derives from separate norms or from the results of their interpretation is open to question.⁵³ Despite the challenges in enforcing collective rights within existing international human rights legal structures, there is an increasing tendency in both the scholarly literature⁵⁴ and jurisprudence⁵⁵ to inevitably recognize some form of group rights in order to protect culture and cultural heritage. This development has been connected with the increasing awareness of the need to ensure the rights of minorities, as well as ethnic and Indigenous groups; an awareness which eventually led to the adoption of the Indigenous and Tribal Peoples Convention (“the ITP Convention”)⁵⁶ in 1989, and later the UN Declaration on the Rights of Indigenous Peoples (UNDRIP)⁵⁷ in 2007. The ITP Convention proclaims a number of rights that Indigenous and tribal peoples enjoy collectively. These are primarily rights to lands and resources that Indigenous peoples occupy or otherwise use. The Convention also acknowledges the collective aspects of exercising customs, traditions, and

⁴⁸ 16 December 1966, 999 UNTS 171.

⁴⁹ M. Jovanović, *Cultural Rights as Collective Rights*, in: A. Jakubowski (ed.), *Cultural Rights as Collective Rights: An International Law Perspective*, Brill, Leiden 2016, pp. 13-35.

⁵⁰ Human Rights Committee, *CCPR General Comment No. 23: Article 27 (Rights of Minorities)*, 8 April 1994, UN Doc. CCPR/C/21/Rev.1/Add.5.

⁵¹ *Ibidem*, para. 9.

⁵² M. Jovanović, *op. cit.*

⁵³ *Ibidem*.

⁵⁴ K. Hausler, *Collective Cultural Rights in the Inter-American Human Rights System*, in: A. Jakubowski (ed.), *Cultural Rights as Collective Rights: An International Law Perspective*, Brill, Leiden 2016; M. Jovanović, *op. cit.*

⁵⁵ Inter-American Court of Human Rights, *Lhaka Honhat Association (Our Land) v. Argentina*, Judgment of 6 February 2020.

⁵⁶ International Labour Organization, *Indigenous and Tribal Peoples Convention*, 27 June 1989, C169.

⁵⁷ 2 October 2007, UN Doc. A/RES/61/295.

using Indigenous languages.⁵⁸ In addition, UNDRIP sets out collective rights which range from “the right to self-determination and lands, territories and resources, to the recognition of treaties and the right not to be subjected to forced assimilation, destruction of culture, genocide or any other act of violence, to rights affirming Indigenous spirituality, culture, education and social welfare”.⁵⁹ Thus UNDRIP has propagated a distinct category of rights, based on (incomplete) decolonization and self-determination – namely, Indigenous rights. These specify pre-existing laws as being applicable to Indigenous peoples but also contribute to developing new (collective) approaches to human rights.⁶⁰ In this way UNDRIP expresses the ambition of both States and Indigenous peoples to enhance standards for the protection of Indigenous rights as human rights.⁶¹ Even though the Declaration as a whole cannot be seen as an assertion of customary law(s), it still has far-reaching legal implications in international law. Some provisions included in UNDRIP correlate with existing rules of customary international law, binding upon all States; like for instance the right to internal self-determination or the right to self-government.⁶² Nevertheless, as Karen Engle has noted, UNDRIP is an intricate regulation, since on one hand by addressing the right to self-determination and the collectivity of rights it “challenges the liberal human rights paradigm”, while on the other hand UNDRIP consolidates human rights as a category and restrains an escalation of external self-determination biases.⁶³

Towards the human rights approach to heritage

The development of the concept of cultural heritage from tangible to including living heritage, as well as the growing importance of collective and minority rights, has gradually introduced the human rights dimensions of cultural heritage more explicitly.⁶⁴ However, international cultural heritage law and human rights law his-

⁵⁸ K. Hausler, *op. cit.*

⁵⁹ K. Engle, *On Fragile Architecture: The UN Declaration on the Rights of Indigenous Peoples in the Context of Human Rights*, “European Journal of International Law” 2011, Vol. 22(1), p. 48.

⁶⁰ R.C. Fan, *Evolution of Indigenous Peoples’ Rights and Indigenous Knowledge Debate*, in: D. Short, C. Lennox (eds.), *Handbook of Indigenous Peoples’ Rights*, Routledge, London 2018; D.S. Dorrough, *The Significance of the Declaration on the Rights of Indigenous Peoples and Its Future Implementation*, in: C. Charters, R. Stavenhagen (eds.), *Making the Declaration Work: The United Nations Declaration on the Rights of Indigenous Peoples*, IWGIA, Copenhagen 2009.

⁶¹ International Law Association, *Resolution No. 5/2012: Rights of Indigenous Peoples*, 2012.

⁶² *Ibidem*; S. Barnabas, *The Legal Status of the United Nations Declaration on the Rights of Indigenous Peoples (2007) in Contemporary International Human Rights Law*, “International Human Rights Law Review” 2017, Vol. 6(2), p. 242.

⁶³ K. Engle, *op. cit.*, p. 142.

⁶⁴ J. Blake, *Taking a Human Rights Approach to Cultural Heritage Protection*, “Heritage & Society” 2011, Vol. 4(2), pp. 199-238; W. Logan, *Cultural Diversity, Cultural Heritage and Human Rights: Towards Heritage Management as Human Rights-Based Cultural Practice*, “International Journal of Heritage Studies” 2012, Vol. 18(3),

torically developed as two separate branches of international law. The main path towards integrating these two fields has become the right to access and participate in cultural heritage, which is seen as part of the right to heritage itself. The right to cultural heritage was clearly referred to in the Faro Convention (2005), which treats it as a platform combining the two frameworks.⁶⁵ Even though the Faro Convention endorses not only collective rights but also collective obligations with respect to cultural heritage, due to the lack of monitoring mechanisms the Convention does not create enforceable rights.⁶⁶ In 2011, the need to further recognize the right to cultural heritage was stressed in the Human Rights Council report by Farida Shaheed, which however is not legally binding.⁶⁷ Thus, the only way to address the right has been through subordinating it to already existing rights.⁶⁸ Therefore, the right to cultural heritage has been conceptualized as a set of rights that covers two different categories. The first relates to the identification, interpretation, and development of cultural heritage, and respective policies; namely what has been included in the cultural heritage law system. The second involves follow-up activities associated with “knowing, understanding, entering, visiting, making use of, maintaining, exchanging and developing cultural heritage, as well as [with] benefiting from the cultural heritage and creations of others”⁶⁹. These elements construct an area of ‘rights to culture’, as developed under the human rights law framework. Therefore, the right to heritage refers neither to the recognition and protection of cultural heritage in a strictly technical way nor to the right to culture alone.

Heritage-making process

The first set of rights to heritage relates to the heritage-making process, which is firmly regulated within international cultural heritage law. While the definition of cultural heritage is nebulous, it nonetheless contains very clear instructions on how heritage comes into being. There have been two views on heritage production. The first invokes the “naturalized reality” of heritage, thus perceiving it as something that already exists and needs only to be discovered.⁷⁰ The current list-

pp. 231-244; R. Matthews et al., *Heritage and Cultural Healing: Iraq in a Post-Daesh Era*, “International Journal of Heritage Studies” 2020, Vol. 26(2), pp. 120-141.

⁶⁵ Council of Europe Framework Convention on the Value of Cultural Heritage for Society, 27 October 2005, CETS 199, paras. 1, 5, 12.

⁶⁶ Ibidem, paras. 4a, 6c; O. Vicha, *The Concept of the Right to Cultural Heritage within the Faro Convention*, “International and Comparative Law Review” 2014, Vol. 14(2), pp. 25-40.

⁶⁷ Human Rights Council, *Report of the Independent Expert...*

⁶⁸ F. Francioni, L. Lixinski, op. cit.

⁶⁹ Human Rights Council, *Report of the Independent Expert...*, para. 58.

⁷⁰ J. Davallon, *The Game of Heritagisation*, in: X. Roigé, J. Frigolé (eds.), *Constructing Cultural and Natural Heritage: Parks, Museums and Rural Heritage*, Documenta Universitaria, Girona 2010.

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ing system favours this perception of heritage since it facilitates the recognition of the particular examples of heritage without a need to thoroughly define them. Therefore this approach lacks a creative component and tends to freeze heritage in time. The academic scholarship has gradually moved away from this concept, but the practice of governmental bodies and international organizations keeps it alive.⁷¹ The second approach treats heritage protection as a practice of labelling culturally-specific values, which appear as highly processed products of complex administrative machinery.⁷² Even though this concept includes elements of heritage plasticity, it falls short of fulfilling the expectations of cultural bearers, since what is promised to them in the preliminary stages of heritage-making often differs from what they actually receive.⁷³ Nevertheless, this second approach currently prevails, since heritage-making is a highly formalized process. UNESCO regulations leave the competence to decide on the identification, protection, and transmission of heritage to the State's disposal.⁷⁴ States carry out their duties with the help of appointed agencies and experts, as well as with the knowledge and practice in particular fields, such as archaeology, anthropology, heritage studies, and history.⁷⁵ Thus States and experts can both be found to be at fault for the actual lack of participation of other actors. At the same time, UNESCO's presence at the bottom level, the local one, is very limited.⁷⁶ Its bureaucracy does not enable it to be familiar with all the internal conflicts within a State preceding the official nomination of cultural pieces, but it does see a coherent and final proposal.⁷⁷ Since international heritage law regulates the duties of States as pertaining to the protection of heritage and does not specify any rights of individuals and communities to participate in heritage, the present decision-making structure reinforces state-driven narratives and the construction of authorized heritage.⁷⁸ Consequently, the expertization of the heritage law framework has greatly contributed to the idea of heritage as being distinct from human rights policies. In practice, this means that a State is obliged

⁷¹ C. del Mármol, M. Morell, J. Chalcraft, *Introduction: Of Seduction and Disenchantment: An Approach to the Heritage Process*, in: C. del Mármol, M. Morell, J. Chalcraft (eds.), *The Making of Heritage: Seduction and Disenchantment*, Routledge, New York 2014.

⁷² R. Bendix, A. Eggert, A. Peselmann (eds.), *Heritage Regimes and the State*, Universitätsverlag Göttingen, Göttingen 2012.

⁷³ F. Francioni, L. Lixinski, op. cit.

⁷⁴ W. Logan, *Cultural Diversity...*

⁷⁵ W. Ndoro, *Heritage Laws: Whose Heritage Are We Protecting?*, "South African Archaeological Bulletin" 2015, Vol. 70(202), pp. 135-137; L. Smith, op. cit.

⁷⁶ M. Askew, *The Magic List of Global Status: UNESCO, World Heritage and the Agendas of States*, in: S. Labadi, C. Long (eds.), *Heritage and Globalisation*, Routledge, London 2010.

⁷⁷ M. Herzfeld, *A Place in History: Social and Monumental Time in a Cretan Town*, Princeton University Press, Princeton, NJ 1991.

⁷⁸ A.F. Vrdoljak, op. cit.; C. Bortolotto, op. cit.

to protect heritage, but is not bound to acknowledge and safeguard the link between community and heritage, which detaches it from its source.⁷⁹ The breakthrough to this approach was expected to come together with the ICH Convention's recognition of non-state actors, comprising communities, groups, and individuals in the process of safeguarding intangible heritage. Even though the States remain the contracting parties to the ICH Convention, the substantive addressees are the cultural communities and other groups whose cultural traditions are the real object of safeguarding under international law.⁸⁰ Therefore, the Operational Directives to the ICH Convention require the mandatory consent of the communities concerned for the inscription of elements of intangible heritage on the lists established by the Convention.⁸¹ Since the ICH Convention leaves it up to States to decide what is regarded as a community, all of the key arrangements are foremost in the hands of national elites, which enables them to keep control over minority groups and local communities. Therefore, the addressed framework implements a scheme in which power is at the centre, and decisions reach the periphery from the top.

Participation in decision-making as a human right

Human rights are a powerful tool in the contextualization of cultural rights, yet they appear to be poorly implemented by heritage professionals, largely due to the heavily bureaucratic governmental framework for heritage protection.⁸² Thus, implementation of the human rights approach to heritage can mainly be achieved at a local level, where human rights mechanisms can help to shift more agency to local communities to manage their heritage matters. In this context, the human rights dimension of cultural heritage touches upon *who* decides on *what* has been protected, *why*, and for *whom*; namely referring to the idea of participation in decision-making, which stems largely from the domain of human rights. Typically, participation is associated with an assumption that everyone who is affected by a given social structure or institution needs to be regarded as a subject in relation to it, which has been conceptualized as the "all affected" principle.⁸³ Referring to the values of transparency and social inclusion, the principle states that everyone

⁷⁹ A. Xanthaki, *International Instruments on Cultural Heritage: Tales of Fragmentation*, in: A. Xanthaki et al. (eds.), *Indigenous Peoples' Cultural Heritage: Rights, Debates, Challenges*, Brill, Leiden 2017, pp. 1-19.

⁸⁰ R.J. Hales et al., *Indigenous Free Prior Informed Consent: A Case for Self Determination in World Heritage Nomination Processes*, "International Journal of Heritage Studies" 2013, Vol. 19(3), pp. 270-287; L. Lixinski, *Heritage Listing as Self-Determination*, in: A. Durbach, L. Lixinski (eds.), *Heritage, Culture and Rights: Challenging Legal Discourses*, Hart Publishing, Oxford 2017.

⁸¹ UNESCO, *Operational Directives for the Implementation of the Convention for the Safeguarding of the Intangible Cultural Heritage*, 2020, paras. 16, 17.

⁸² J. Blake, op. cit.; R. Matthews et al., op. cit.

⁸³ S. Näsström, *The Challenge of the All-Affected Principle*, "Political Studies" 2011, Vol. 59(1), pp. 116-134.

who may be or is influenced by a decision needs to have a right to participate in its making, leading to a satisfactory outcome for everyone.⁸⁴

Initially, the Universal Declaration of Human Rights codified the human rights law principles, including the right to participate in the cultural life of the community (Article 27); Article 15 of the International Covenant on Economic, Social and Cultural Rights (ICESCR)⁸⁵ constitutes the formal expression of this principle as a binding obligation of human rights law. This norm is no longer understood as simply pertaining to participation in cultural activities, but also as covering participation in the decision-making processes related to the creation and implementation of cultural policies.⁸⁶

Participation in the co-creation of Indigenous heritage under the WH Convention

The participatory approach to recognizing and protecting cultural heritage has its roots in the WH Convention and has been further developed by those States in which heritage law and policies have been influenced by Indigenous peoples' voices.⁸⁷ The established postulate *de lege ferenda* has been to challenge existing regulations to ensure that communities are involved in international heritage processes and to diversify and broaden the composition of decision-makers. With reference to Indigenous peoples' rights, instruments created for the recognition of their specific position have a much wider scope than general human rights tools. To introduce the wider participation of different actors in decision making, there is a need to specify the character of the participation, i.e. whether it is consultation, consent, observation, or other activities. The ITP Convention, for instance, ensures that Indigenous communities shall participate in decision-making in addition to being consulted concerning all decisions that may affect them before such decisions have been made.⁸⁸ On the other hand UNDRIP, in Article 18, stipulates that Indigenous peoples have the right to participate in decision-making in matters which would affect their rights. Moreover, Indigenous peoples have the right to maintain their distinct political, legal, economic, social and cultural institutions, as well as the right to participate fully in the political, economic, social, and cultural life of the State (Article 5). Participation can be exercised through representatives chosen by Indig-

⁸⁴ International Law Association, *Interim Report. Participation in Cultural Heritage Governance at the Global Level*, 2020.

⁸⁵ International Covenant on Economic, Social and Cultural Rights, 16 December 1966, 993 UNTS 3.

⁸⁶ Committee on Economic, Social and Cultural Rights, *General Comment No. 21: Right of Everyone to Take Part in Cultural Life (Art. 15, para. 1a of the Covenant on Economic, Social and Cultural Rights)*, 21 December 2009, UN Doc. E/C.12/GC/21.

⁸⁷ S. Labadi, *UNESCO, Cultural Heritage, and Outstanding Universal Value: Value-Based Analyses of the World Heritage and Intangible Cultural Heritage Conventions*, Rowman & Littlefield, Lanham, MD 2013.

⁸⁸ ITP Convention, Art. 6.

enous peoples in accordance with their own procedures. For Indigenous peoples, full participation means a shift from the status of 'stakeholders' to 'right holders', granting them the status of *equal partners*.⁸⁹ In order to enforce the human rights law approach to the cultural heritage of Indigenous peoples, heritage law needs to be understood in the light of UNDRIP.⁹⁰ In particular, to achieve bottom-up participation from Indigenous and local people there is a need to fully implement their free, prior, and informed consent (FPIC) in all decisions affecting their community. Nevertheless, FPIC has not been explicitly included as a State's obligation in UNESCO's Operational Guidelines for the Implementation of the World Heritage Convention.⁹¹ Instead, the nomination procedure indicates *partnership* in the selection, management, and monitoring of World Heritage. Among other things, the Operational Guidelines indicate those local communities which shall take part in the processes through consultation periods, public hearings, and inquiries.⁹² Furthermore, the genuine implementation of FPIC ought to be understood as the *consent* of Indigenous peoples, and not just their mere *consultation*, not to mention *observation*. Nonetheless, the UNESCO regimes are still limited largely to consultative procedures, with little impact on the actual decision-making. Therefore, endorsing FPIC at the domestic level seems more feasible. From the States' point of view, this must be supported by relevant strategies, something that has not been fully achieved in most of the States, mainly due to the lack of international supervision concerning how FPIC is implemented.⁹³ The other possible reason is a misleading interpretation of FPIC as the right to a unilateral veto, which is incorrect in the view of the terminology used in UNDRIP. Article 19 indicates that "states shall consult and cooperate in good faith with the Indigenous peoples [...] in order to obtain their free, prior and informed consent". Therefore, the right of Indigenous peoples is not based on a right to consent, but on the right to be consulted in order to achieve consent.⁹⁴ FPIC should not be seen as a veto power, but as a means to involve Indigenous peoples in decision-making processes to prevent state domination therein.⁹⁵

⁸⁹ J. Dahl, *The Indigenous Space and Marginalized Peoples in the United Nations*, Palgrave Macmillan, New York 2012.

⁹⁰ A. Xanthaki, *op. cit.*

⁹¹ UNESCO, *The Operational Guidelines for the Implementation of the World Heritage Convention*, 2019, paras. 64, 123.

⁹² *Ibidem*, paras. 39, 40.

⁹³ S. Disko, *World Heritage Sites in Indigenous Peoples' Territories: Ways of Ensuring Respect for Indigenous Cultures, Values and Human Rights*, in: D. Offenhäuser, W. Zimmerli, M.-T. Albert (eds.), *World Heritage and Cultural Diversity*, German Commission for UNESCO, Bonn 2010; International Law Association, *Interim Report...*

⁹⁴ D. Cambou, *The Legal Significance of the Right of Indigenous Peoples to Self-determination and Its Implications for the Sami People*, PhD dissertation, Vrije Universiteit Brussel, 2016.

⁹⁵ J. Rombouts, *Having a Say: Indigenous Peoples, International Law and Free, Prior and Informed Consent*, Wolf Legal Publishers, Oisterwijk 2014.

However, this interpretation does not prevent the UNDRIP from being used to advocate for States to obtain the consent of Indigenous peoples in certain situations in which the decision might substantially affect the interests of Indigenous peoples. In such a case it is not only the duty of the State to consult Indigenous peoples, but also to obtain their consent.⁹⁶

Participation in the co-creation of Indigenous heritage under the ICH Convention

Contrary to the WH Convention, the nomination procedure for intangible cultural heritage attempts to put the *participation of communities, groups, and relevant non-governmental organizations* at its core. The 2003 Convention refers to participation rights in two instances, i.e. both in the identification and subsequent safeguarding of intangible cultural heritage. More precisely, Article 11(b) states that “each State Party shall identify and define the various elements of the intangible cultural heritage present in its territory, with the participation of communities, groups, and relevant non-governmental organizations”. Additionally, Article 15 provides that each State Party shall endeavour to ensure the widest possible participation of the communities, groups, and, where appropriate, individuals that create, maintain, and transmit heritage, and to actively involve them in its management. Even though the Convention does not offer any concrete details for such participation, and the wording used in the documents indicates a rather soft recognition of the participation rights, the Operational Directives confirm the obligatory nature of the consent of local communities for the inscription of intangible heritage on lists.⁹⁷ Consequently, the Intergovernmental Committee for the Safeguarding of the Intangible Cultural Heritage advocates for the creation of functional and supplementary collaboration between the so-called ‘cultural bearers’ and centres of expertise or research institutes.⁹⁸ Nevertheless, the requirement for a participatory approach to international nominations, even though it has been consolidated in the recent practice of the ICH Convention organs, remains highly dependent on States’ involvement with communities at the local level. What Chiara Bortolotto underlines is the “relationships between ‘heritage experts’ and ‘heritage bearers’, which remains a grey zone in the implementation of the Convention”.⁹⁹ In the first place, there is a risk that collaboration will *de facto* mean the further expertization of the heritage law framework, without contributing to the wider changes. Secondly, in the desired model of partnership, the role of a researcher should focus on aiding communities in the

⁹⁶ Human Rights Council, *Final Report of the Study on Indigenous Peoples and the Right to Participate in Decision-Making*, 17 August 2011, UN Doc. A/HRC/18/42.

⁹⁷ C. Bortolotto, *op. cit.*; UNESCO, *Operational Directives...*, paras. 16, 17.

⁹⁸ UNESCO, *Operational Directives...*

⁹⁹ C. Bortolotto, *op. cit.*, p. 258.

nomination and safeguarding process, rather than making unilateral decisions. Partnerships ought to be based on equal standing, rather than downgrading the position of a local stakeholder to being an “informant” to the expert.¹⁰⁰ It is also crucial to consider, and if necessary make peace between, the multiple voices within a specific community. Differing opinions need to be heard with regard to gender balance, age, or sexual orientation, based on the non-discrimination principle. Considering the heterogeneity of “the” community, one needs to give more weight to the position of actual creators and practitioners than communities’ representatives and leaders, with their often contested legitimacy.¹⁰¹

Indeed, the drafters of the ICH Convention wished to underline the importance of the self-identification of heritage bearers with their own heritage. Even in the definition of intangible heritage, the Convention indicates that communities are responsible for identifying the cultural elements that they themselves refer to as heritage (Article 2.1). This form of self-determination on heritage matters supports the community’s agency over the heritage by triggering internal processes that stem from the ethnocultural differences and cultural liberalism. Thus, if we consider Lucas Lixinski’s¹⁰² observation that “recognition of a community’s heritage could also lead to the community’s international recognition”, cultural heritage listings may play a significant role in recognizing not only communities’ cultural, but also their political self-determination. At the same time, despite the promises of participation in governance, it would be impractical (and sometimes inadvisable) to suggest that communities should replace the State entirely in the governance of cultural heritage and other resources.

States are still the ones who, under international law, are subjects of law and thus have related duties and responsibilities. As a result, the current approach to heritage supported by governments and experts is intended to keep the international *status quo*, and thus reinforce state dominance in the field.

Right to Culture

The second category of right(s) to heritage encompasses shadowing activities developed within the right to culture. As a universal human right, the right to culture includes, among others, the right to access, participate, and enjoy the outcomes of the cultural activities of a society, regardless of whether or not they are recognized as heritage. In this regard, the Universal Declaration of Human Rights establishes, in its Article 27, that everyone has the right to freely participate in the cultural life of the community, to enjoy the arts, and to share in scientific advancements and

¹⁰⁰ International Law Association, *Interim Report...*

¹⁰¹ R. Brubaker, *Ethnicity without Groups*, “European Journal of Sociology / Archives Européennes de Sociologie / Europäisches Archiv für Soziologie” 2002, Vol. 43(2), pp. 163-189.

¹⁰² L. Lixinski, *op. cit.*

their benefits. The Human Rights Council has further developed this norm, highlighting that the enjoyment of cultural rights fosters an understanding of other cultures, mutual respect, and tolerance between peoples and nations worldwide, and thus contributes to maintaining stable, friendly relations.¹⁰³

Respect for cultural rights and awareness of the value of cultural heritage is essential for development, peace, building social cohesion, and the promotion of mutual respect, tolerance, and understanding between individuals and groups, in all their diversity. Thus, Article 27 ICCPR, relating to minorities, stipulates that persons belonging to minorities shall not be denied the right to enjoy their own culture, to profess and practice their own religion, or to use their own language. With regard to this norm, the Human Rights Committee specifies that the construction of the Article places negative obligations on State Parties, which are bound to abstain from denying the enjoyment of the listed rights.¹⁰⁴ Hence the norm recognizes, through a negative obligation, minority rights *per se* as a positive measure.¹⁰⁵ Although the article pertains to minorities, as a result of the practice of the Human Rights Committee it applies to Indigenous peoples as well, making the scope of the provision as extensive as possible.¹⁰⁶

At the universal level, Article 15 ICESCR recognizes the right of everyone to take part in cultural life, to enjoy the benefits of scientific progress and its applications, and to benefit from the protection of the moral and material interests resulting from any scientific, literary, or artistic production of which they are the author. In this regard, participation in and access to the cultural life of a community has become a relevant indicator of assessing social and economic development. Therefore, Article 15 ICESCR has been further concretized in the General Comments by the Committee on Economic, Social and Cultural Rights, producing a much more significant impact at the normative level than the Covenant itself.

General Comment No. 13 refers to the right to education as a fundamental tool to consciously participate in society. In this document, the Committee has developed the so-called 4-A scheme, which constitutes a set of basic principles relating to the right to education. These standards cover availability, accessibility, acceptability, and adaptability.¹⁰⁷ Accessibility has, among others, been further developed with respect to culture and pertains to four aspects: economic access; physical

¹⁰³ Human Rights Council, *Resolution 34/2: Promotion of the Enjoyment of the Cultural Rights of Everyone and Respect for Cultural Diversity*, 6 April 2017, UN Doc. A/HRC/RES/34/2.

¹⁰⁴ Human Rights Committee, *General Comment No. 31: The Nature of the General Legal Obligation Imposed on States Parties to the Covenant*, 26 May 2004, UN Doc. CCPR/C/21/ Rev.1/Add.13.

¹⁰⁵ K. Hossain, D. Cambou (eds.), *Society, Environment and Human Security in the Arctic Barents Region*, Routledge, London 2018.

¹⁰⁶ K. Göcke, *The Case of Ángela Poma Poma v. Peru before the Human Rights Committee*, "Max Planck Yearbook of United Nations Law Online" 2010, Vol. 14(1), pp. 337-370.

¹⁰⁷ Committee on Economic, Social and Cultural Rights, *General Comment No. 13: The Right to Education (Art. 13)*, 8 December 1999, UN Doc. E/C.12/1999/10, para. 6.

access; access to information concerning culture; and access to the decision-making processes in all related matters.¹⁰⁸ Broadly understood, General Comment No. 21 concretizes the notion that access to culture is an inherent part of participation in cultural life itself.¹⁰⁹ Specifically, its goal is to enable the wider public to more actively participate in cultural activities. In this respect, the most elementary obligation of States is to eliminate any barriers or obstacles that restrain access to one's culture or other cultures.¹¹⁰ More concretely, State Parties to ICESCR are bound to ensure access to museums, libraries, cinemas, theatres and to cultural activities, services, and events in order to enable those individuals and communities to realize their rights without discrimination on grounds of financial position or any other status or barrier.¹¹¹ Special emphasis has been placed on children, including children from poorer families and migrant or refugee children, as well as elderly people and people with disabilities, identified as groups more vulnerable to exclusion in terms of access to culture.¹¹² With respect to Indigenous peoples, there is a need to create favourable conditions for them to preserve, develop, express, and disseminate their identity, history, culture, language, traditions, and customs.¹¹³ However, even though the right to culture is extensive, it is not unlimited. The boundaries are determined by the scope of other human rights which cannot be infringed under international law. Thus, where there are conflicts of rights, some individual human rights take precedence over others, and individual rights may trump collective rights. In both of these cases, cultural rights would tend to lose out more often.

Conclusions

Applying human rights standards to cultural heritage, and in particular, to the participation of communities in its co-creation, reveals the existing blind spots of the legal system and thus the tensions between the States and communities concerned. Cultural heritage treaties set out the framework of obligations and principles within which executive tools are developed and implemented to enable participation in the heritage-making process at all stages of its creation. However, there remains a lack of clarity concerning who should and can decide about the heritage and thus shape its meaning for and within its bearers. Although there is international law dealing with cultural heritage (and related policy-making), it re-

¹⁰⁸ Human Rights Committee, *CCPR General Comment No. 23...*

¹⁰⁹ Committee on Economic, Social and Cultural Rights, *General Comment No. 21...*, paras. 3, 6, 15.

¹¹⁰ P.J. O'Keefe, *Shipwrecked Heritage: A Commentary on the UNESCO Convention on Underwater Cultural Heritage*, Institute of Art and Law, Buih Wells 2014.

¹¹¹ Committee on Economic, Social and Cultural Rights, *General Comment No. 21...*, para. 54(d).

¹¹² Committee on Economic, Social and Cultural Rights, *Guidelines on Treaty-Specific Documents to be Submitted by States Parties under Articles 16 and 17 of the International Covenant on Economic, Social and Cultural Rights*, 24 March 2009, UN Doc. E/C.12/2008/2, paras. 65, 67(c).

¹¹³ *Ibidem*.

mains generally within the domain of a State's internal affairs, and decision-making is a matter for internal politics to decide and for internal societal dialogue. The role of human rights in this picture is thus to encourage and facilitate that dialogue and to empower individual members of ethnic communities to challenge state-level decisions which are harmful to them and their heritage. Nevertheless, despite the rhetoric of liberation, we can witness rather an escalation of ethnic and community conflicts than advocacy for cultural diversity and hybridity. Recognition of the fact that heritage, especially Indigenous heritage, is not one-dimensional and cannot be separated from people's lives would ensure the better implementation of laws and better protection of the people concerned. For this reason the human rights approach to heritage could create an appropriate framework for challenging States' dominance in the field. If we acknowledge that heritage is embedded and embodied in people, protecting humans becomes about protecting heritage, and vice versa. This is the clear linkage between cultural heritage and human rights.

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Indigenous yet unrecognised. The legal reality of the Izhma Komi people

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ABSTRACT

The Russian Federation defines indigeneity narrowly. Under Russian law, only those groups that inhabit the territories of the North, Siberia and the Far East, comprise fewer than 50,000 people, maintain a traditional, nature-based way of life, and self-identify as a separate ethnic group can be recognised as so-called small-numbered indigenous peoples (KMNS). As a result, several *de-facto* indigenous groups cannot obtain the status of KMNS and benefit from related rights. There are also peoples that, despite fulfilling the Russian criteria of indigeneity, still fail to be recognised as KMNS. Russian legislation nevertheless does provide certain rights for some non-KMNS groups. This article is based on a literature review and fieldwork research among one such non-recognised community, the Izhma people, who belong to the wider Komi group. It asks what legitimate rights the Izhma Komi possess as an indigenous group and how these are exercised on the ground. In doing so, this article provides new knowledge that reduces confusion among scholars and practitioners regarding Izhma Komi legal and factual positions. The paper focuses specifically on legislation that covers the traditional economic activities of reindeer herding, fishing, and hunting, as embodied in both federal and republic regulations, to demonstrate the interplay between written laws and their non-coherent implementation on the ground.

KEYWORDS

Indigenous rights; reality of law; Russian North; Izhma Komi; empirical legal research

Introduction and methodology

The Russian Federation accommodates a diverse range of ethnic groups within its borders. The census from 2010 recognised 193 different nationalities.¹ Just 40 ethnic groups were categorised as indigenous small-numbered peoples of the North, Siberia and the Far East (*korennyye malochislennyye narody Severa, Sibiri i Dal'nego Vostoka*, or KMNS), falling within a category similar to the legal concept of indigenous peoples in international law.² KMNS status is only granted to those groups that meet the criteria specified in the Federal Law on the Guarantees of the Rights of the Indigenous Small-numbered Peoples.³ These provide that the ethnic group must inhabit their traditional territories in the North, Siberia or the Far East, be involved in traditional forms of

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¹The Federal State Statistics Service, "Census 2010".

²Stammler-Gossmann, "Who Is Indigenous?".

³Russian Federation, "The Law on Guarantees of the Rights".

economic activity, such as reindeer herding, horse breeding or hunting, comprise fewer than 50,000 people, and self-identify as a separate ethnic group.⁴ For those groups listed as KMNS, the law recognises certain indigenous rights: to lands and resources, for example, or to self-administration.

Nevertheless, even if a group meets the criteria outlined above, KMNS status is nevertheless awarded on a rather uncertain basis, often driven by local politics.⁵ This has led to the situation where not all indigenous peoples that inhabit the Russian North are recognised as such, and granted related rights. Most scholarly discussion of indigeneity in the Russian Federation has therefore been limited to already recognised ethnic minorities. ‘Non-status’ groups are typically overlooked. One such group are the Izhma people (in the Komi language: ‘Izvatas’), the northern group of the titular Komi nation.⁶

The Komi population is primarily divided into two major groups, the Komi-Zyryans and the Komi-Permyaks. The most recent census data (2010), reported a total population of c. 300,000 people, living predominantly in the Komi Republic, where they constitute 20% of the overall population.⁷ Even though the Komi people meet the United Nations criteria of ‘indigeneity’, their numerical size means they do not qualify for KMNS status in Russia. Yet, among the Komi, the Izhma community of about 6,000 people is both eligible for the status of KMNS in the Russian Federation, and seen as an indigenous community according to international standards. Indeed, since the early 2000s, the Izhma Komi have sought KMNS listing based on their unique dialect, culture, and nature-based traditional way of life, involving especially reindeer herding, fishing, and hunting, as well as their self-identifying as a distinct ethnic group.

To better understand the current situation of the Izhma Komi, this paper first analyses the indigenous laws in Russia. It then outlines how the Izhma people’s public activism has developed, paving the way for their indigenous rights to be addressed within Russia. In doing so, it also traces the patchwork of domestic regulations relating to reindeer herding, fishing, and hunting as applicable to the non-KMNS Izhma Komi. Ultimately, this paper demonstrates the interplay of legal processes with the reality of law at the grassroots level to reveal the generic traits of Russian legislation and the specific position of the Izhma people. The findings are drawn from empirical data collected during fieldwork which took place from May to July 2021, in the villages of Izhma, Sizyabsk, Bakur, Mokhcha, Gam and Mosh’Yuga in the Izhemsky district of the Komi Republic. In all, 49 field partners were interviewed. Potential interviewees were identified based on the snowball sample method, which draws on network connections. The interviewees represented different social groups, among them activists, reindeer herders, hunters, cultural workers, journalists, representatives of public movements, municipal and regional administrators, as well as people not involved in any cultural or political initiatives. All interviews were conducted in Russian and the parts of the interviews used in this paper have been translated into English.

⁴Ibid.

⁵Sokolovskiy, “Russian Government Policies and Minority Identities”.

⁶Besides the Izhma Komi, some groups are disqualified from the registry based on their numerical size, such as for example the Sakha (Yakuts), Buryat, and Khakas; while others such as the Kamchadals and Nagaibaks are listed as KMNS even though they are sub-groups of other big ethnic groups (Russians and Tatars). A different case are the Soyot, who were granted KMNS status after the re-identification of their ethnic identity.

⁷The Federal State Statistics Service, “Census 2010”.



Figure 1. The map shows the regions of Russia inhabited by Izhma Komi; created with mapchart.net.

Examining the past of the Izhma Komi shows the initial causes of their contemporary legal situation. The separate history of the Izhma Komi started in the 16th century, when some groups of the Komi migrated to the north of the area that is today the Komi Republic and settled along the Izhma river (from which the name Izvatas is derived).⁸ For centuries, they continued to expand their living areas, before eventually settling in the vast territories between the Kola Peninsula on the west, the Ural Mountains on the east, and the Yamal Peninsula and Nenets Autonomous Okrug in the north. Yet most of the population remained concentrated in their motherland of the Izhma district in the Komi Republic, where about 89% of the population continue to live today (see Figure 1).⁹ Over time, the Izhma Komi have encountered other ethnic groups, especially the Nenets, with whom they share pasture lands. This appears to have changed aspects of their lifestyle.¹⁰ Having initially been settled cow breeders (like other Komi groups), the Izhma Komi became semi-nomadic reindeer herders, borrowing from the Nenets a whole range of practices surrounding reindeer husbandry, such as herding techniques, clothes, and vocabulary.

The Izhma Komi have not entirely embraced nomadism, however, as it was too distinct a way of life for the historically settled Komi.¹¹ Furthermore, unlike the Nenets, the Izhma people widely modernised reindeer herding, ultimately commercialising the practice.¹² This allowed the Izhma people to diversify their means of subsistence

⁸Fryer and Lehtinen, "Iz"vatas and the Diaspora Space of Humans and Non-Humans in the Russian North"; Shabaev and Sharapov, "Izhma Komis and Pomors".

⁹Istomin and Shabaev, "Izhma Komi and Komi-Permiak".

¹⁰Shabaev and Istomin, "Territorialnost, Ethnichnost, Administrativnije i Kulturnije Granicy: Komi-Izemtsy (Izvatas) i Komi-Permyaki Kak "Drugije" Komi".

¹¹Shabaev and Istomin.

¹²Habeck, *What It Means to Be a Herdsman*.

and become leading players in the market. By the 1920s, the Izhma Komi were regarded by Russians to be part of modern society in terms of industrial development and progressive collectivisation. This allowed them to avoid the association with perceived backwardness that other ethnic minorities of the Russian North faced.¹³ The Izhma Komi also largely avoided many Soviet-era policies drafted to accelerate the socio-economic development of Northern minorities.

However, not being 'primitive' enough, along with the political situation in the Komi Republic, has since meant that the Izhma Komi have not been listed as KMNS (IK 2021).¹⁴ Izhma Komi reindeer herders, despite having a culturally similar way of life to small-numbered communities from the region, and being similarly affected by resource extractivism, have been placed in a particularly unjust position. To soften the intergroup legal gaps, federal laws increasingly provide that unlisted groups, which reside in the same habitats and areas and conduct traditional economic activities, are still entitled to certain rights already granted to those recognised as KMNS.

Indigenous laws in Russia and international legal standards

To reform the Soviet Union as it teetered on the brink of collapse, the last general secretary of the Soviet Union Mikhail Gorbachev (1985–1991) introduced the policies of *perestroika* and *glasnost*. These policies provided for social, economic and political changes such as the partial marketisation of the economy and increased civil freedoms of Soviet citizens.¹⁵ Although the reforms did not save the Soviet Union, they nevertheless opened the door to Western influences, including movements promoting indigenous rights, especially to lands and resources, and later on, internal self-determination.¹⁶

On the question of self-determination, which was linked to 'decolonisation', Russian authorities referred to the 'saltwater doctrine', arguing that Siberia and the Far East were not colonies as these lands were contiguous with the former Russian Empire and therefore not occupied foreign, overseas territories.¹⁷ They referred instead to the peaceful incorporation of the lands east from the Urals: thus, in their view, one could hardly speak about colonial relations between natives and conquerors.¹⁸ The decolonisation process simply did not apply in their case.¹⁹ Nevertheless, to compromise with the demands of the indigenous movements worldwide, the Russian authorities recognised that especially Siberia and the Far North had been inhabited by culturally distinct, numerically small ethnic communities and, in this sense, they could be considered indigenous.²⁰ The 1993 Constitution of the Russian Federation went on to guarantee the rights of those indigenous, small-numbered peoples according to the universally recognised principles and norms of international law and international treaties, as well as agreements of the Russian Federation (Article 69).

¹³Mankova, "The Komi of the Kola Peninsula".

¹⁴Hawkes, *Glasnost and Perestroika*. Interview IK.

¹⁵Ibid.

¹⁶Rohr, "Indigenous Peoples in the Russian Federation".

¹⁷See Niezen, *The Origins of Indigenism*.

¹⁸Slezkine, *Arctic Mirrors*.

¹⁹Mälksoo, "The Soviet Approach to the Right of Peoples to Self-Determination".

²⁰Donahoe et al., "Size and Place in the Construction of Indigenism in the Russian Federation".

To realise these constitutional provisions and align them with developments under international law, Boris Yeltsin's government (1991–1999) proposed three so-called framework laws, clarifying the position of small-numbered indigenous peoples of the North, Siberia and the Far East (KMNS). These federal laws include one on 'guarantees of the rights of indigenous small-numbered peoples', from 1999, another on 'the general principles of the organisation of *obshchinas* of the indigenous, small-numbered peoples', from 2000, and a third one on 'territories of traditional nature use of indigenous small-numbered', from 2001. This legislation, which came into force in the early 2000s, has been perceived as a great step in defining indigenous peoples and recognising their rights within Russia.²¹ Among other things, the regulations grant small-numbered peoples certain rights to use, without charge, the lands on which they live, to participate in the decision-making process on issues impacting their traditional lands and way of life, and to be compensated for any damages to their lands due to industrial activities.²² Despite these advances, the federal legal framework for indigenous rights remains rather general and of a declaratory nature.²³ This can be attributed to the deliberate measure by Russian legislators to keep indigenous laws rather imprecise, and thus largely unworkable, to enable the state to keep control over indigenous populations.²⁴

Compared to international definitions, what stands out in the Russian concept of indigeneity is that it limits the scope of protection to almost pre-chosen people. The Russian definition of indigeneity (rooted in quantitative prerequisites, territorial limitations, and lifestyle criterion) adopts a tone of scientific objectivity, as if it is undeniable.²⁵ This has led those ethnic groups not recognised as KMNS to introduce themselves to the authorities as ideally indigenous as possible using the terms indicated in the legislation.²⁶ To be listed as KMNS, however, groups require the support of local governments, which by the use of authoritative power often realise their own ethnic politics. Therefore, in the Russian context, the system of listing largely supports the policy of *divide et impera* which, together with non-transparent decision-making processes inside political circles, includes or excludes certain indigenous minority groups depending on the political situation.²⁷ Therefore, even if all the Russian criteria are met, local politics can still frustrate an ethnic group's attempts to be recognised as KMNS. This represents a major breakaway from the international norms for identifying indigenous peoples' rights, and particularly the principle of self-determination, which purposefully is not included in the domestic legal framework. Instead, the Russian legislation introduces the term self-administration (*samoupravlenie*) as a weaker form of autonomy, which does not allow indigenous populations to determine how their needs are reflected in domestic laws.²⁸

Moscow's opposition to recognising the right to internal self-determination of indigenous peoples was one of the reasons Russia did not ratify ILO Convention 169²⁹ and did not adopt the UN Declaration on the Rights of Indigenous Peoples.³⁰

²¹Kryazhkov, "Development of Russian Legislation on Northern Indigenous Peoples".

²²Russian Federation, "The Law on Guarantees of the Rights", para. 8.

²³Kryazhkov, "Development of Russian Legislation on Northern Indigenous Peoples".

²⁴Donahoe, "The Law as a Source of Environmental Injustice in the Russian Federation", 27.

²⁵Donahoe, "Naming, Claiming, Proving? The Burden of Proof Issue for Russia's Indigenous Peoples".

²⁶Donahoe, "On the Creation of Indigenous Subjects in the Russian Federation".

²⁷Sikora and Fedina, "Izvatav Cultural Identification and Self-Determination. The Study of the "Lud" Tradition".

²⁸Donahoe, "The Law as a Source of Environmental Injustice in the Russian Federation".

²⁹International Labour Organisation, "C169 – Indigenous and Tribal Peoples Convention".

³⁰United Nations, "United Nations Declaration on the Rights of Indigenous Peoples".

Despite this, the Russian state has inherited obligations to several international documents ratified by the former USSR, such as the International Covenant on Civil and Political Rights,³¹ the International Covenant on Economic, Social and Cultural Rights³² and the International Convention on the Elimination of all Forms of Racial Discrimination.³³ In several instances, Russia's indigenous peoples have been addressing their concerns to the monitoring bodies of the above-mentioned treaties as parallel or shadow reports. Over the years, however, these actions have not improved the real situation of indigenous peoples and ethnic minorities in Russia, although they helped to raise international awareness of these communities.

Times of transformation: the Izhma Komi's way to (non) recognition

In the early 1990s, the mobilisation of indigenous peoples within Russia led to the creation of several indigenous organisations, and an umbrella group, the Russian Association of the Indigenous Peoples of the North (RAIPON). The first established ethnopolitical association based on historical memory was 'Izvatras', representing the Izhma Komi. Izvatras' primary goal has been to strengthen the Izhma people's culture and dialect in all the regions they inhabit.

Over time, the interregional Izvatras movement have made more political demands and sought KMNS status for the Izhma Komi for two reasons. Firstly, the collapse of the Soviet Union brought not only liberation but also political and economic chaos and the breakdown of public infrastructure.³⁴ In the context of the northern territories, the crash of the state farms system, which had accommodated almost all reindeer herders, meant that many people including indigenous communities were left on their own, with subsistence activities being the only source of food and cash incomes.³⁵ The arrival of a market economy and the privatisation of lands, forests and waters became a major threat to land-based communities, which for decades had functioned within the state system, providing them with at least a minimum provision for survival.³⁶ The transition to a market economy led not only to a deep social stratification but also to the demarcation of Russian regions into donor regions and subsidised ones.³⁷ The areas of the north of the Komi Republic were deeply disadvantaged, while the state and economists could not offer any acceptable models for their development.³⁸ Private herding for the Izhma Komi became inaccessible due to very high land-use taxes, while herding enterprises, which replaced *sovkhozy*, proved largely unprofitable for the same reason.³⁹ This situation worsened socio-economic tensions in the region, especially among the reindeer herders, who consist of both small-numbered peoples (Nenets, Khanty and Mansi) and non-KMNS Izhma Komi.⁴⁰ Indeed, many of my field partners attested that these

³¹United Nations, "International Covenant on Civil and Political Rights".

³²United Nations, "International Covenant on Economic, Social and Cultural Rights".

³³United Nations, "International Convention of Elimination of All Forms of Racial Discrimination".

³⁴Mankova, "The Komi of the Kola Peninsula"; interview VA.

³⁵Pika, Grant, and Grant, *Neotraditionalism in the Russian North*. Interview KM.

³⁶RAIPON and INFOE, "Parallel Information: Discrimination against Indigenous Small-Numbered Peoples of the Russian North, Siberia and the Russian Far East".

³⁷Pika, Grant, and Grant, *Neotraditionalism in the Russian North*.

³⁸Shabaev and Sharapov, "Izhma Komis and Pomors".

³⁹Interview VA.

⁴⁰Interview FF.

pressures could have been alleviated by listing Izhma Komi as a small-numbered people, and thus allocating government subsidies that would have allowed them to purchase reindeer as private owners.⁴¹

Secondly, in the early 1970s, the Izhemsky and Usinsky districts of the Komi Republic became places of oil and gas extraction. Lukoil-Komi, which has been operating in these regions, has not been obliged to conduct social consultations nor ethnological assessments since there are technically no ‘indigenous small-numbered peoples’ living in the area.⁴² The oil spill near Usinsk in 1994, which is regarded as one of the biggest environmental catastrophes of the 1990s, triggered a grassroots social mobilisation to secure the rights of indigenous populations in the north of Komi Republic.⁴³

Driven by feelings of injustice, ‘Izvatas’ used environmental claims to support further political demands, launching a campaign to consolidate the northern Komi as an indigenous group and claim KMNS status. My fieldwork shows that, currently, environmental concerns are one of the biggest drivers for seeking this status. However, there are other factors as well, as confirmed by the following statement from a representative of the Komi Republic Government: ‘if we [Izhemtsy] can preserve the nature/land, we will not care about any status. But seems there is no other way around, even though the discussions calmed down recently. By land, I mean not only the territory but also cultural practices and subsistence activities connected to the land. You see, this is all interconnected, you cannot look only at one aspect’.⁴⁴

The Izvatas movement, while adhering to the four criteria stated in the federal law on KMNS, argued that the Izhma Komi fulfil all the conditions to be considered not only indigenous but also small-numbered. Still, the self-designation of the group is not straightforward. The northern Komi of the Pechora Basin have historically referred to themselves as ‘Komi’, in contrast to the southern Komi, who call themselves ‘Zyryans’. As a result, many of the northern Komi introduce themselves as ‘Komi’ and not ‘Izhma Komi’. Thus, the attempt to create a northern Komi identity based in name on the geographical region of the Izhma river basin has only been partially successful.⁴⁵ Often enough, other groups of northern Komi, who have likewise been pursuing traditional activities, do not identify themselves precisely as Izhma people, since they have not lived in the Izhemsky district but elsewhere, e.g. in places such as Usinsky or Inta.⁴⁶

At the grassroots level, therefore, the situation facing the Izhma Komi is partly a manifestation of a conflict of identities.⁴⁷ Even so, a variety of conversations I had in the Izhemsky district showed that, despite the terminological confusion, the separate group identity of the northern Komi is still very strong, even though semantically not concise. One conversation was particularly illustrative in this regard: as a cultural worker told me, ‘for many, it is not understandable, how can it be that there is yet another nation within a nation (*v narode yeshche odin narod*)’.⁴⁸

⁴¹Interview VA, FF, JC.

⁴²Murashko, “What Is the Ethnolicheskaia Ekspertiza in Russia?” Interview VA, FF.

⁴³Interview VA.

⁴⁴Interview AT.

⁴⁵Shabaev and Istomin, “Territorialnost, Ethnichnost, Administrativnije i Kulturnije Granicy: Komi-Izemtsy (Izvatas) i Komi-Permyaki Kak “Drugije” Komi”.

⁴⁶Shabaev and Istomin.

⁴⁷Sikora and Fedina, “Izvatas Cultural Identification and Self-Determination”.

⁴⁸Interview YY.

In 2008, the efforts of former Izvatas leaders resulted in the acceptance of the Izhma Komi as indigenous peoples by RAIPON, as the only non-KMNS group. Nevertheless, the Izvatas application for KMNS status was rejected twice by the republican authorities without any formal justification. The available materials shed more light on Izvatas' position than that of the political elites in the capital. Nevertheless, the most self-evident argument against listing Izhma Komi as KMNS has been a fear of weakening the Komi peoples' unity and thus arousing possible accusations of separatism. Thus, the decisive factor for the rejection of the Izvatas application was likely the unfavourable position of the Komi Republic government as well as the 'Komi Voityr' movement, which enjoys strong public influence on the matter.⁴⁹ The lack of a Komi collective agency was highlighted by the former Minister of Culture and National Affairs of the Komi Republic, Maria Kuzbozheva (Komi herself), who openly stated that Izvatas separatism is humiliating for the Komi people.⁵⁰ The same rhetoric is still followed nowadays by the Komi Voityr leadership in the Izhemsky district. As a result, the high level of Izvatas public activism has been opposed behind closed doors by officials in both Moscow and Syktyvkar (Komi Republic's capital).

The legacy of the Soviet policies implies that small-numbered peoples can be regarded as titular nations only in okrugs (regions) or raion (districts), but never in oblasts or republics.⁵¹ Therefore, the eventual recognition of the Izhma Komi as a KMNS would undermine the status of Komi as a titular nation in the hierarchy of peoples in Russia as 'deserving' a republic.⁵² Even though the titular indigenous nations enjoy substantial autonomy as subjects of the Russian Federation, it is the 'small-numbered indigenous peoples' who are in a more profitable position and who attract attention internationally.⁵³

Currently, both the efforts and enthusiasm to establish the KMNS status have dimmed, both among community members and within the Izvatas movement. The organisation's current leader is rather sceptical about the chance to enlist the Izhma Komi as one of the KMNS, for two reasons. First, the internal politics in the Komi Republic aim to maintain Komi unity. Second, the current republican government, including the Republic's President, are overwhelmingly Russians, not Komi. These officials put federal interests first, which are handed down from the Kremlin and are not focused on Komi interests. This has gone hand-in-hand with the centralisation of the federal administration.

Notably, the Izvatas leader's opinion is not shared by all the members of the movement, who represent 12 different localities, ranging from the Izhemsky district and Syktyvkar to the Kola Peninsula, the Yamal Peninsula and Khanty-Mansi Okrug. Yet, even in the Izhemsky district, which is the motherland of the Izvatas, opinions vary. Opponents of the fight for KMNS status, who come from within the community often refer to two reasons. On the one hand, some still attribute small-numbered peoples with primitivism, which is a reflection of Soviet education that continues to take its toll, supporting the hierarchical belief that the more developed a group is, the less indigenous

⁴⁹Internal divisions within larger ethnic/indigenous groups are widespread across the Russian North. Particularly the Soviet policies of "splitting" and "merging" peoples have been exemplified on the case of the Enets-Nenets, Tozhu-Tyva and Altai peoples.

⁵⁰Mezak, "Izhemtsy Okazalis" v Bednykh Rodstvennikakh u Yaz"vintsev".

⁵¹Donahoe et al., "Size and Place in the Construction of Indigeneity in the Russian Federation".

⁵²Mankova, "The Komi of the Kola Peninsula".

⁵³Donahoe et al., "Size and Place in the Construction of Indigeneity in the Russian Federation".

it is.⁵⁴ Therefore, many do not want to be pictured as ‘small-numbered’, even if they do not outright deny their ‘indigeneity’; they are ‘*korennye* but not *malochislennyye*’.⁵⁵ The colloquial understanding of indigenous cultures is significantly decreasing in Russian ethnopolitical discourse, in comparison with what research conducted 10 or 15 years ago showed.⁵⁶ Moreover, ‘primitivism’ or the low level of cultural development is not one of the requirements when the small-numbered status is sought. What some often regard as backwardness is a part of the ‘traditional’ nature-based way of life, in which the practice stays untouched, while the techniques may change.

The second argument forwarded by sceptics is that ‘being small-numbered’ can lead to laziness and passivity as to community’s concerns, since many issues would implicitly be taken care of from above. For instance, many KMNS enjoy a variety of benefits facilitating life in the harsh conditions of the North and compensating for their nature-based work, such as partial compensation for purchasing reindeer for an earlier pension.⁵⁷ Being within these exclusive welfare structures requires people to be obedient towards the authorities, and thus makes them dependent on political will. By contrast, many sceptics of KMNS status state that one of the most important features in the contemporary world is to secure one’s independence, be it political, cultural or economic. The question of the KMNS status has not disappeared, but it is no longer at the top of the list of topics discussed.

Rights of Izhma Komi in Russian legislation

Izhma Komi activists have responded to the challenges outlined above firstly by looking for gaps in the existing legislation and secondly by lobbying for additional legal solutions to improve people’s situation. In this section, I identify the main federal laws and regional laws of the Komi Republic that provide a certain level of protection for Izhma Komi subsistence activities, relating to reindeer herding, fishing and hunting. To understand the actual level of protection, I evaluate whether and how laws are implemented. Based on empirical data, I draw up the general characteristics of the Russian legal system that hamper the enforcement of these laws.

Federal laws

Since the Russian indigenous laws were introduced, and the first KMNS lists produced, social tensions have grown among other ethnic groups (very often neighbouring the KMNS) who did not gain such recognition and thus cannot benefit from the associated state support and privileges. At the same time, there has been a virtual moratorium from both federal and republican authorities to recognise more ethnic groups. In addition, the pressure on the federal authorities to ease the legal unfairness resulted in the adoption of amendments to the federal laws ‘On guarantees of the Rights’⁵⁸ and law ‘On territories of

⁵⁴Slezkine, Arctic Mirrors.

⁵⁵Donahoe et al., “Size and Place in the Construction of Indigeneity in the Russian Federation”.

⁵⁶For instance, Donahoe, B., J.O. Habeck, A. Halemba, and I. Sántha, 2008: “Size and Place in the Construction of Indigeneity in the Russian Federation”. *Current Anthropology*; Stammer-Gossmann, A. 2009. “Who Is Indigenous? Construction of “Indigenosity” in Russian Legislation.” *International Community Law Review* 11 (1).

⁵⁷Ministry of Digital Development, Communications and Mass Media of the Russian Federation, “Portal Gosuslug”.

⁵⁸Russian Federation, “The Law on Guarantees of the Rights”.

traditional nature use’,⁵⁹ but not to the third of the federal laws, ‘On the organization of *obschinas*’.⁶⁰

The revision of the first of these laws established that it *may* extend its effect on ‘persons who are not designated as small-numbered indigenous people but reside in the places of indigenous peoples’ traditional living, engage in traditional economic activities on a regular basis and pursue the same traditional nature use and traditional way of life as indigenous peoples do’. Even though, for many non-KMNS groups, this amendment allowed for equal rights within the same regions, for the Izhma Komi it was not fully applicable, since the northern districts of the Komi Republic were not designated as indigenous lands (*raion prozhivaniia KMNS*). Therefore, those Izhma Komi who have been living on indigenous territories elsewhere, mainly in the Nenets Autonomous Okrug, the Kola Peninsula or Khanty Mansi Autonomous Okrug, could benefit from this amendment. This meant that their rights were protected in all other regions inhabited by them, but not in the motherland of the Komi Republic.

A temporary way out was found in the recognition of the Izhma district as well as the Usinsky district and Inta in the north of the republic as places of traditional residence and traditional economic activities of the KMNS.⁶¹ Those listed territories became the direct recipients of subsidies coming from the federal budget, which were aimed at supporting the economic and social development of the indigenous minorities. In particular, the subsidies were allocated to create conditions for the sustainable development of traditional economic activities, to develop the relevant infrastructure and to support educational and cultural services for indigenous peoples.⁶² Up to now, Izhma, Usinsky and Inta districts are inhabited almost exclusively by non-KMNS Izhma Komi (in the majority) and Russians, while the population of KMNS groups consist only of 0.5% of Nenets in the Ust-Tsilemsky district and 0.6% of Mari in the Inta district. Therefore, the northern municipalities by coincidence benefited from additional funding, to support traditional activities, whilst at the same time refraining from providing any *individual* benefits for the Izhma Komi. Also important is that through designating the northern districts of the republic as territories of traditional living and traditional economic activities of KMNS, the Izhma Komi – upon agreement with local authorities – could restrict non-traditional economic activities of federally owned organisations (mainly oil and gas companies).⁶³ However, even though the scope of rights that are potentially applicable to the Izhma Komi is broad, they can be made operational only when regional laws of the Komi Republic on a particular subject are adopted, which has happened in just a few cases.

Similarly, the Federal Law on Territories of Traditional Nature Use can apply to non-small-numbered peoples who reside in indigenous areas and conduct traditional subsistence activities.⁶⁴ The category of non-KMNS peoples residing within the indigenous territories theoretically encompasses those Izhma Komi involved in especially reindeer herding, fishing, hunting, and gathering.⁶⁵ The Law on Territories of Traditional Nature Use also provides that the wildlife areas used by indigenous communities for traditional

⁵⁹Russian Federation, “Law on Territories of Traditional Use of Natural Habitat”.

⁶⁰Russian Federation, “Law on General Principles of Organization”.

⁶¹Russian Federation, “On Approval of the List of Places of Traditional Residence and Traditional Economic Activities”.

⁶²Ibid.

⁶³Russian Federation, “The Law on Guarantees of the Rights”.

⁶⁴Russian Federation, “Law on Territories of Traditional Use of Natural Habitat”.

⁶⁵Russian Federation, “On Approval of the List of Places of Traditional Residence and Traditional Economic Activities”.

economic activities and traditional ways of life can be granted special legal protection as a 'territory of traditional nature use' (TTP), on a federal, regional and local level.

In the TTP areas, indigenous and local people were granted limited property rights to use and take benefit from the land free of charge.⁶⁶ Moreover, on those territories, local communities are restricted to only 'traditional', non-commercial activities, which seems to be an acceptable limitation in exchange for the social security that comes along with the subsidies, and other forms of state support. Since the TTP legislation was never properly implemented, there is no 'territory of traditional nature use' at the federal level, yet such areas have been created at the regional and local levels.⁶⁷

The Government of the Komi Republic in 2018 started the process to designate five localities as being of special TTP status, namely Vorkuta, the territories surrounding the municipalities of Inta and Usinsk, Ust-Tsilemsky and Izhemsky districts.⁶⁸ The regional government's goal is mainly to protect the reindeer herders of Nenets, Khanty and Mansi origin who number fewer than 500 people in those areas.⁶⁹ Despite this, the major recipients of the benefits could *de facto* become the Izhma Komi herders, as non-KMNS residents. As Valentina Semiashkina, (the head of the Save Pechora Committee) concluded 'well, maybe they plan to establish the TTPs and so what? And nothing', highlighting that many legal initiatives take place not to secure the rights of people but to lull them into a false sense of security.⁷⁰

Indeed, the creation of the TTPs in the Komi Republic was suspended at a preliminary phase and no lands have been registered to date. The likelihood that the procedure is finalised is difficult to estimate since one of the key players in the decision-making process is an industrial lobby of oil and gas companies that seeks to push forward the further exploitation of natural resources in the north of the republic. Therefore, one possible way to facilitate the protection of lands inhabited by indigenous populations might be through the development of the federally protected areas, independently from initiatives of the regional and local authorities, for whom it is necessary to adopt the corresponding by-laws.⁷¹

There are several other federal laws regulating nature use, such as the Land Code and the Forestry Code, that do not recognise non-KMNS peoples by their way of life as recipients of certain indigenous rights and refer only to the 'small-numbered indigenous peoples'. Yet the practitioners' interpretation of these federal laws can go beyond a literal understanding of their legal provisions. Since the criteria for falling within the category of non-KMNS (inhabitancy on indigenous lands and traditional economic activities) are an integral part of the definition of KMNS, the Land Code or the Forest Code could possibly extend their effect to non-KMNS groups.

This room for interpretation confirmed my fieldwork,⁷² which showed that, at the local level, some authorities do use an extended definition and consider as well non-KMNS residents when applying federal laws. However, this practice is not consistent.

⁶⁶Stammler and Ivanova, "Confrontation, Coexistence or Co-Ignorance?".

⁶⁷Sulyandziga and Sulyandziga, "Indigenous Self-Determination and Disempowerment in the Russian North".

⁶⁸Komi Republic, "On Amending the Resolution of the Government of the Komi Republic No. 299 of 18 December 2007".

⁶⁹Interview FF.

⁷⁰Interview Valentina Semyashkina.

⁷¹Gracheva, *Pravovoye regulirovaniye finansovogo obespecheniya korennykh malochislennykh narodov Severa, Sibiri i Dal'nego Vostoka. Monografiya*.

⁷²Author's personal observations.

While one authority might interpret the legislation broadly, another will apply the law as it stands. This has led to many instances when non-KMNS Izhma Komi were issued severe fines for the misuse of natural resources.⁷³ Moreover, one could even make an argument that in the particular case of the Izhma Komi, who in any case meet all the federal legal criteria to be considered KMNS, they are by default KMNS, regardless of the official listings, therefore all the laws referring to KMNS should apply to the Izhma Komi equally.

Either way, to ensure the unity of judicial practise while enforcing existing legislation, the Plenum of the Supreme Court of the Russian Federation issued a decree granting rights to natural resources to non-KMNS who live in the same area and who pursue the same way of life as those recognised as KMNS.⁷⁴ These changes have brought to non-KMNS groups a sense of faith in the rule of law under which rights and privileges are enforceable. Even so, the reality of enforcing these laws is far from ideal. Even though non-KMNS rights are at times implemented while solving individual cases, several field partners indicated that, in the majority of incidents, the law is not exercised, often due to the confusion of authorities concerning the applicability of the non-KMNS rights and their interpretation with regard to the Izhma Komi.⁷⁵

Komi Republic – reindeer herding law

The Constitution of the Komi Republic from 1994 states that the republic, under joint jurisdiction with the Russian Federation, guarantees the preservation and development of traditional culture and way of life of the Komi people and other peoples living in the republic. Considering that reindeer husbandry is one of the most important forms of traditional activity for the indigenous and local peoples, and that the northern districts of the republic were listed as places of traditional residence and traditional economic activities of KMNS, the regional authorities have been obliged to implement measures for supporting these traditional livelihoods, including creating appropriate conditions for reindeer herding. However, up to now no reindeer herding law has been introduced at the federal level, and the law of the Komi Republic was only adopted in 2011. This means that for 30 years since the collapse of the Soviet Union, reindeer herding in the Komi Republic was not legally regulated and there was no relevant service system. Because of this situation, the number of herders has been steadily decreasing, and those who continued the practice have been operating as private entrepreneurs under the cover of the former *sovkhoz*, which was teetering on the edge of bankruptcy for most of the time.⁷⁶

Meanwhile, the legal and actual situation has been much better in the Nenets Autonomous Okrug (NAO), where the migration routes of the Izhma and the Nenets cross. In NAO, the stakeholders could benefit from the state subsidies covering meat production and helicopter transportation to remote areas, which were not provided to any great extent by the government of the Komi

⁷³Interview FF.

⁷⁴Supreme Court of the Russian Federation, Resolution of the Plenum of the Supreme Court of the Russian Federation On the application by courts of legislation on liability for violations in the field of environmental protection and nature management”.

⁷⁵Author’s personal observations.

⁷⁶Istomin, Popov, and Kim, “Snowmobile Revolution, Market Restoration, and Ecological Sustainability of Reindeer Herding”.

Republic.⁷⁷ In particular, the allowance for the reindeer meat trade was crucial for the profitability of the whole herding industry in the NAO. My interviewees stated that the subsidy for one kilogram of meat was 8 rubles in Komi while in the NAO it was 40 rubles. Thus, in the NAO the herders could sell the meat at a lower price, while the higher costs of production and the risk of herding in the unpredictable northern conditions were covered by regional funding.⁷⁸ This has been crucial for the profitability of the reindeer herding cooperatives, which would not have been able to survive the competition from low-cost meat producers from the southern regions of Russia.⁷⁹

Therefore, in 2005, the only reindeer herding cooperative in the Izhemsky district, Olenevod i Ko, changed its base of operations and re-registered in NAO. The enterprise left its office in the village of Sizyabsk (in Izhemsky district) along with the small factory producing reindeer fur products, mainly handicrafts and shoes. Even though the cooperative registered in NAO has a better environment in which to operate, the atmosphere between its employees of Izhma Komi and Nenets origin has been tense. Those herders who enjoy the KMNS status, on top of the salary from the cooperative, receive additional subsidies as well as a higher and earlier pension, fostering a feeling of injustice among the Izhma Komi employees.⁸⁰

Therefore, the 2011, reindeer herding law of the Komi Republic regulates conditions for effective and sustainable development of reindeer husbandry, independently from the question of the KMNS status.⁸¹ Based on that law, reindeer herders receive state support to reimburse the increased costs of reindeer husbandry in the extreme climatic and socio-economic conditions of the North. The republic committed also to further developing and modernising infrastructure in places of traditional residence as well as the traditional economic activities of the reindeer herders. This includes providing better phone coverage, enabling access to the internet in some parts of the tundra as well as finalising road construction between Usinsk (Komi) and Naryan Mar (NAO).⁸² The herding law also provides a range of social assets for herders residing in the Komi Republic, including medical assistance, helicopter transportation to the tundra organised by the ministry of national politics, access to educational services and pension benefits, as well as measures to preserve the culture of the indigenous and local peoples of the North engaged in reindeer husbandry.⁸³ The reindeer herders and tent workers with whom I talked stated unanimously that the reindeer herding situation in Komi is now better than 10 years ago. But what is missing is a system of education in the tundra, which was included in the legislation and policy documents but has not been developed so far. All field partners indicated that the lack of school education for children in the tundra is the second most burning issue, just after environmental matters and their severe impacts on the practice of reindeer herding. Many have decided not to continue their lifestyle as herders, since it would mean long-lasting separation from children who, due to compulsory schooling,

⁷⁷Goloviznina, "Indigenous Agency and Normative Change from "Below" in Russia".

⁷⁸Interview NC, FF.

⁷⁹Interview FF.

⁸⁰Interview FF.

⁸¹Gracheva, *Pravovoye regulirovaniye finansovogo obespecheniya korennykh malochislennykh narodov Severa, Sibiri i Dal'nego Vostoka. Monografiya*.

⁸²Interview EA, EA.

⁸³Komi Republic, "Law on Reindeer Husbandry". Interview FF.

need to stay in their home villages. Children, therefore, do not spend enough time with their parents in the tundra to learn herding practices, thus contributing to the collapse of herding culture.

Komi Republic – hunting law

When it comes to hunting regulations, there are both federal and regional acts. A federal law ‘On hunting and on the conservation of hunting resources’, from 2009, stipulates that, whether KMNS or not, peoples for whom hunting is a traditional occupation, can carry out hunting freely, without any permission, on the public lands and to the extent required to satisfy personal consumption.⁸⁴ However, the law also radically limits the hunting possibilities of the KMNS by introducing auctioning of lands for hunting, in effect launching a form of privatisation of state lands.⁸⁵ According to that federal law, a legal entity (usually a society of hunters and fishermen), or an individual entrepreneur can lease from a municipality land or forest plots for hunting for up to 49 years, under the condition they preserve hunting resources and the natural habitat of species, and create a hunting infrastructure. Leasing is conducted in a form of an auction, where the land goes to whoever offers the highest price. At the same time, the federal law provides for hunting licences (mostly in a form of hunting tickets), for individual hunters, who need to agree to the usage of the hunting resources with a land administrator, who can be either a society of hunters and fishermen, a private owner or the municipality.⁸⁶

Drawing on this legislation, the most recent threat to local hunters in the Izhemsky district concerns the lease of municipal lands to private owners. This entails restricting the accessibility of lands for public hunting and the necessity to agree directly with a private owner on land use.⁸⁷ Several private non-indigenous people from outside the Izhemsky district have shown interest in this possibility, tempted from their perspective by low prices, which remain unaffordable for most of the local population. This has met with resistance from local hunters and other people from the district, who have organised a manifesto against such developments and collected signatures to prevent the restrictions in land use.⁸⁸ Tensions have been growing as Izhma Komi families, which historically enjoyed the use of customary hunting grounds, are now treated formally as poachers and given large fines, which are difficult to pay. Ultimately, the ‘gentleman’s a is that even though the legislation creates a possibility to lease the land, hunters will not benefit from such an opportunity for the common good.⁸⁹ In the same way, there is an unspoken and unwritten agreement between the authorities and hunters concerning forest huts, which are built on customary hunting grounds. Formally this type of building is illegal and should be demolished. The tacit consent based on mutual dependencies reflects the common Russian mentality of ‘don’t ask, don’t tell’, which does not guarantee any protection, but at least lets the different parties continue operating in a manner that is

⁸⁴Russian Federation, “On Approval of the List of Places of Traditional Residence and Traditional Economic Activities”.

⁸⁵Donahoe, “The Law as a Source of Environmental Injustice in the Russian Federation”.

⁸⁶Russian Federation, “Law on Hunting and on the Preservation of Hunting Resources and on Amendments to Certain Legislative Acts of the Russian Federation”.

⁸⁷Interview DA.

⁸⁸Interview VK.

⁸⁹Interview VK, FF.

acceptable under the prevailing conditions.⁹⁰ This is what Stammler et al.⁹¹ call ‘getting on in concrete situations rather than creating codified legal regimes’.

Additionally, the Federal Law on the Protection of Wildlife says that in the territories of traditional residence of indigenous peoples, these groups have a priority right to use the objects of the animal world.⁹² Based on this, local hunters proposed declaring the Izhma municipality a public territory, with more open hunting rules, and creating an institution of hunting inspectors in the region that would ensure rightful usage of the hunting grounds. The point would be to prevent extensive poaching, which has been difficult to limit and detect as there has been only one official hunting inspector for the whole Izhemsky district of 18,000 square kilometres. Even for the local hunters, it has been challenging to control illegal shooting, since it requires catching someone red-handed. Therefore, the Izvatas Congress in 2018 proposed drawing up a code of honour for hunters and fishermen.⁹³ This set of rules will be based on normative legal acts and unwritten laws, referring to tacit consent, hunting and fishing morality, the law of conscience and a return to the traditions of ancestors. Other plans of the movement include the development of a programme for the ecological education of children in the region, preventive and explanatory work in collectives and schools, and joint raids on hunting grounds.

Komi Republic – fishing rights

Fishing in the Izhemsky district is perhaps the easiest and most accessible form of traditional activity, in comparison with herding or hunting. While herding is perceived as a way of life but also a profession, bringing a salary, fishing is a way of spending free time, as well as a direct means to feed the family. Thus, on the Izhma river it is not conducted on a large scale. Fishing in the Komi Republic is regulated by federal legislation that sets out general rules for industrial, recreational and sport fishing.⁹⁴ Specific rules for fishing are approved for each of the fishery basins. In that regard, the Komi Republic, forming part of the Northern Fishing Basin, falls under order number 292, which states the fishing season, quotas, and types of tickets required.⁹⁵ These regulations include the category of indigenous small-numbered peoples, for whom fishing is a traditional way of life. Non-KMNS are, however, not included. The law also forbids two traditional fishing techniques: nets, and so-called *karablik* (a form of a trap) that allow for a bigger and faster catch, both of which are used by the Izhma people. However, there is an exception for small-numbered (only) reindeer herders, who, to meet personal needs, can fish with the use of nets.⁹⁶ In practice, the rules are often broken, as the only fishing

⁹⁰Stammler and Peskov, “Building a “Culture of Dialogue” among Stakeholders in North-West Russian Oil Extraction”; Stammler and Ivanova, “Confrontation, Coexistence or Co-Ignorance?”.

⁹¹Stammler, Ivanova, and Donahoe, “Russian Legal Anthropology: From Empirical Ethnography to Applied Innovation”, 9.

⁹²Russian Federation, “Law on the Protection of Wildlife”.

⁹³Interview DA, IK.

⁹⁴Russian Federation, “On Fishing and Conservation of Aquatic Biological Resources”.

⁹⁵Ministry of Agriculture, “Order on the Approval of the Fishing Rules for the Northern Basin”.

⁹⁶Ibid.

inspector is based in the village of Shchelyaiur and, as with hunting, cannot control the entire district.⁹⁷

The game of appearances – the generic traits of the Russian legal system(s)

In theory, a range of the Izhma Komi's rights have been secured by the legislation of the Federation and the Komi Republic. However, the biggest constraint on their real enforcement has been the instability of the Russian legal system and the lack of implementation of related laws, for both legal and socio-cultural reasons.

What I found during my research is that laws are often written broadly and lack measures to facilitate their enforcement, or as Kryazhkov puts it straightforwardly, some norms are 'a decorative legislation, where no actual legal relationships arise from their basis'.⁹⁸ On the other hand, some legal acts, both on the federal and regional levels, have been seriously modified several times, albeit before their implementation. Only the three indigenous federal laws have undergone major changes after their adoption. Both instances apply to other federal, regional and local laws which regulate the living conditions of nature-based communities.

Furthermore, the legislation on indigenous and non-KMNS matters is highly fragmented and represents a chaotic patchwork of different federal laws, decrees, orders and respective legislation at the regional and local levels. This confusion, along with a large number of amendments, makes the law difficult to predict. It also makes any changes hard to grasp. In consequence, indigenous and local peoples, their representatives and often even the municipal administrators, lack knowledge about the current rules, rights, procedures and legal developments that are formally binding and which may protect or limit people's rights.⁹⁹ Consequently, the lack of implementation of indigenous rights does not always derive from the bad will of the authorities but often is the result of long and shaky legislative processes. This legal situation, at least for now, results to a great extent from the youthful and not fully developed democratic mechanisms in one of the biggest countries in the world.

The last two decades have shown a steady erosion of the legal framework and a heavy re-centralisation of administration, including the dismantling of several indigenous autonomous territories.^{100,101} What in 2013 Kryazhkov described as 'legal stagnation',¹⁰² of indigenous legislation, in 2022 cannot be referred to as 'stagnation' anymore, but rather an active legal process to limit indigenous rights in Russia.¹⁰³ Even though in the Yeltsin era indigenous minorities were guaranteed the rights to consultation and participation in specific cases, the current Russian legal system does not include free, prior, informed consent, and thus all the regulations have

⁹⁷Interview FF.

⁹⁸Kryazhkov, "Development of Russian Legislation on Northern Indigenous Peoples", 147.

⁹⁹Interview AT.

¹⁰⁰For example, in 2007, Taymyr Dolgano-Nenets Autonomous Okrug and Evenk Autonomous Okrug were merged into Krasnoyarsk Krai, or the same year, the Koryak Autonomous Okrug was merged with Kamchatka Krai.

¹⁰¹Kryazhkov, "Development of Russian Legislation on Northern Indigenous Peoples".

¹⁰²Ibid., 145.

¹⁰³The most recent means to limit indigenous rights and impact the politics of indigeneity and ethnicity in Russia is introduced in the 2020 Registry of Indigenous Peoples. For more see: Fondahl, G., V. Filippova, and A. Savvinova. "Introducing a Registry of Indigenous Persons in Russia: Rationale and Challenges."

been drafted without the participation of impacted communities and without adhering to the rules of transparency and social inclusion.

The current shape of the legislation reflects a set of intellectual, emotional, cultural characteristics and attitudes inherent to Russians. In the Russian mentality, it is not enough to have certain rights, there is also a need to prove that one deserves them to become the true beneficiaries of a provision.¹⁰⁴ Notwithstanding in this picture is also the tardiness of authorities, in connection with an overgrown bureaucracy and corruption of officials.

The 'simulation of legal intent' concerning indigenous rights in Russia dulls the vigilance of a predominantly international audience. For people living in Russia, this is a manoeuvre that has been known for decades, and which has forced the people to establish their own alternative legal reality. As the case of hunting rules has proven, there is a strong system of unspoken agreements and rules, inducing the tacit refusal to implement laws that are never isolated but embedded in a societal infrastructure of dependencies. Often in Russian settings, the grey zone, where no clear legal obligations and rights are provided, is what is desired by both the state authorities and the people, as it gives them enough flexibility to adjust to rapid situations.¹⁰⁵

Discussion and conclusions

The rights of the Izhma Komi have been acknowledged in certain legal documents of the Russian Federation. Two out of three federal laws on small-numbered indigenous peoples provide clauses that allow the Izhma people to benefit from some of the same rights enjoyed by those recognised as KMNS. In practice, however, most if not all of those rights have not been implemented due to a lack of knowledge among practitioners and activists about their existence. The category of non-KMNS is neither consistent nor widely incorporated in all legal documents, especially at the republican level, leading to paralysing disorientation within both the authorities and wider society, while also making the law impossible to enforce.

One of the theoretical ways to improve the legal situation of the Izhma Komi would be to include them on the list of the small-numbered peoples of the North. Not to determine their indigeneity, but to allow them to enter a legal category that clarifies their rights entitlement, regardless of the question of ethnic belonging. Whether the Izhma Komi will be able to bring back to the agenda claims for legal recognition depends largely on the political situation in the Komi Republic. Even though being on the KMNS list does not guarantee that the rights will be implemented, it offers clarity as to the legal status of that particular group in the indigenous law's framework within the Russian Federation. Nevertheless, the state needs to enable the indigenous rights movement and broader developments in civil society to effectively protect indigenous rights. This goal could be achieved if the Russian Federation adopted UN Declaration on the Rights of Indigenous Peoples and comply with international standards for the protection of indigenous rights, particularly with the right to self-determination and the free, prior and informed consent of indigenous communities.

¹⁰⁴Donahoe, "On the Creation of Indigenous Subjects in the Russian Federation".

¹⁰⁵Stammler, Ivanova, and Donahoe, "Russian Legal Anthropology: From Empirical Ethnography to Applied Innovation".

Furthermore, to foster the real effect of binding indigenous laws, there is a need for a shift in mentality in Russian society to eradicate the colloquial association of indigenous peoples with backwardness. Raising awareness comes along with an honest education of society and, especially, authorities and business enterprises. In the current situation, an unstable and noncoherent protection regime for non-recognised indigenous populations perpetuates the disadvantaged position of the Izhma Komi in comparison with officially listed KMNS groups and disempowers their already weak status in the legislation. The legal and actual situation of the Izhma Komi is not an exception in the Russian setting. They are one of several examples demonstrating how issues arising from distinctiveness from a larger ethnic group, as well as the parallel legal systems based on tacit consent, are widespread and structural across Russia.

Interviews (the toponyms refer to the place where the interview was conducted)

AT, 2021, male, Syktyvkar
DA, 2021, male, Izhma
EA, 2021, male, Izhma
EA, 2021, male, Izhma
FF, 2021, male, Izhma
IK, 2021, female, Izhma
NC, 2021, female, Syzjabsk
VA, 2021, female, Mokhcha
Valentina Semyashkina, 2021, female, Syktyvkar
VK, 2021, female, Izhma
YY, 2021, female, Izhma

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Izvatias cultural identification and self-determination: The study of the “Lud” tradition

Karolina Sikora & Maria Fedina

Izvatias are a separate group of the Finno-Ugric Komi people, dispersedly inhabiting the vast territories of the Russian North. In the 1920s the policy of 'korenizaciija' aimed at unifying all the Komi people by downplaying the groups' diversity. As a result, 70 years later the apparent consolidation deprived the Izvatias of the possibility to acquire the status of an Indigenous small-numbered people. The greater prevalence of the Izhma Komi ethnic identity in the early 2000s revealed the ambivalence in self-description as a group, both internally and externally. While some Izvatias have identified themselves as a northern subgroup of the Komi Zyryan people, others have been claiming their ethnic distinctiveness. At the same time, the mere belonging to the group has been contested as well. Recognising the phenomenon of fluid, blended and multiple ethnicities, none of these perspectives can be dismissed and thus need to be perceived as valid. In this paper, we analyse the meaning of the “Lud” festival tradition for constructing and representing Izvatias' distinct, yet unified, identity across the group divide. In this context, we argue that the recognition of the “Lud” celebration as the cultural heritage of Izhma Komi can facilitate the recognition of the community as such. In the end, we demonstrate that cultural heritage listings may become a valid tool for the wider cultural and political self-determination interests of Izvatias.

Introduction

The Bolshevik revolution and the introduced policy of *korenizaciija* aimed at the inclusion of non-Russian nationalities into the hierarchies of the newly formed Soviet state provided an opportunity to exercise the right of national self-determination (Martin & Martin, 2001). Allocation of national territories, the formation of national elites, and the development of national culture and language determined the policy of the USSR in the 1920s (Shabaev & Istomin, 2017). In combination with the denial of religious and ideological pluralism, *korenizaciija* implied the promotion of ethnic identities through symbolic signs including folklore and language (Habeck, 2019; Martin & Martin, 2001).

In the post-Soviet times, as the result of social and political processes, many groups have stamped their identities and realised the economic, political and social benefits associated with promoting their culture (Karaseva, 2012). Among many other groups, this has also been the case of the Izhma

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Komi (the self-denomination is the Izvatas; the Izvatas and the Izhma Komi are further used interchangeably). Despite the historical turbulences, they have maintained a strong and positive local identity which since the 1990s has steered them to seek recognition as Indigenous small-numbered peoples of the Russian Federation (Shabaev et al., 2010). Reindeer herding, which was adopted from the Nenets and in the 19th century modernized, is often used by the Izvatas activists as evidence of the group's distinctiveness from the southern Komi people (Rohr, 2014). Yet, this is not the only determinant of Izvatas Indigenous descent. A unique dialect, inhabitation of ancestral lands, a nature-based lifestyle involving fishing, hunting and gathering, as well as a particular culture, have been developing Izvatas' identity for centuries.

At the same time, before the collapse of the USSR, the Soviet policy of russification had greatly influenced the cultural assimilation of non-Russian communities, weakening roles, status, and prestige of their languages, cultures, and identities (Stammler-Gossmann, 2009). The newly minted Indigenous activists had to entwine the culture of the ethnic groups with dominant Soviet culture in a form that could be presented to an outside observer (Kasten, 2005). Therefore, the cultural forms of expression have been developed under the umbrella of common Soviet values, and thus became more standardised and refined (Donahoe & Habeck, 2011). This has as well affected Lud, the reanimated traditional midsummer festival of Izhma Komi people. However, besides being a feast for the eyes of visitors and participants, Lud has become an event that has been stimulating to re-think and revitalise Izvatas distinct identity and unite all the Izvatas people who have been historically living all across the Russian North (Rocheva et al., 2019). At the same time, when in the early 2000s Izhma Komi were not granted the status of small numbered peoples, the Lud celebration started to play a greater role in addressing their claims to cultural and perhaps political self-determination.

In order to make this argument, we first place cultural heritage in the context of Russian domestic laws and policies. In the following sections, we provide the background of the Izvatas self-identification as a separate Indigenous group and discuss the meaning of the Lud celebration for constructing and revitalising Izhma Komi identity. In this context, we aim to explore the potential of listing the Lud festival as an intangible cultural heritage of the Komi Republic in becoming a backseat driver for the promotion of wider social agendas and possibly even political self-determination claims of the Izvatas. This article is based on a literature review as well as fieldwork research from both authors, conducted separately. In both cases, the field work took about two months, between spring and summer 2021 in the Izhemsky district of the Komi Republic, but also in Syktyvkar. The authors have been conducting semi-structured interviews combined with participant observation in Izhma, Sizyabsk, Bakur, Mokhcha, Gam, Mosh'Yuga and Vertep.

Cultural heritage and Indigenous self-determination in the Russian context

The United Nations Declaration on the Rights of Indigenous Peoples (United Nations, 2007) is the first international legal instrument that recognises Indigenous peoples' right to self-determination (Cambou, 2019). Going beyond any claims for independence, UNDRIP contextualises the self-determination right of native populations as the freedom to determine their political status and freely pursue economic, social and cultural development (Lenzerini, 2019).

Even though UNDRIP underlines the rule of the territorial integrity of sovereign states, the Russian Government has not endorsed the Declaration (Rohr, 2014). In its justification, the Russian state referred to already existing domestic standards, which comply with the provisions

defined by the Declaration, and thus pointed out the redundancy to duplicate the principles (Lenzerini, 2019). The evidence has been pointed to in the Russian Constitution, as its preamble refers to the principles of equality and self-determination, as have been recognised in the International Covenant on Civil and Political Rights (United Nations, 1966). Yet, the presence of those standards falls back on Lenin's policy of *korenizacija*. The idea behind this has been that in order to build up a multiethnic state, the ethnic groups which construct it need to be equipped with legal standards for their autonomies (Mälksoo, 2017). Hence, state continuity requires an efficient and attentive ethnonational policy that prevents and suppresses ethnic conflicts and protects ethnic and cultural diversities (Zaikov et al., 2017). Therefore, although the right to self-determination is multidimensional, historically in Russian settings the cultural self-determination of nations and ethnic minorities have been recognised (Donahoe, 2011).

In that regard, the Federal Law on Fundamental Legislation on Culture guarantees the right of ethnic communities to cultural and national autonomy (Russian Federation, 1992). This type of self-organization provides ethnic groups with the possibility to preserve and develop their ways of life, traditions, mother tongues, and self-awareness as distinct groups (Zaikov et al., 2017). To achieve these goals, the ethnic groups can benefit from the financial and legal support of the federation, put forward national and cultural interests to the legislative powers of local authorities, and preserve and enrich the historical and cultural heritage. Yet, national cultural autonomy is not a precondition *per se* for the enjoyment of the cultural rights of Indigenous peoples. Therefore, providing this kind of autonomy does not discharge the state from the positive obligation under international law to protect and promote Indigenous and minority rights by enhancing their participation in the decision-making process. Nevertheless, while referring to creation, interpretation, preservation and transmitting of tangible and spiritual heritage, the cultural-national autonomy framework provides the ethnic communities as heritage bearers with the capacity to freely realize their cultural self-determination (Bortolotto, 2015; Lixinski, 2015); the basis for this has been further developed in the domestic cultural heritage law framework.

Russian legislation has been operating with the term “memorials of the history and culture”, which corresponds to the concept of cultural heritage as referred to in international law (Petrov, 2010). When in 1988 Russia ratified the UNESCO World Heritage Convention, and the document became an integral part of the Russian legal system, the federal law in addition to the term “memorials of the history and culture” adopted a direct expression of “cultural heritage” (*kulturnoe nasledie*) acknowledging the influences of international law (Russian Federation, 2002). The federal law from 2002 established a framework to prevent the destruction and disappearance of items of cultural heritage, understood as separate buildings, monuments, works of painting, sculptures, arts and crafts, ensembles of monuments and archaeological sites (Russian Federation, 2002). The protection of tangible heritage takes place on the federal, regional and local (municipal) levels which require the subjects of the Federation to adopt relevant sectoral laws (Zadorin et al., 2017).

As for the recognition and protection of intangible heritage, Russia has not ratified the UNESCO Convention for the Protection of the Intangible Cultural Heritage (UNESCO, 2003). Thus, the main equivalent of the ICH Convention in the Russian legal system has been the federal law from 1992, which refers to spiritual heritage (Russian Federation, 1992). Yet in domestic legislation, intangible cultural values are considered as an integral part of the tangible heritage, and accordingly,

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constitute the subject of the general provisions enshrined in the constitution and legislation on the material cultural heritage. Therefore, the matters concerning identifying, recording, protecting, using and popularizing intangible heritage are solved by means of laws that complement each other, namely: first, the laws on culture; second, laws on the protection of tangible cultural heritage; and finally, policy documents such as the state national policy for the period up to 2025.

In these regulatory legal acts, intangible cultural heritage is understood both as customs, forms of representation and expression, knowledge and skills, as well as related tools, objects, artefacts and cultural spaces recognized by communities, groups and, in some cases, individuals as part of their cultural heritage. Such intangible cultural heritage, being in close relationship with the material and natural heritage, can be catalogued in the registry of the intangible cultural heritage of the peoples of the Russian Federation, which is a federally driven database system. In light of the lack of explicit federal laws on intangible heritage, the Komi Republic government adopted the resolution that lays the grounds for the creation of the Intangible Cultural Heritage Registry, which is run by the Komi Center for Folk Arts and Advanced Training. The resolution does not provide a definition of intangible heritage, but an exemplary list, which is not definitive (Komi Republic, 2013a). What the document underlines is the meaning of the intangible heritage for creating and maintaining the identity as well as cultural continuity of all people living in the Komi, including their cultural diversity. Therefore, by recognising the constant creation of heritage, the resolution acknowledges that cultural practices constantly progress and develop, and thus cannot be “frozen” in time (Logan, 2012). This approach has been reflected in the heritage safeguarding strategy of the Center for Folk Arts, which besides being responsible for creating and updating the registry, organizes masterclasses and courses for adults and children, to facilitate the preservation of cultural elements in societies.

Interestingly, at the same time, the registry has not been created to safeguard the intangible heritage embedded in people, but to create a system that allows for further study, classification and access to information about heritage existing on the territory of the republic (Komi Republic, 2013a). Therefore the emphasis has been given to the visibility of the heritage, spread of information, and popularisation of cultural elements.

Moreover, the procedure for inscription is rather vague. It is not indicated who can submit the application for heritage listing nor what kind of experts are part of the interdepartmental group, which assesses the applications (Komi Republic, 2013b). This form of an open call for applications can provide a possibility for individuals as well as communities to propose elements of intangible heritage, that they themselves refer to as heritage to be included in the registry. The informants confirmed that there have been instances when individual community members have been proposing elements for inscription in the registry. However, the prevailing number of applications have been submitted by regional administrations and experts (folklorists and ethnographers), who have knowledge both about the practices but most importantly about the procedures (A.R., personal communication, 2021). Therefore, the participation of communities and thus their right to cultural self-determination is not excluded by the legislation of the Komi Republic. It still enables grass-root initiatives to challenge state and expert-driven politics (Bortolotto, 2010). Yet, the challenge is at the stage of assessing applications. The candidate for inscription needs to gain the favour of experts, the representatives of the Komi Ministry of Culture and representatives of the

Centre for Folk Arts, which at times is done on a discursive basis, followed by individual experts' preferences and wishes (A.R., personal communication, 2021).

Izvatas: background information



Figure 1: This map shows all the regions of the Russian Federation inhabited by Izhma Komi, created with mapchart.net

The formation of the ethnic group of the Izhma Komi occurred between the 16th and the 18th century when several groups of southern Komi migrated to the north of the present-day Komi Republic (Kim et al., 2015). Interethnic marriages between the Vym' Komi, the Udora Komi, the Russians and the Nenets were a determinant in the construction of the Izhma Komi group (Shabaev & Istomin, 2017). *Izhemskaya slobodka* (nowadays – Izhma village), founded in 1567 on the banks of the Izhma River, became the centre of the Izvatas residence.

The Komi residing in the southern parts of the contemporary Komi Republic led a sedentary lifestyle. Their ways of life consisted of hunting, gathering, cattle breeding, fishing and agriculture activities (Shabaev & Istomin, 2017). The newly established Izhma Komi group along with practising these traditional activities adopted reindeer husbandry from the neighbouring Nenets people, and thus became the only Komi group that was engaged in such occupation (Goloviznina, 2019).

While not being a predominantly nomadic population, the Izhma Komi designed a new way of herding, which significantly differed from reindeer husbandry techniques employed by other northern ethnic and Indigenous groups (Dwyer & Istomin, 2009). Based on the Izvatas's semi-nomadic lifestyle, the "brigade-shift" method of reindeer husbandry, accompanied by other advances and overall profit-oriented "large-scale" approaches to herding by the end of the 19th

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century established the Izvatas as the largest reindeer herders in Bolshezemelskaya tundra (Kim et al., 2015: 86–87).

In the second half of the 19th century and the beginning of the 20th century, the shortages in accessible reindeer pastures, as well as the loss of reindeer due to infections and illnesses, urged the migration of the several Izvatas groups to Western Siberia and the Kola Peninsula (Istomin & Shabaev, 2016). In some cases, the Izvatas founded their own settlements; in others, they settled in the areas already inhabited by the Sami, the Nenets, the Khanty, and the Mansi people. Nowadays, the majority of the Izvatas still reside on the territory of their historical motherland, i.e. in the Izhemsky and other northern districts of the Komi Republic. Furthermore, the substantial Izvatas diasporas inhabit the Murmansk Oblast, the Nenets, the Yamalo-Nenets, and Khanty-Mansi Autonomous Okrugs (All-Russian Census, 2010).

According to the census in 2002, 16,000 Izhma Komi have resided in Russia. However, already in 2010, this figure decreased dramatically: less than 6000 people registered as Izvatas (Kim et al., 2015). Nonetheless, in some regions, statistical data may be misleading and distant from the real figures. Indication of own ethnic belonging as Komi, contrary to Izhma Komi or Izvatas, serves as the prevailing cause for that. In addition, at times, when interethnic marriages come at stake, the Izhma Komi prefer to register children as, for instance, Nenets, or Russians, to provide them with a clear ethnic and legal status (Farnosova, 2010; Liskevich, 2010).

Revitalisation of Izvatas identity

The Soviet-era experienced the drastic deconstruction of the Izhma Komi local ethnic identity and a rise in general Komi self-identification and self-awareness (Shabaev et al., 2010; Y.Y., personal communication, 2021). Indeed, it is particularly dramatic considering the Izhma Komi reluctance to accept the literary Komi language exemplary for the early years of the Soviet period (Kim et al., 2015).

At the same time, despite the noticeable weakening of local self-identification, the Izvatas succeeded in preserving their historical memory (Shabaev et al., 2010). In particular, it was achieved not only in the Komi Republic but in other regions of the Izhma Komi residence as well (Farnosova, 2010). Furthermore, the diasporic communities, particularly, from the geographically adjacent Nenets Autonomous Okrug, have managed to sustain their ties with the Izhemsky district, a historical motherland of the Izhma Komi people. Visiting relatives and taking care of the ancestors' graves are two of the most common rationales for undertaking a trip to the Komi Republic (Kaneva, 2015).

Despite variations in self-designation applied in the Izhma Komi diaspora communities, the distinctiveness of the Izhma Komi among other Komi groups is broadly supported by all communities. Particularly, such distinctiveness is highlighted in relation to reindeer husbandry and their dialect, which according to the Izhma Komi individuals from the Nenets Autonomous Okrug differs significantly from the literary Komi language, which is sometimes called “Ezhva” Komi (Terentyeva, 2015; Valei, 2015). Among other elements that determine “Izhma Kominess” the traditional women costumes, particular cuisine and knowledge of Komi and Izhma Komi songs and folklore are outlined as well (Kaneva, 2015).

The last decade of the 20th century commemorates the beginning of the ‘revitalisation’ of the Izhma Komi identity, triggered by the overall Indigenous political movement flourishing in the country

(Shabaev & Istomin, 2017; Y.Y., personal communication, 2021). It was the period characterized by the emergence of the concept of the ‘golden age of the Izvatas’, associated with the period of the end of the 19th century to the beginning of the 20th century when the Izhma Komi population was considerably distinctive from other Komi groups in terms of material prosperity and entrepreneurial skills (Shabaev et al., 2010). Consequently, culture was one of the spheres, where the revitalizing attempts were the most successful.

One of the celebrations promoting the traditional culture and traditional activities of the Izhma Komi people has been Hunter’s holiday (*Prazdnik okhotnika*). First organized in 2004 in commemoration of the district’s first hunting artel, in comparison with Lud celebration, it does not bear a particular historical counterpart and is not unique even to the Komi Republic (Komiinform, 2021). However, the distinctive Izhma Komi features are reflected in Hunter’s holiday as well. The Izhma Komi traditional folk and hunting costumes, worn by both participants and audience, are the most perceptible attributes (BNK, 2014). Furthermore, the celebration unites the residents of all villages of the Izhemsky district.

Another place where the exposition of the Izhma Komi self-awareness is especially vibrant is the Izhma’s District Museum of History and Local Lore, particularly its ethnographic exhibitions on traditional activities of the Izvatas (Izhma Museum, 2021). Museum collections reflecting the Izhma Komi culture and traditional occupations to various extents are likewise present in the regions of Izvatas diaspora.

One of the initiatives in the village of Muzhi, in the Yamalo-Nenets Autonomous Okrug, has been the creation of the museum “Komi izba” that replicates a traditional Komi house from the end of the 19th century (Dom-muzej “Komi izba”, 2021). Moreover, the ethnographic exhibition of the Nenets Museum of Local Lore contains a small collection of Izvatas personal and household items (Nenets Museum, 2021). Furthermore, the Berezovo’s District Museum of Local Lore possesses a permanent exhibition on material and spiritual Izhma Komi culture and used to have a temporary exhibition on Zyryan reindeer herders (Berezovo Museum, 2021). The ethnonym ‘Zyryan’ should not be misleading: the local ethnic Izvatas historically employ the denomination ‘Komi’ in relation to the Komi living in the Komi Republic, while announcing themselves as ‘Zyryan’ (Kotov et al., 1996: 99). In addition to a variety of ethnographic exhibitions, all of the northern regions inhabited by the Izhma Komi have folk groups and cultural clubs, which organise masterclasses and workshops promoting the Izhma Komi culture.

Lud tradition as a booster of group identity

The most successful Izhma Komi cultural revival project was the reconstruction of the folk celebration Lud. Nowadays, the celebration is both central among the cultural activities in the Izhemsky district and eminent for all Izvatas inhabiting the Russian North.

Lud originates from old eponymous summer celebrations and symbolizes the spring to summer transition. The study conducted by Saveljeva has proven that some attributes of old lud celebrations have been adopted from the folk traditions of the neighbouring Russian speaking Ust-Tsilma people (Saveljeva, 2004). Just as reindeer husbandry initially adopted from the Nenets, so did the lud celebrations rooted in the northern Russian folk culture distinguished the Izhma Komi from other Komi groups.

In the 19th century, contrary to the modern Lud, which is organized once per year, lud celebrations took place on each Sunday and holidays between Pentecost and St. Elijah's Day (Savel'eva, 2004). Similarly, contrary to the contemporary centralized location of Lud in the village of Izhma, in pre-Soviet times each Izhma Komi village held its own celebrations, which commonly took place on meadows on the rivers' banks. A place of the celebrations has been reflected in the name of the holiday as well: *lud* means "meadow" in the Komi language. The indispensable elements of old lud celebrations are emblematic of modern Lud as well: horse races, various folk games and dances, including a chain dance.

The central day of the old lud celebrations was the last day before the beginning of the Apostles' Fast, which marked the beginning of the haymaking period. The day was finished with the ritual dance procession that was named *vorota* (translated as "gates"), which is reconstructed in modern Lud and is considered to be one of the most picturesque parts of the celebration. According to Saveljeva (2004: 203), the dance followed and symbolized the celebration's fundamental idea of transition.

The Lud tradition was suspended during the Soviet period, but it was revived in the 1990s after the collapse of the Soviet Union. The celebration's restoration occurred during the time of the overall Izhma Komi ethnic identity stand out and aimed at the preservation and exposition of the group's distinctness (Rocheva et al., 2019). The first attempt to organize a folklore celebration in the Izhemsky district was undertaken in June 1984, when the interdistrict festival of folk groups took place in Izhma, attracting the artists from the Izhemsky, Pechorsky and Intinsky districts. However, only in 1991, the celebration restored its historical name and thenceforth became an annual event.

Contemporary Lud restored the vital, most visually attractive parts of old lud celebrations, including *vorota* dance-procession, horse races, traditional games and narrative dances. Although the celebration is now consolidated in the village of Izhma, other villages of the Izhemsky district arrange their own courtyards (called *sikt*, a village), which represent their typical features, traditional goods, food, and souvenirs. The distinctive visual outlook of the celebration is further strengthened by participants, particularly women, wearing traditional Izhma Komi costumes, either inherited from their ancestors or sewn specifically for the celebration (Ministry of Cultural and National Policy of the Komi Republic, 2007; Rocheva et al., 2019; Savel'eva, 2004).

Together with the revitalisation of old traditions, the festival has acquired new attributes typical to most folklore celebrations in Russia – performances of various folklore groups from the district and beyond, accompanied by the sale of traditional souvenirs and local goods. Overall, a clear divide in the structure of the celebration is evident. The morning and early afternoon parts are a classical representation of Russia's modern folklore festivals not bearing any particular ethnic meaning. In contrast, the evening and night parts commencing with the *vorota* processions and culminating on the small "island" surrounded by the Izhma and Kurya rivers, even nowadays are highly ritualized and endowed with symbolism and pre-Christian beliefs.

Present-day Lud bears several symbolic meanings. The paramount idea of transition, though conceivably not as significant to the modern-day Izvatas as it used to be to their ancestors, still flourishes in celebration's rituals. Among other symbolic features, openness and unity are of essential importance. Lud does not only unify residents of the Izhemsky district, it rather serves as a binding thread for all Izvatas: those living in the Komi Republic and representatives of diaspora groups from the Kola Peninsula, the Nenets, the Yamalo-Nenets, and the Khanty-Mansi

Autonomous Okrugs. The unification of all Izhma Komi is stated as one of the official goals of the celebration as well (The Statute concerning the 15th interregional traditional folk celebration “Lud”, 2021). For some people from the diasporas, participation in Lud is concurrently the first visit to the historical motherland of the Izhma Komi people (Chuprova, 2015; E.E.S, personal communication, 2021; V.K.K., personal communication, 2021). Participation in Lud with the intention to find relatives is notably common for the diasporas as well (Khozyainov, 2015). Additionally, the contemporary ritual of taking a seedling from Izhma to plant it back at home emerged with the inclusion of diasporas in the celebration. This ritual is associated with the connecting and uniting nature of Lud as well (Ministry of Cultural and National Policy of the Komi Republic, 2007).

Izvatas cultural heritage and community recognition

When the Izvatas association started to articulate their ethnic distinctiveness at the beginning of the 1990s, there has been a need to select signals for creating a unified Izvatas identity across the group divide. Therefore, on the one hand, what Barth calls the “codification of idioms” meant the creation of new cultural forms of expression which reflect the native ethnic identity (Barth, 1969: 34). On the other hand, in that case, relevance has been given to the revival of the selected cultural traits to establish the historical tradition justifying the distinct Indigenous descent (Barth, 1969). Even though the ethnocultural self-determination of Izvatas was accompanied by the creation of the museums, libraries, folk groups, cultural organisations and handicraft factory (Vokueva et al., 2015), the actual symbol of Izvatas ethnic and cultural distinctiveness became the revived Lud celebration, which over time has been used as a catalyst to build Izvatas separate Indigenous identity (Rocheva et al., 2019). When in 2009 the Lud tradition became one of the wonders of the Komi Republic and in 2013 was included in the regional register of the intangible cultural heritage of the Komi, its importance has been elevated from the celebration of local meaning to the republican one. This has resulted in several consequences for the tradition itself, as well as for the position of Izhma Komi in the republic. Together with the inscription in the registry, almost instantly the visibility of the celebration has expanded beyond the regions inhabited by Izvatas (V.Sh., personal communication, 2021). As one of the informants stated: “You see, people read about Lud, they become interested in the culture of Izvatas as well as their problems. Look at yourself, you read about the tradition, now you are here in Izhma and will write the first publication in English about the celebration. Is it not a lot?” (V.Sh., personal communication, 2021). Additionally, the statistics conducted after the festival in 2018 has shown the growing number of participants from all across Russia, as well as foreign visitors, mainly other Finno-Ugric people from Finland, Estonia and Hungary (Argumenty i fakty, 2020). In that regard, the forecast of increased revenue, which the tourism industry interested in exploring Izvatas culture could generate, ultimately became an important asset of the inscription. A wider interest in the celebration has been followed by a number of publications; books and newspaper articles replenished the collections of local libraries and museums (Personal observation of the author, 2021).

As a practice that earned recognition as intangible cultural heritage, the Lud celebration could benefit from the wider financial support coming additionally from the budget of the Komi Republic as well as became eligible to apply for funding from other sources (Komi Republic Government, 2019). Moreover, the biggest oil company operating in the region, Lukoil-Komi, became one of the main sponsors of the event, as a part of their strategy to support cultural

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development in the extraction areas (Lukoil, n.d.). The involvement of significant resources for the administration of the festival determined the presence of the district and regional officials during the event, along with the representatives of Lukoil (V.Sh., personal communication, 2021). Under those conditions, Lud became a platform to accommodate conferences and think tank forums (the so-called Izhma readings), which welcome scholars, cultural workers and activists in contributing to the public debate by discussing the most topical issues surrounding Izhma Komi (Admizhma, 2020). Lud has exceeded the frames of being a mere local feast but gave space for researchers, journalists, representatives of public organizations and politicians to meet, thus gaining a political undertone (A.T., personal communication, 2021). It allowed raising the topics, which otherwise could have been too thorny to be discussed, under the umbrella of cultural heritage. To such a degree, it offered a space to articulate and negotiate the questions of self-determination, Indigenous status, and land rights.

Moreover, the heritage of the Lud festival became the manifestation of the Izvatas distinct identity. The need to learn dances, songs and traditional expressions to hold the festival has been exceptionally important for the community members (V.K.K., personal communication, 2021). Consequently, Lud has been growing into a tool to strengthen Izvatas position in the politics of the Komi Republic, as people determined to preserve and transmit to the next generations distinct culture, language and identity. But most importantly the growing importance of Lud has been facilitating the recognition of the Izvatas community as such, as being distinct from other Komi people.

Lud Heritage Listing and advocacy for further political rights

Previous studies conducted by others, such as Barth (1969) have shown that ethnic groups often use their cultural distinctiveness to reach further political goals, and thus ethno-political movements strive to reinforce the development of cultural forms of expression. Inevitably, the formal acknowledgement of the meaning of practices for communities can be achieved in a form of lists of cultural heritage (Blake, 2015; Bortolotto, 2017).

However, the Russian legislation has a rather peculiar attitude towards lists of a different kind. Since the system often falls short in providing a convincing definition of its objects, therefore, it adheres to the principle to define “lists”. For instance, the definition of the “Arctic zone of the Russian Federation”, which lacks a convincing description, at the end merely enumerates territories defined as the “Russian Arctic”. The same is true for the “territories of traditional nature use”, “Indigenous small numbered peoples” and at the end also “intangible cultural heritage”.

The system of “lists”, thus, follows in the arbitrary logic of the Russian bureaucratic decision-making system, which being drawn on the policy *divide et impera*, reflects the important political maxims of the authoritarian regime. This is what Cowan et al. (2001) have called the ‘essentializing proclivities of law’, understood as a tendency of the legal systems to operate within clear-cut categories of classification (Cowan et al., 2001: 10). Thus, the legal systems tend to contour the boundaries, whether it is “heritage – not heritage” or “Indigenous small numbered – non-Indigenous”, to include or exclude and grant rights and protection or deny them (Singh, 2014).

In the light of the non-recognition of Izvatas rights, and community aspiration in earning the small-numbered peoples status, the process of heritage listing can open up a backdoor not only for wider cultural heritage protection but especially for political claims. The recognition of the intangible

heritage of the group, which has not been perceived by law as separate, can go beyond the enhancement of the visibility of heritage or stimulating identity. It can provide the Izvatas with a strong argument in favour of greater self-governance and possibly with the recognition as an Indigenous small numbered people of the Russian Federation. Therefore, the listing of the Lud festival fosters peoples' agency, as they become more prone to further actions, furthers their cultural and political self-determination.

Since cultural heritage law, both international and domestic, is often perceived to be a rather apolitical domain of heritage experts, it rarely attracts the attention of elites. However, under the cover of preservation of the past, imperceptibly it becomes an important theatre for the articulation of broader political claims (Lixinski, 2015). This is shown in the case of the Lud festival, of which listing was simply meant to fill in the regional registry and also to promote the celebration (conversation with Tatyana Popova, 2021), without presupposing that the festival can evolve into a platform for broader claims. Therefore, the political demands are slowly rising out of the primarily apolitical act of heritage recognition.

Claiming political self-determination and connecting it with the small numbered peoples status by the use of heritage listings seems to be a less rebellious way to secure Izvatas rights. On the one hand, using the heritage listings does not involve land rights claims, as is the case while bringing environmental protection and ecological issues as the first and main reasons for community recognition. This is what the Izvatas organisation in the early 2000s has built upon: the unsuccessful request for the small-numbered peoples status. On the other hand, much of the expectations for greater autonomy can be too far fetched, given that the legal mechanisms for heritage protection privilege state rights and obligations to preserve the heritage and its meaning over communities' rights to heritage (Bortolotto, 2015; Xanthaki, 2017).

Conclusions

Even though the Izvatas, both the community and the public movement, have been particularly active in articulating their cultural and political claims, domestically as well as internationally, their position in the Russian legal system is not properly recognised. Nevertheless, the inevitable success has been the enhanced visibility and the wider recognition of Izhma Komi through the process of listing the Lud festival as an intangible cultural heritage of the community. The meaning of the revitalised festival for boosting the Izvatas identity cannot be disregarded either.

However, at the current stage, even a thinner version of self-determination does not seem to be on the horizon. Even though the Izhma Komi identity and its strong expression during the Lud have the potential to become a forum for more political claims, the manifestation of those demands is not yet fully developed. It is doubtful whether the Lud celebration can become an incentive for political self-determination, since the meanings of heritage, as well as possibilities that heritage recognition may offer, are tightly controlled by the state, thus reducing to a minimum the potential of heritage in the exercise of self-determination.

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- IV. Sikora, K. (2024) “Who constructs the Izhma Komi’s heritage today? The social contract as a non-legal tool to realize the human right to cultural heritage” in *Arctic Anthropology* 59(2).

Who Constructs the Izhma Komi's Heritage Today? The Social Contract as a Nonlegal Tool to Realize the Human Right to Cultural Heritage

Karolina Sikora

Abstract. International law has recognized the human right to cultural heritage, although its grassroots effectiveness may be hard to achieve. This difficulty is because implementation tools often are not tailored to meet local political and sociocultural conditions. Based on repeated fieldwork research among Izhma Komi of northern Russia, this article delves into the reality of the human right to cultural heritage by analyzing *who* decides on *what* is to be protected, *why*, and for *whom*. Even though the Russian administration has become increasingly centralized, there is still space for informal arrangements between the people and officials, challenging the state's overpowering presence in cultural matters. In this regard, the research reveals that Izhma Komi's cultural heritage is largely driven by the people and cultural intelligentsia, owing to the tacit social contract. Ultimately, the article proposes an alternative implementation of the human right to cultural heritage through culturally sensitive local arrangements.

The link between cultural heritage and human rights is increasingly strengthened in international law, reflecting a shift from a state-centric approach to cultural heritage to a people-centric one (Blake 2011). Although the human right to cultural heritage as a legal concept is not explicitly recognized in international law treaties, several provisions of international human rights law imply rights for individuals and communities as related to their cultural heritage (Donders 2020). In this regard, recent scholarship has conceptualized that the scope of the human right to heritage covers the participation of individuals and communities in all matters related to cultural heritage. These include identifying, interpreting, maintaining, and transmitting cultural heritage as well as knowing, understanding, visiting, making use of, exchanging, and

benefiting from it; in addition, such matters include other people's creations (Sikora 2021). Thus, the human right to cultural heritage as a legal category is first and foremost grounded in people's engagement with their cultural values and practices.

Nevertheless, as coherent human rights laws are important, the real challenge is how these laws are realized and entangled with people's realities (Bantekas and Oette 2013). As duty-bearers to international human rights treaties, states are obliged to take all necessary measures to effect rights domestically (United Nations 1966:para. 2(2)). While states enjoy discretion and can and should tailor domestic implementation measures, very often, the only means they consider are legal ones (Fraser 2020a; Zwart 2012). Even though the legal enactment to a domestic legal system can be

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successful, it is not necessarily sufficient for realizing rights in practice (Fraser 2020a).

Thus, recent scholarship has started to address the need to consider and support other than legal means in the realization of human rights, such as social institutions (Donders 2012; Fraser 2020b; Levitt and Merry 2011; Merry and Levitt 2017; Zwart 2012). Yet, the empirical research on the use of culturally embedded, nonlegal means in implementing human rights is in its infancy, bringing examples from South Africa (Zwart 2012) and Indonesia (Fraser 2019) related to the effectiveness of the right to health and women's rights. In this article, I attempt to contribute to the discussion by examining the reality of the human right to cultural heritage, which is said to be "a gray zone" in practice and in related scholarly work (Bortolotto 2015:258). Even though human rights research has become less abstract and depersonalized, only a fraction of the scholarly literature on the effectiveness of rights to heritage captures a community view from within (Desmet 2014). This article aims to explore a piece of that unknown landscape from the perspective of some of the Izhma Komi people (in Komi, Izvatas; in Russian, Izhemtsy) from the Izhemsky district of the Komi Republic (Russia).¹ Izhma Komi are the northernmost group of the Komi people, among whom several families these days are involved in seminomadic reindeer herding (Habeck 2005). During the period of socioeconomic changes of the 1990s and the early 2000s, reindeer-herding practice and environmental protection became, for some Izhma Komi activists, the primary basis to seek the group recognition as Indigenous Small Numbered Peoples of the North, Siberia and the Far East (*korennyye malochislennyye narody Severa, Sibiri i Dal'nego Vostoka*, KMNS) (Shabaev and Sharapov 2011). However, the consolidation of the northern Komi as an indigenous group was unsuccessful, and the biggest challenge was the group identification of Izhma Komi (Shabaev and Istomin 2017). Saying so, the other groups of northern Komi, who have been likewise pursuing reindeer herding and sharing the same cultural practices as Izhma, do not denounce themselves as *Izhma* Komi since they do not inhabit the Izhemsky district but elsewhere (e.g., Inta or Vorkuta²) (Shabaev and Istomin 2017; Sikora 2022).

By analyzing repeated fieldwork conducted in the Izhemsky district, this article seeks to address questions that reveal the reality of the human right to cultural heritage: *who* decides on *what* gets protected, *why*, and for *whom* (HRC 2010). Each question word is addressed in a separate section. To answer the question "who," I introduce three individual cultural workers from different localities in the Izhemsky district and present their backgrounds, motivations, cultural

agendas, and relations with local officials, which make them lead the cultural heritage discourses and groundwork among the Izhma Komi. The section "what" outlines the criteria indicated by my interviewees themselves for which cultural elements should be met to attract more attention from community members. The sections "why" and "for whom" delve into the incentives for heritage protection and the beneficiaries thereof. Trying to navigate the answers, I take a fine-grained view of community relations, which reveal a tacit social contract between local officials and cultural intelligentsia, and investigate the role of *de jure* authorities and *de facto* powers. Ultimately, I present the relevance of culturally embedded social institutions in fostering the realization of the human right to cultural heritage at the local level. By adopting a community-oriented perspective and socio-legal methods, I highlight the agency of those actors who typically stay invisible in the state's field of enforcement of human rights, namely cultural intelligentsia and community members.

Methodology

This research is grounded in ethnographic participant observation and semistructured interviews conducted among the Izhma Komi of the Izhemsky district in the north of the Komi Republic (Russia). During extensive and repeated field visits to the district (between 2021 and 2023), I interviewed 90 people representing different professions, age groups, and genders. All the interviewees were of Izhma Komi origin, as is 90% of the district's population (Census 2021). I have conducted all the interviews in Russian, and the parts of the interviews used in this article have been translated into English.

I did not start the fieldwork research in the Izhemsky district with a preformulated hypothesis to test (Corbin and Strauss 2014); neither did I aim to confirm or dismantle some general over-arching theory. Instead, during my field trips, I wanted to understand whether and how the right to cultural heritage is realized in practice among the Izhma people I met. Participant observation substantially helped to gain contextual background, structure meaningful questions, understand answers, and eventually notice unspoken elements of interactions between community members. From that standpoint, I posed four questions—*who* decides, *what* is to be protected, *why*, and *for whom*—which helped me draft the reality of the human right to cultural heritage. When I considered the everyday cultural life of my interlocutors, I found that the abovementioned reality proved largely satisfactory for the people themselves, even though the measures leading to the outcome are

not self-evident. Participant observation also helped to build awareness that the research terminology does not always match people's understandings of their realities.

More than the Legal Dimension of Human Rights

Human rights are moral principles, and underlying them are values that express the most basic demands for justice. They are not granted by any state and exist regardless of whether a state decides to recognize them or not. Many of what we would call nowadays "human rights" ideas with varying emphasis and forms are present in non-Western philosophies, religious thoughts, and cultural traditions.³ Thus, there is a need to differentiate human rights from human rights law as a juridical category. Not denying the Western influence and institutionalization of human rights law regime, I intend in this article to underline the value dimension, heterogeneity, and pluralistic understandings of human rights. Therefore, not adhering solely to their legal aspects, I counterargue the dichotomy between the alleged dominance of Western applications of human rights and the non-Western (or just local) take on them.

Thus, even though I used the expressions "human rights, law, and cultural heritage" in the theoretical discussion, I did not use them while interacting with people in the field. For the majority of people living in Russia, human rights are an unaccustomed and abstract concept at times associated with foreign state powers (Gerber 2016). Unsurprisingly, when I addressed the research topic as "human rights and cultural heritage" at the beginning of my first field visit, the immediate reaction of many was, "We do not know anything about it; better ask the administration or in Syktyvkar [capital of the Komi Republic and administrative center]." Those who decided to tell me something more would thoroughly think about what to say and carefully choose every word. When I adjusted my terminology and addressed the broad topic of culture and its value for a particular person, I had many hours of unrestrained conversations with diverse people. Even though none of my interlocutors ever used the foreign but also potentially problematic expression "human rights" (and sometimes "heritage"), it became clear that human rights as values are embedded in many aspects of everyday life of Izhma Komi I encountered. As human rights terminology is absent, no one with whom I talked would recognize their behavior as making use of one's rights; instead, many would express the feeling of *responsibility* for the collective, identity, traditions, and future of the Izhma Komi. Indeed, Merry (2005) has shown that

actions at the local level can equally—and sometimes more effectively—contribute to the realization of human rights when they are not framed as human rights work because of the utterly legal connotations but are instead forged from culturally embedded institutions. Thus, it is not so much the actual content of human rights as such but rather Western-driven discourses that bring mistrust and suspicion (Menchik 2014). Nevertheless, those who are engaged in cultural work on a day-to-day basis embrace the fundamentals of rights without using human rights phrasing because they see their direct impact on community relations (Davis 2015).

Background

The predominant, innate stereotype in Western countries about the Russian state and society is that "nothing works" due to mismanagement, corruption, and official and community tardiness (Ledeneva 2006). Some areas of social life are indeed out of order, and local communities duplicate the lethargy they witness elsewhere (Ssorin-Chaikov 2003). Yet, things work often enough, albeit in a way that is not understandable to outsiders. Therefore, in academia and media discourse, we rarely see examples of functional communities that, in Russia's chaotic reality, take most of what they can out of a twilight zone—full of contradictions and irregularated matters—allowing people to make their own rules (Ledeneva 2006). In this regard, the cultural sphere is not an exception.

During socialist times (1917–1991), state-run organizations such as the House of Culture (DK), libraries, and museums were responsible for creating and propagating a standardized, "one for all" Soviet culture. Conversely, expressions of ethnic diversities were rigidly restricted (Schröder 2020)—hence the researchers' conviction that one should not look for "authentic" cultures within those institutions (Donahoe 2011). However, for the local people, the DK and libraries located in every settlement across Russia became important cultural and social hubs. When the Soviet Union collapsed, the central government partly released its domination over cultural organizations and related policies, ceding more decision-making power to the local administration (Donahoe 2011). However, *decentralization*, which was ongoing in the 1990s, was often not perceived as a form of empowerment at the local level but rather as a way for higher-level governance to dump its responsibility, especially financial (Donahoe 2011; White 1990). Even though *recentralization* tendencies are now more prevalent than before (for instance, with regard to land management), local administrations have maintained considerable autonomy in cultural matters (Halemba 2011). Across Russia, such

autonomy is expressed either by local officials' profound hegemony in shaping the cultural traditions of ethnic minorities in particular or by their substantial withdrawal from discourses on ethnic culture (Donahoe and Habeck 2011). From my observations during fieldwork visits and conversations with many of the Izhma Komi, I found several examples illustrating the latter approach of local bureaucrats. The state did not vanish from social life, but it mainly focused on controlling the work officially reported by cultural institutions. This trend is reflected by the statements of two cultural workers (working in different organizations in different villages) who noted,

We are a budgetary organization; we have to realize official programs and submit reports. But the catch is elsewhere. The state should not interfere in the expression and enjoyment of Izhma culture. There will never be full freedom—that is obvious. But still (EES 2022, GVC 2022).

Interestingly, in 2006, Virginia Vaté and Galina Diatchkova (2011), when doing fieldwork in Anadyr (Chukotka), recorded the exact same statement by the Director of the House of Culture. Sixteen years later and 5,000 km away, the perception of cultural professionals is similar, showing the possible structural nature of this phenomenon.

How does one achieve officials' noninterference in state-run organizations? One interviewee described that

many employed in cultural organizations work like robots; do not think too much. But those who have a personal interest in expressing culture in its full will have to reach an agreement (*dogovor-it'sya*) [with authorities] (EES 2022).

Thus, they will have to agree not on how to follow the official order but on how to overcome it (Ledeneva 2006). Indeed, the use of informal practices can be decisive in shaping cultural realities at the local level. Therefore, institutions of the public cultural sphere that have specified official aims often are, in practice, informally steered by the locals, who bring their own ideas and initiatives (White 1990).

Who

The fundamental responsibility for “culture” in Russia was placed on public organizations, yet both the state and scholars have often found problems identifying the people behind those institutions. Ironically, when I asked the local administration (2022) who maintains the culture (*kto podderzhivayet kul'turu?*), the answer was “nobody forbids” (*Nikto ne zapreshchayet*). Although the importance of local structural conditions cannot be underestimated, ultimately, it is specific in-

dividuals who realize human rights to cultural heritage. So far, individuals within state structures have been identified as rights claimants rather than rights performers (Sabchev et al. 2021). Nevertheless, during my fieldwork visits in the Izhemsky district, I found individuals who use human rights, yet in the nonlaw dimension—as practice and values—in circumstances where realizing human rights values is not self-explanatory (Merry et al. 2010). Individuals' backgrounds, motivations, personality traits, and thus value systems are crucial in this regard as they condition personal and collective agency and influence interactions with other community members. Those individuals mostly have a history of working in cultural organizations or running their own initiatives, such as hobby “circles” (*kruzhki*), ensembles, and workshops, or they are engaged in grassroots-level work in their own families. In the Izhemsky district, the input of many individuals (named cultural intelligentsia) is essential in understanding and promoting local heritage; in addition, several of them may be seen as cultural leaders. Here, I introduce three individuals who are the driving force of cultural development in the Izhemsky district.⁴ To choose them, I followed no common criteria other than leadership status, which, based on my observations, is neither self-proclaimed nor outwardly established but naturally emerged out of and are supported by culturally active Izhma Komi circles.

Person A (female): she has been working in several cultural institutions as a craftswoman. As her private leisure activities, she sews traditional Izhma costumes, makes dolls, and organizes workshops for children and adults. She recently became interested in learning how to sew reindeer fur. This knowledge was, in earlier days, widespread across the settlements and tundra and is now mainly maintained among reindeer herders and the Izhma Komi from the Nenets Autonomous Okrug (NAO). Person A negotiated funding with the local administration; it covered her trip to the NAO, where she has been learning sewing techniques from local craftspeople. As she stated, “Earlier, this was a necessity. Now they call it art.”

Person A's personal goal became to bring back the fur-handicraft tradition to the Izhemsky district. She is involved in creating a network of people potentially interested in fur craft who already have sewing skills, are from different villages in the district, and can spread such knowledge and skills in their local social circles.

Person B (female): she has been working in one of the houses of culture and comes from a reindeer-herding family. Even though all sorts of clothing are now available in shops, she keeps sewing boots from reindeer fur (*pimy*) and reindeer fur coats (*malitsa*). She gained the skills from her mother-in-law and now runs a hobby circle where

she teaches children how to sew from fabric. No workshops for adults are available to learn the fur craft; those who have such knowledge and skills gained them in the family. As Person B mentioned, the DK in the village does not have enough funding to develop wider-scale workshops, but “culture and tradition cannot depend on money. Money comes and goes.” At the same time, she stressed that informal agreements between the officials and community members at times serve only the interest of those who have better stands with the local authorities. She gave an example of a craftswoman who is also a local politician and uses her position of power to shrink the competition in the handicraft market and establish her own monopoly over certain crafts. Person B stressed that the actions of local politicians who put themselves in the position of curators of local culture often end with them praising themselves for their “achievements” and writing positive reports to administrative bodies, which oversee the control of local institutions, to “blur the eyes” (*zamazat' glaza*) of higher officials.

Person C (female): she has been working in the House of Culture in Izhma. She is the leading person responsible for revitalizing the pagan-based midsummer festival of the Izhma Komi “Lud,” which was banned during Soviet times. At the end of the 1980s, when Russia was experiencing a wide-scale ethnic awakening, a local folk ensemble led by Person C collected the materials of dances, melodies, and lyrics from those elders who still remembered the last “Lud.” This activity became a collective effort not only to reconstruct “Lud” but also to bring back to life Izhma Komi folklore, which suffered from years of Russification (Mankova 2018). Person C stated, “We inspired other cultural workers in the district [to act] (*my zarazili drugih sotrudnikov v rayone*).” A festival lasting two days was recreated from the memories of dozens of people in Izhma, Sizyabsk, Bakur, and other villages.

Nowadays, “Lud” is one of the most awaited celebrations for many of the Izhma Komi, especially as it is not a staged performance like many others (Sikora and Fedina 2021). It is co-created by hundreds of village inhabitants and observers who dance, sing, and gather together on the banks of the Izhma River (Rocheva et al. 2019). Person C is the primary cultural worker of DK responsible for the festival’s cultural core, which she strictly supervises to prohibit the intrusion of foreign elements. While the local administration organizes funding from versatile sources to cover the festival’s costs and provides the surrounding infrastructure, it does not interfere with the content of Lud, unlike other events organized in the district.

While discussing and observing the work of those three field partners, I noticed their common motivations to work in the cultural sphere were driven by their life histories, although their per-

sonality traits and, thus, leadership styles may be different. Some object to their methods, although I have not met those criticizing their achievements. One of the field partners is said to be too harsh or even despotic toward people around her, be they participants in the cultural activities she runs or administration workers. Her approach to firmly arguing over funding with the local administration is known across the district. Still, her high-performance scores in official reporting and the eyes of people, as well as her straightforward attitude, make her obtain more district funding than others in similar working positions. One of the interviewees admitted, “Sometimes she allows herself too much, but what would we have done without her?”

Another one of the three field partners is criticized as being too progressive, and thus, her handicrafts are deemed not “traditional” enough to be considered cultural heritage. However, a more contemporary design widely attracts the younger generation to participate in workshops and develop their crafts skills. Nevertheless, being too modern and having personal tensions with a local politician conditions her funding achievements, and her successes are often belittled. All three field partners, and many more cultural intelligentsia whom I could not introduce here, indicated the need to clearly divide the roles and scopes of responsibilities of both cultural workers and bodies of local administration (GVC, EES, TAF: 2022–2023, ESJ 2022, local administration 2022). In practice, this means that cultural workers should aspire to restrain the role of the administration in providing funding for cultural development, while the decision on the content work should remain exclusively within the hands of the cultural intelligentsia, who have knowledge and skills in safeguarding and promoting cultural forms of expressions. The district’s Department of Culture, which employs a person solely responsible for applying for different grants to cover the costs of cultural activities, seems to share the same opinion. From my observations, that agreement between intelligentsia and officials is possible due to the fact that the workers of local administration, and especially the Department of Culture, are all of Izhma Komi origin and not Russian.

What

Not all cultural elements enjoy an equal level of attention from local officials, cultural intelligentsia, and community members, and they are thus protected in practice. After the versatile discussions during field visits that I initiated or in which I participated, I was able to identify several criteria as to what is typically safeguarded. These were necessity, the potential of revenue (economic value,

originality, and fame), and accessibility. Reindeer herding is one of the most important cultural markers of the Izhma Komi, which distinguishes them from other Komi groups (Istomin and Shabaev 2016). The production of clothes and other accessories made out of reindeer fur has been inscribed in many reindeer-herding families for centuries (Sharapov 2016; Yurkina 2017). Nowadays, although reindeer herders in the tundra still wear and make fur clothes, this practice is disappearing among village people, especially in Izhma (the administrative center). Not only do many not wear fur clothes, but they have also lost the knowledge and skills in how to sew them. A couple of people are involved in the groundwork for preserving the practice; however, not much support exists for safeguarding the reindeer fur craft, except for listing it in the registry of the intangible treasures of the Komi Republic. When I asked why people are no longer interested in sewing from fur, the answer was that it is not necessary. Winters are too warm to wear *malitsa* (coat from reindeer fur), *pimy* (reindeer fur winter boots) are expensive to buy, and *sumki* [rus] (female bags from reindeer fur: *patko* [komi]—bigger bag for clothes or flour; *tutsya* [komi]—smaller bag for personal belongings [Yurkina 2017]) require too much work. Currently, everyone can buy winter clothes in shops, which, unlike in Soviet times, offer a wide variety of choices. It is easier, cheaper, more convenient, and often more fashionable to buy from the shop than to sew from reindeer fur. This aspect is linked with the second criterion, namely, the potential of revenue from the cultural element. Originally, the already mentioned “Lud” festival did not receive much financial or organizational help, and not everyone from the Izhemsky district supported its revival either, wondering “what for?” (EES 2022). Since the 2010s, when the event attracted attention across the Komi Republic and beyond and was inscribed in the Intangible Cultural Heritage Registry of the Komi Republic as heritage of the Izhma Komi, it has received much more substantial financial support and a keener interest from officials and community members⁵: “Everyone chased fame (*Vse shli za slavoy*)” (ESJ 2022). The success of the “Lud” brought diverse benefits, keeping the celebration alive. The local administration receives compliments from higher officials, cultural workers win awards, and local people have an opportunity to advertise their handicrafts at the festival’s market. Therefore, as suggested by the third criterion—accessibility for all, or inclusiveness as passive and active participants—events such as the “Lud,” concerts of folklore groups, and other celebrations like “The Hunters Day” or the “Day of the Reindeer Herder” give people an equal opportunity to participate. While some only watch, others take on active roles.

Why

In the Izhemsky district, “cultural intelligentsia” and cultural leaders have a high level of cultural awareness. Some put considerable effort into engaging local people in cultural activities and safeguarding what they regard as important local traditions. By tendency, villagers do not feel forced to participate in organized activities; many attend out of personal interest, and others cultivate their traditions at home. I identified two types of incentives as to why people care for their local culture: to prevent certain developments and to foster others.

Globalization and a perceived threat of losing Izhma Komi culture (*bezkul’tur’e*) are prominent in the villages’ discourse. Many locals are concerned that having wider access to the internet and social media reduces the interest of younger generations in local culture and, in particular, that the content followed by kids and adults is in Russian and based on Russian mainstream culture. Thus, the active knowledge of the Izhma Komi dialect has rapidly started to disappear among children, who instead have started speaking Russian with each other.⁶ One of my interviewees stated that “common culture [globalized culture] kills identity (*obshchaya kul’tura ubivayet identichnost’*), not only of a singular person but of the communities as well” (EES 2022). Therefore, for the majority of the ethnopolitically active among the Izhma Komi whom I interviewed, the loss of ethnocultural distinctiveness threatens Izhma Komi’s self-identification. It also threatens the identification by the outside society and the state, which requires proof of traditionality for granting Indigenoussness (Donahoe 2012). Sustaining community ties with other Izhma Komi living in the diaspora helps to build togetherness and a strong community identity across the group divide (LK 2021); thus, many participate in uniting events or cultivating traditions within their own families. On the one hand, cultural markers that sustain a “we-they” dichotomy (“we” meaning Izhma and “they” meaning other Komi groups and Russians⁷) are part of that rhetoric (Shabaev and Sharapov 2011). On the other hand, many join the collective endeavor to protect local culture out of fear of exclusion, as “no one wants to be worse than the neighbor” (ESJ 2022). At times, this fear of feeling inferior is also rooted in personal life histories. For instance, one of the field partners left the Izhemsky district as a child to move to another part of Russia and moved back as an adult with the feeling of “returning home.” Thus, the need to take care of the culture once gone by has been a driving incentive to engage heavily in cultural work.

For Whom

The targeted beneficiary of all community efforts to safeguard the Izhma Komi's heritage is the community itself. One of the interlocutors said, referring to "Lud," "We did it all for ourselves (*My sdelali vse eto dlya sebya*)" (VKK 2021). The younger and future generations are the special beneficiaries of those efforts. Indeed, cultural workers put particular effort into imparting traditional knowledge and cultural elements from kindergarten, as underlined by several field partners. For instance, for three years, the kindergarten in Izhma has organized the "Kid's Lud" festival, which is a miniature version of the regular festival. Importantly, children learn exactly the same dance routines and songs as the adults perform; thus, the structure is not purposefully changed for them. The one difference is that supervisors choose easier elements that children can perform without unnecessary burden. To make the culture more accessible for everyone, especially youth and children, cultural activities are mostly free of charge or cost a small fee, which is still the legacy of the Soviet Union system (Donahoe 2011). Nevertheless, to support the whole cultural and educational system, local institutions need a new generation of cultural workers. The fear is that these new workers may be tempted by the current global trends and thus saturate Izhma Komi cultural expressions with non-Izhma elements, leading to the eventual acculturation and assimilation with the Russian mainstream culture.

Social Contract and Cultural Heritage: Noninterference for Partial Freedom

The perspective of the Russian state as all-powerful, dictating uncompromising commands on its subjects has been widely challenged by numerous scholars (Konstantinov 2015; Ssorin-Chaikov 2003; Verdery 2018). Thus, an understanding of specific forms of dialog between the "power" and grassroots is crucial in this regard. In particular, the superficial research *on* (instead of *with*) small, ethnic communities of northern Russia may present the easy-to-agree-with—yet not entirely true—view of victimized and defenseless populations ruled by a powerful state (Konstantinov 2015). On the one hand, this perspective fails to see and acknowledge the "voices of the weak"; on the other hand, Ssorin Chaikov (2003) argues that it overlooks the interaction between the state and the people as a part of the process of mutual exchange. The networks of Izhma community members described above illustrate grassroots-to-power dialogue within a

continuously renegotiated type of social contract. Russian realities know many types of social contracts, such as the social license to operate (Wilson 2016), gray barter economy (Ledeneva 2006), and social contracts within politics, with relatively clear terms and conditions and position of contractors. Those unwritten agreements, which are neither formalized nor institutionalized, balance a vertical relation between people in positions of power and subordinates. In this respect, Konstantinov describes the communication between the Soviet state and reindeer herders as "semi-institutionalized economic informalities" (Konstantinov 2015:251). In the cultural sphere, however, the power differential is not as sharp as in the political or economic spheres. The main state body responsible for culture is the Department of Culture of the district administration based in Izhma, along with the head of the district. There, more horizontal people-to-power compromises are grounded in mutual dependency, which also implies structural loyalty; this is because in multiplex societies (Zwart 2012), family, social, and official relations intertwine. Thus, in small, secluded villages of northern Russia, one comes across the same people in multiple social settings. Therefore, tensions in one area of social life can easily spill over to other areas, poisoning the community's atmosphere and paralyzing a mutually dependent social environment.

For this reason, in the Izhemsky district, as part of the social contract, local officials (who are prevalently Izhma Komi in origin) agree not to interfere in cultural practices. In other words, local bureaucrats do not decide upon nor influence cultural intelligentsia as to which "traditions" should be continued, in which form, and which components they should include (EES 2023). Officials will control statements submitted by cultural workers, who are obliged to report about the work done through public funding. Those reports, however, are largely vague, silencing or over-emphasizing diverse activities. Many interviewees from the Izhemsky district are aware of the price of such controlled freedom. Periodically, the local administration "orders" (*zakazyvayet*) cultural events to welcome visiting officials of higher rank or celebrate other holidays. That type of performance, called *pokazukha*, is widely known in Russian settings, displaying a made-up show for the visitors (Sántha and Safonova 2011). On such occasions, cultural workers are asked to deliver an easy-to-foretell and flawless product, which will likely exhibit the standardized version of local folklore for outsiders (Sántha and Safonova 2011). After the event is over and reports are submitted, cultural workers and other community members involved return to bottommost work on

what they regard as “authentic” culture, away from the officials’ interest. Thus, the social contract is conditional and performance-based, with the leading formula “partial freedom for partial noninterference.”

Yet, when the social contract is one of noninterference, loyalty becomes remarkably weak if the contract is breached (Greene 2012); that is the reason why the social contract is fragile and thus *invisible* unless one takes a fine-grained view on social networks or the contract is actually breached. During my fieldwork research, I did not find instances of deliberate violation of the contract; however, I witnessed some instances of threats of breaking it, which confirms the existence of the contract as such. Those threats mainly take the form of complaints from the local intelligentsia, who want to vent their frustrations, and a seemingly neutral outsider who will leave the village is a convenient receiver of such criticism. At times, people also protest more openly, publishing posts on social media or in newspapers, yet the threats of breaking the contract never materialize; instead, the contract is broadly renegotiated. Thus, as Konstantinov rightly notices, negotiating the contract is “a matter of degree, not of principle,” liquefying the limits of transgression. The most pronounced threat I witnessed was in 2021 when the republican-level officials decided to call off Lud, justifying it with the epidemical situation of the COVID-19 pandemic. Many informants with whom I talked expressed their suspicions about what they thought had been the real causes for the cancellation of Lud. Those informants perceived the actions of the republican officials as politically loaded and directed at certain local politicians. As a response, several people from Izhma were slightly rebelliously calling for gathering together and holding “their own Lud.” On the social media platform VKontakte, I encountered, as well, some comments urging the organization of Lud without the involvement of the administration. One of the commentators wrote,

We, with the family, will definitely celebrate on the Lud evening. We will wear Izhma Komi costumes, sing, and gather around the fire. This is a tradition of our family. We do not need permission from the administration to spend the weekend in nature with the family.

Ultimately, the administration agreed to organize the kids’ Lud, which softened tensions within Izhma circles involved in organizing the festival. Thus, the bare threat of breaching the contract seems to be enough to keep it intact, as the consequences of actually breaking it are difficult to foresee but will affect the imagined community stability based on mutual dependency. This justifies “why things in Russia are never quite as bad

(from the distance, outsider) or as good (insider) as they seem” (Ledeneva 2006:11).

Social Institutions and the Realization of Human Rights

Although human rights are thought to be inherent to all individuals regardless of citizenship, to a greater or smaller extent, states continue to be responsible for their realization. States have the duty to cooperate with individuals and groups to ensure the observance of human rights laws included in human rights treaties and, especially, to abstain from engaging in any activity or performing any act that would sabotage those rights or freedoms of others. When it comes specifically to the rights of minorities, state parties to the International Covenant on Civil and Political Rights (ICCPR) are bound to abstain from denying those people the right to enjoy their own culture, profess and practice their own religion, or use their own language (Article 27). Moreover, the UN Human Rights Committee specifies that in addition to the obligation “not to deny” the rights, states are also expected to perform affirmative actions, understood as deliberate measures to promote minority cultures within a state (HRC 23, para 6.2). However, as the bare provisions of international law will not protect human rights on the ground, effective implementation mechanisms to bridge the gap between law and practice are necessary.

In Western countries, the implementation of human rights is equivalent to granting enforceable rights to individuals, creating policymaking mechanisms, or providing human rights education (MacNaughton and Duger 2020). Even though those mechanisms are in place, they may be deemed ineffective in protecting rights or even counterproductive when they collide with local cultural norms (Cole 2015). Yet the public discourse in the West tends to not only belittle other approaches to implementing human rights but also to ignore them, seeing them at times as failures to realize rights (Zwart 2012). Under public international law and the implementation clauses of human rights treaties, states enjoy discretion with regard to the implementation of treaty obligations at the domestic level, meaning that they are free to choose the most appropriate means to implement them (MacNaughton and Duger 2020).⁸ Thus, although the universality of human rights itself is not contested here, how they are implemented at the ground level is not common to all states (Fraser 2020a). However, it will depend on their abilities to translate laws into practice and build upon social, cultural, and economic competencies as well as legal mentality. Moreover, the only controlling criterion for implementation measures is

that the rights are effectively protected and the tools used do not violate those rights (Seibert-Fohr 2001). Therefore, instead of using legal means, states can likewise rely on local (often informal) social institutions, such as customary laws, community relations, or social contracts, that better suit domestic culture and accepted practices.⁹

Existing research has shown that this alternative approach to meeting human rights obligations tends to be successful in the countries of the Global South and Asia, where the importance of community ties is more prevalent than individualism but also where democratic standards are quite novel (Fraser 2020b; Zwart 2012). I claim that this approach can be equally implemented in Russian settings. Thus, in this section, I aim to justify how local sociocultural arrangements that are already in place reinforce the realization of the human right to cultural heritage if they are correctly identified.

A. Compliance at the Ground Level

In the Russian Federation, it is not unusual for international human rights law not to be incorporated into the national legal framework or, if they are, not to be fully enforceable (Kryazhkov 2013). However, this is not a rule of thumb. Russian and other states tend to comply with human rights laws mainly when it is useful for them to do so—or at least when they are costless (Cole 2015). This means that states observe human rights laws when 1) the penalty costs exceed the compliance costs, 2) they receive some important benefits from compliance with human rights, or 3) they do not bear any additional costs of commitment (Cole 2015). If one considers the effectiveness of human rights in practice, the latter reason seems to be dominating in the Russian settings, especially given that the implementation of human rights can take place by relying on already existing social arrangements, such as social contracts at the local level.

The considerable advantage of using locally embedded social institutions is their effectiveness in practice. Local communities are more prone to domesticate human rights standards if those are supported by their own cultural traditions and not imposed from above. In the Russian setting, the lack of trust in state actions and the heritage of Soviet social engineering policies have influenced the attitude of local communities toward any structural changes. Therefore, social institutions play a major role in the implementation stage as they enjoy the local legitimacy that foreign laws often lack (Fraser 2020b). In this manner, local arrangements can ensure that human rights are adequately communicated and implemented in culturally sensitive ways without state interference. In this regard, the constant re-creation and

evolution of local cultures that can accommodate changes if they are socially accepted and pursued from within is crucial (Fraser 2019). Therefore, the role of the state and other outsiders is to take a step back and be advocates rather than intentionally interfere in the communities' domestication of human rights. Indeed, the excessively intense interference of a state in the community realization of rights can deceive people's understanding of related norms—as Kennedy puts it, “narrowing our sense for the law that is out there, overstating its coherence and obscuring its malevolence” (Kennedy 2020:128). In that way, community members become the agents and have ownership of the incorporation of human rights in practice (Fraser 2019). In the end, human rights, as inner community values and possibly laws, are culturally embedded and legitimized by the local people, authorizing a bottom-up approach (Zwart 2012).

B. Why Does the (Russian) State Rely on Social Institutions?

The question of whether or to what extent the state outsources the implementation of human rights or, in other words, resigns from legal tools to implement them, relying on social institutions instead, is a largely political one. Although I do not intend to analyze the political situation in Russia, I would like to draw on several enabling factors that may be common to many countries of the Global South and beyond.

The first motivation is the lack of reliable and independent bureaucracies, understood as “the capacity of the state actually to . . . implement logistically human rights obligations” (Mann 1984:113). Impotent bureaucracies can grow into a paralyzed administrative system unable to hamper or foster the realization of human rights. Thus, public institutions drowning in bureaucratic turmoil tend to act outside the limits granted by law, even unintentionally. Therefore, beyond its willingness and motivations, the lack of administrative capacities of a state is a necessary ingredient for the realization of rights at the local level.

The second factor is the low level of state integration and, thus, the lack of infrastructure to penetrate into peripheries. As a result, central governments experience limited capacities to monitor and control their local populations, opening up a space for other actors to engage in customary traditions and informal arrangements (Cole 2015). As that condition often goes hand in hand with the absence of effective bureaucracies and needed resources, exercising power across the state's territory becomes troublesome.

The third motivation is the legal mentality within a state, which, having roots in historical

traditions, forms the attitude of state officials, individuals, groups, and communities toward the law and its role in society. Especially in countries with low legal awareness, human rights are perceived as a vague provision without a real effect on social reality, encumbering an already overloaded administration.

The fourth factor is that states can include nonstate actors and social institutions in human rights implementation or even outsource this task to them, especially in the overseen peripheries, as part of their discretion in international law. One should remember that human rights relations in the West are different from those in Russia. From the center to the periphery, state presence changes, and the center of power loses its visibility—although it does not disappear (see Ssorin-Chaikov 2003). Human rights relations become more personalized and direct, depending on people with names rather than a vague state entity. Thus, in a more horizontal relation, the state tacitly agrees not to interfere with individuals and communities who happen to possess the capacity to engage with human rights away from the primacy of the nation-state (Cole 2015).

Conclusions

The reality of laws in a given community always depends on how the norms are formed in the process of negotiations and consensus formation by various actors and adapted to local needs and standards. As the Izhma Komi case has shown, to be effective, human rights must be initiated and pursued by those within a community and not imposed from above. The relationship between community members and all “the others” impacts how rights are embedded in social life in different everyday settings.

Stepping away from the state-centric understanding of what human rights are and how states should act to realize them best, I depict human rights as invoked and practiced by individuals and communities at the grassroots level. Shifting the perspective from states to local communities allows us to capture the dynamics within those communities and examine the importance of individual and collective agency in “bringing human rights back down-to-earth.” I did that by addressing the four leading questions, who, what, why, and for whom, to elaborate on Izhma Komi’s participation in and responsibility for cultural practices as an embedment of the human right to cultural heritage.

Moreover, the revealed social contract in the Izhma Komi community proves that relying on nonlegal ways of domesticating human rights—and in particular, the human right to cultural heritage—may enforce their effectiveness at the local level. Building upon culturally embedded

social institutions, such as the social contract in the described case, helps to assure that heritage rights are both communicated and realized in culturally compatible ways. This relationality produces an understanding that goes beyond top-down realizations of the right to heritage but requires more horizontal relations between the people and street-level bureaucrats, which, in the Russian reality, may mean officials’ noninterference with certain aspects of the realization of heritage rights. After all, the effectiveness of human rights—and not necessarily their legal incorporation—is key.

Interviews (the toponyms refer to the place where the interview was conducted):

EES, Izhma, 2012–2023
 GVC, Sizyabsk, 2022, 2023
 TAF, Izhma, 2021–2023
 LK, Mokhcha, 2021
 JSR, Izhma, 2021–2022
 VKK, Izhma, 2021, 2021–2023
 Person A, 2021–2023
 Person B, 2022–2023
 Person C, 2021–2023

Endnotes

1. The Izhma Komi live in a diaspora, inhabiting vast territories from the Kola Peninsula on the west up to Khanty-Mansi Okrug in the east and the Nenets Autonomous Okrug in the north. However, their motherland is the north of the Komi Republic—and especially the Izhemsky district—which has 90% of the concentration of Izhma Komi. For more on the Izhma Komi, see Habeck (2005), Shabaev and Sharapov (2011), Istomin and Shabaev (2016), Shabaev and Istomin (2017), Sikora (2022), and Sikora and Fedina (2021).
2. While speaking with me, all my informants would call themselves Komi or Izhemtsy in Russian. I do not recall a situation when someone would call themselves Izvatas. One reason might be that the interlocutors would choose the ethnonym of the language they were speaking at that moment. From my observation, the term Izvatas is mainly used to refer to the interregional public movement of Izhma Komi “Izvatas.”
3. For instance, values such as dignity, fairness, equality, respect, freedom, nonviolence, and tolerance are visible in Buddhism, Confucianism, and Mandarin traditions. For more, see Mende (2021) and Schmidt-Leukel (2006).
4. I pseudo-anonymize the three persons I introduce in this article. By this, I make them

unrecognizable to the broader audience, even though I am aware they might be recognized in their respective social circles. I decided, yet, not to reveal their identities and, by this, protect the informants in case unexpected circumstances appear in Russia.

5. In 2013, the “Lud” festival was included in the Intangible Cultural Heritage Registry of the Komi Republic, which is run by the Komi Center for Folk Arts and Advanced Training (Tsentr narodnogo tvorchestva i povysheniya kvalifikatsii). The registry has a republican status only and is not part of the federal or UNESCO system. For more on the topic, see Rocheva (2019) and Sikora and Fedina (2021).

6. From my observation, language death in Izhma village is occurring rapidly among children at the beginning of primary school (ten years and younger). In other villages, especially in reindeer-herding families, the language shift has not yet emerged; thus, children largely speak Komi and do not feel comfortable with Russian.

7. The 2021, 2010, and 2002 Russian census distinguishes three groups of Komi people: Izhma Komi, Komi Zyrians, and Komi Permiak. The northern Komi of the Pechora Basin have historically referred to themselves as “Komi,” in contrast to the southern Komi, whom they call “Zyrians.” For more, see Istomin and Shabaev (2016).

8. For example, the ICCPR, in Art 2(2), obliges state parties to “take steps” necessary to “give effect” to the treaty provisions by legislative or “other measures.”

9. In this article, I define social institutions as an interrelated system of social norms and social roles that are organized and provide patterns of behaviors contributing to meeting the basic social needs of society, such as state law, customary law, family, and community.

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