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

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*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).<sup>1</sup> 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 Vorkuta<sup>2</sup>) (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.<sup>3</sup> 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.<sup>4</sup> 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 members<sup>5</sup>: “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.<sup>6</sup> 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 Russians<sup>7</sup>) 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).<sup>8</sup> 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.<sup>9</sup>

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 (Tsentri 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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