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An Institutional Analysis of the Failure of Post-Soviet Reforms in Tozhu District, Republic of Tyva

by
Brian Donahoe

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An Institutional Analysis of the Failure of Post-Soviet Reforms in Tozhu District, Republic of Tyva

*Brian Donahoe*¹

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Introduction

In his polemical study of the breakdown of communist regimes, Antoni Kaminski declares that “Clarifying why the Soviet experiment failed is crucial to understanding how to cope with problems of governance” (Kaminsky 1992:x). More than a decade after the collapse of the USSR, Kaminski’s imperative needs to be recast: Clarifying why the *post*-Soviet experiment is failing is crucial to understanding how to cope with problems of governance. This paper focuses on the Tozhu-Tyva, an ethnic group inhabiting the Tozhu District in northeastern quadrant of the Siberian Republic of Tyva (Russian Federation), in an attempt to clarify why the post-Soviet experiment is failing, an understanding of which is crucial to cope with problems of future governance.

In this paper I will give some historical background to the institutional arrangements that pertained among the Tozhu during Soviet times that regulated most aspects of life for the Tozhu-Tyva reindeer herders of the Siberian Republic of Tyva. I will then discuss the formal institutions that have been prescribed since the collapse of the state farm system to manage economic activities, but which have failed. While this collapse of institutional structures and subsequent institutional void has devastated the reindeer herders, it has also given rise to new patterns of regularized and repeated behavior, which could be the seeds of new grassroots institutions. I will look specifically at the management of wild animal resources as an example of a common-pool dilemma. Finally, by way of conclusion, I will hazard some suggestions for institutional changes that may address these problems.

Background

Tyva (more commonly known as Tuva) is a republic of the Russian Federation in south-central Siberia, with a population of 310,000 (70% Tyva, 30% Russian) in a territory about the size of the state of Washington (170,000 sq.km.). The Tyva have historically been nomadic pastoralists, herding predominantly sheep, cattle, and horses, but with small herds of reindeer in the Tozhu region in the northeast. As nomadic pastoralists, they have never had formal or legal title to land (Carruthers 1914; Vainshtein 1980 [1972]). The Tozhu District in northeastern Tyva is a fragile and ecologically diverse transition belt between the Siberian boreal forest and the Inner Asian steppes, and is the most remote and

¹ Department of Anthropology, Indiana University, Student Building 130, Bloomington, IN 47405; Project Anthropologist, Altai-Sayan Language and Ethnography Project; e-mail: bdonahoe@indiana.edu

inaccessible region of Tyva. It is inhabited by the Tozhu-Tyva,² an ethnic minority with a population of about 5,200 who are officially recognized as one of Russia's "Small-numbered Indigenous Peoples of the North."³ The Tozhu-Tyva (hereafter referred to simply as the Tozhu) represent the southernmost extreme of reindeer pastoralism in the world. They and other south-Siberian groups practice a peculiar form of reindeer pastoralism that Ingold calls "the closest approach to pure milch pastoralism based on reindeer" (Ingold 1980:101). Small herds of deer are raised in taiga ecosystems predominantly as pack and riding animals, and for their milk products, while wild game is the principal source of food.

Collectivization

Collectivization of agriculture was the crown jewel of the Soviet Communist Party's social engineering policies in the 1930s (Forsyth 1992: 290-291). Collectivization entailed the consolidation of virtually all property – land, livestock, agricultural equipment, guns, etc. – in the hands of the state, and the forced sedentarization of the nomadic populations in villages (and the creation of villages where there were none). The formal organizing institutions were collective farms (Russian: *kolkhoz*; plural: *kolkhozy*) and state farms (Russian: *sovkhos*; pl. *sovkhozy*).⁴ Collectivization was considered necessary for the socio-economic development of this nascent leviathan of a political entity, the USSR. It was supposed to help develop the national economy via production of surplus agricultural products and other valuable raw materials for export, and to feed the rapidly expanding urban, industrial population. Collectivization was also, in theory, aimed at raising the living standards of all Soviet citizens, even the most backward Siberian natives (see Forsyth 1992:291). But many observers are skeptical of the Soviet Union's motives, preferring instead to see collectivization as a method of social control. Forsyth believes that the true aim of collectivization "was to proletarianise them [Siberian peoples] by binding them in collectives subordinated to the superstructure of the Soviet state" (Forsyth 1992:291), while Campbell asserts that "the collectivization of agriculture provided the basic institutional mechanism for eliminating the economic power and independence of the peasantry" (Campbell 1992:44).

² In official Russian-language documents, the Tozhu are referred to as the *Tuvinsty-Todzhinsty* (Tuvan-Todzhins). However, I choose to refer to them as either as the Tozhu or the Tozhu-Tyva, which more accurately reflects the Tyva-language pronunciation of both terms and makes more sense in English to place the specific, qualifying quality or characteristic first, and the broader, more general category second (e.g., Italian-American).

³ The "Provisional Statute on the Administration of the Indigenous Peoples and Tribes of the Northern Extremes of the Russian Soviet Federal Socialist Republic," 25 October, 1926 designated 26 indigenous minorities as *Malye Narodnosti* (Small Peoples). This designation was later changed to *Malochislennye Narody Severa* (Small-Numbered Peoples of the North). The Tozhu-Tyva were granted this status in 1993.

⁴ The *kolkhozy* were, in theory, collectively owned and operated by the members, not by the state. The *sovkhozy*, on the other hand, were state owned and operated, and members worked for a monthly salary. In the early years of the Soviet Union, collectivization was based on a system of *kolkhozy*. However, starting in the 1960s, many *kolkhozy* were restructured into *sovkhozy*. In the Tozhu region of Tyva, all three *kolkhozy* became *sovkhozy* in 1969, and subsequently, two of the *sovkhozy* were consolidated into one. In practice, there generally wasn't much difference between the forms of collective farms, and for the purposes of this paper no distinction will be made.

Leaving the question of motive aside for the moment, collectivization was flawed from the beginning, principally because it was predicated on imposing a uniform institutional structure on all rural communities throughout the vast Soviet Union, without taking into consideration differences in the physical attributes or characteristics of the diverse communities.⁵ In outlining their “design principles” for robust institutions for the management of common-pool resources (CPRs), McGinnis and Ostrom note that “*Given the diversity of the settings, one should not expect to be able to discover a single formulation or set of optimal mechanisms*” (McGinnis and Ostrom 1992:54; italics in original). Slezkine likewise criticized the “mechanical and crude application” of the methods of collectivization based on more “advanced” regions of European USSR to the nomadic peoples of Siberia (Slezkine 1994:206). The indigenous populations of Siberia were nomadic reindeer herders, hunters, and fishers who did not produce a surplus of valuable raw materials that could be used by the Soviet state as exportable commodities (Forsyth 1992:291). Thus, production had to be increased via rationalization and industrialization, along the lines of the model that had been implemented in the more “advanced” agricultural regions of European USSR. Management mandates designed by agricultural experts in Moscow were handed down to be implemented in these very remote areas. Production quotas for reindeer meat were mandated. Productivity was determined on the basis of live weight or processed weight of meat. Reindeer were devalued because they weren’t as productive as other large livestock, but the fact that reindeer are far better suited to the ecological conditions and require no imported fodder was not taken into consideration. Efforts aimed at increasing meat production were implemented, including separating females and calves from the males; building corrals in which to pen up the animals; dictating migration dates and routes; establishing “brigades” of workers who would be helicoptered in and out of herding areas on a rotating basis. This approach completely ignored the cultural value of reindeer to the south-Siberian peoples, and the traditional use-value of reindeer as a means of transportation and as a source of milk. In fact, the Inner Asian reindeer peoples never raised deer for meat, and avoided the slaughter of deer unless absolutely necessary (Plumley and Donahoe 2001).

Throughout the Soviet Union, reindeer husbandry was viewed by the Communist Party's agricultural apparatus as problematic to centralized Soviet agricultural goals because of its range requirements and associated nomadic lifestyle. A 1957 law that made infrastructural development and social services contingent upon the “complete ‘liquidation’ of the reindeer herders’ way of life” further exacerbated the problem. To move this process along, the Soviets made an administrative distinction between “production nomadism” and “nomadism as a way of life,” and did all they could to discourage the latter. “Production nomadism” was an effort to “rationalize” and industrialize herding practices. It included only the able-bodied men who were directly involved in reindeer herding and excluded all others who had

⁵ It is not my purpose here to discuss the failure of the Soviet experiment. That has been done (see, inter alia, Kaminski 1992; Campbell 1992). Campbell (1992:43ff.) discusses the perverse incentives built into the Soviet system that prevented effective functioning.

formerly been integral to “nomadism as a way of life.” Herders’ children were forced to attend full-time boarding schools in village centers, while herders’ wives were also settled in village centers and assigned to secondary economic activities such as sewing and fur processing. These policies in general had a negative impact on production: “Once again, we see the inappropriate transfer to herding of industrial models of the organization of labor. It is precisely because herding is much more than a productive process that this attack on the family was inevitably destructive of production as well” (Vitebsky 1992a?b?:xx).⁶

Many indigenous Siberians resisted collectivization however they could:

The native response took traditional forms: they asked for more time, withdrew into silence, or tried to placate the Russians by passing resolutions. . . . Those who could do so moved away or changed their migration routes. When confronted directly, they often refused to pay new taxes and part with their animals. . . . When there were no more people, ploys, and arguments left and no more pastures to go to, the herders slaughtered their animals. . . or killed the collectivizers.

Finally, there was the ultimate and most traditional act of resistance – suicide. (Slezkine 1994:203)

Such measures are representative of what Scott has dubbed “weapons of the weak” (Scott 1985), and what Levi has described as “the behavioral withdrawal of acquiescence with or consent to current institutional arrangements” (Levi 1990:403) and “undermining. . . contingent consent” (Levi 1990:407).

The experience of collectivization started out differently in Tyva than in other parts of Siberia. During the early years of collectivization, Tyva was nominally an independent state (1921-1944).⁷ The nascent government of the *Tangdy-Tyva Ulus Respublika* (Tangdy-Tyva People’s Republic, later shortened to the *Tyva Arat Respublika*, the Tyva People’s Republic, or TAR for short) tried to force a rapid transition from a nomadic way of life to a sedentarized one, much as was occurring in the Soviet Union. While many Tyva people welcomed the advances in education, medical care, and access to goods that came along with collectivization, many others resisted in a number of ways: shamans and other community leaders incited reindeer herders to resist collectivization (Mendüme 1984:160); many reindeer herders hid parts of their herds in remote and inaccessible areas, thereby managing to underreport the number of head of livestock; others slaughtered livestock to avoid having to give them over to the state; finally, several Tozhu families fled to Mongolia to escape the forced collectivization.

Unlike in the parts of Siberia formally under Soviet control, where such “weapons of the weak” were met with ever more forceful methods of repression, the government of Tyva recognized its mistake. In

⁶ The preceding paragraph has been taken verbatim from an earlier publication (Plumley and Donahoe 2001).

⁷ From 1921-1944 Tyva was an independent state (but very much under the influence of the Soviet Union), recognized by the Soviet Union and Mongolia.

Tyva generally and Tozhu in particular, the tempo of collectivization and sedentarization was slowed in recognition of the importance of the nomadic lifestyle to the economic and cultural vitality of Tyva (Grebnyev 1955:28-31; Mollerov 1991:55-58). This was due in part to the fact that the government of the Tyva People's Republic was made up predominantly of indigenous Tyvas who were more sensitive to the needs of their countrymen. As Mollerov noted, "Collectivization was realized on the basis of the workers who led a nomadic lifestyle" (Mollerov 1991:57).

But once Tyva was assimilated into the USSR (1944), the pace of sedentarization and collectivization picked up. In 1949 the Tozhu-Tyva were forcefully collectivized into *kolkhozy* (collective farms), and many, but not all, were settled into villages that were built to serve as the administrative centers of the collective farms. Forsyth points out that the Tyvan collective farms "were at first organized on the basis of traditional communities and clan pastures, but later the Soviet Russian authorities imposed new measures of amalgamation and denomadisation intended to break down clan-territorial allegiances and reduce the tribespeople to a single amorphous class of collectivized peasants" (Forsyth 1992: 374). Collectivization and sedentarization were considered almost complete in Tyva by 1955. Throughout Tyva, this forced collectivization, sedentarization, and intensification of production to meet quotas disrupted established migration patterns and overrode indigenous strategies regulating herd, pasture, and game management (Humphrey 1989; Humphrey, Mongush and Telengid 1993; cf. Vitebsky 1992a, 1992b). As in other parts of the Soviet Union, Tyvan herders engaged in various forms of resistance, principal among them, the slaughter of their own livestock. In just three years, the livestock population throughout Tyva was reduced by 34 percent (Forsyth 1992: 373).⁸

But it is important to note that Soviet policies were not entirely negative and destructive, nor were they completely at odds with pre-Soviet traditional institutional arrangements. Indeed, in some senses, Soviet collectivization was (unintentionally) built on a continuation of traditional structures. In discussing collectivization in Tyva's neighboring republic, Buryatia, Caroline Humphrey asserts, "Although the economic and political functions of their communal institutions (clans, land-holding communities) were destroyed by collectivization, the Buryats were provided with Soviet institutions of an equally non-individualist, non-capitalist kind" (Humphrey 1983:2). This holds true for the Tyva as well. The collective (and later, state) farm was, as Humphrey has called it, a "total social institution." It was not only employer, but educator, doctor, bank, social life, and *raison d'être* for entire communities. In fact, there were no permanent settlements in the Tozhu District prior to the establishment of the kolkhozes (collective farms). The handful of villages in the region were built to serve as administrative bases for the kolkhozes. Hence these villages became very much like "company towns."

Humphrey takes issue with Marshall Sahlins' famous and widely accepted concept of the Domestic Mode of Production (Sahlins 1972), which states that "in many kinship-based societies, both production

⁸ I haven't been able to come up with accurate figures specifically for reindeer in Tyva.

and consumption are restricted to the requirements of the household sphere,” giving households a sort of “natural autonomy” to use Sahlins’ phrase (Humphrey 2002:164). Sahlins’ view imputes rational egoistic motives, but to the household rather than to the individual. Humphrey, however, disagrees. She claims that “The indigenous idea. . . is one in which farmers are social beings right from the start, from their innermost inclinations, from their understanding of the person to their concepts of the state” (Humphrey 2002:165). Humphrey believes that the collective “appears as a stage in a series of nested hierarchies, from the household, through production teams, brigades, collectives, the subdistrict, the district, and the republic itself,” and that this vision is propagated through public pronouncements, which “reinforce indigenous ideas of belonging to a whole within which there is a process of allocation” (Humphrey 2002:166). Far from being naturally autonomous, there is in fact “resistance to the idea of independence” on the part of domestic groups, because the domestic group is “economically incomplete” (Humphrey 2002:167). Humphrey suggests that “this is not just a ‘fallout’ of the socialist economy but is also a reflection of an indigenous view of how things are or should be” (Humphrey 2002:167). Humphrey’s notion, which she calls “hierarchical shareholding” (Humphrey 2002: 165), finds support in some of the recent literature on co-evolution (see, *inter alia*, Jones 2001; Reyna 2002). Noting that much of human behavior does not conform to predictions based on rational choice theory (with assumptions of the rational egoist), Bryan Jones builds a strong case for the genetic development of social behavior as advantageous:

In human societies, however, we observe more fitness-sacrificing behavior than can be accounted for by such kin altruism. The only answer for the continuing appeal of so-called altruistic motives is that some other factor offers even more evolutionary advantage.

It must be the case that the fitness of individuals is advanced by social interaction. (Jones 2001: 116)

While it may well belie a selective memory in choosing to ignore the repressive measures of forced collectivization of the Soviet period, both the collective farms and state farms are remembered fondly and with nostalgia today in Tyva and throughout Siberia generally, not only because they provided all basic necessities, but also because they were in some ways a continuation of an earlier way of life. The collective became an important aspect of people’s sense of identity (Anderson 2000; Humphrey 1983). In addition, while on paper and in fact much of the peoples’ lives was dictated from Moscow, people working on collective and state farms, especially those most removed from Moscow, managed to devise internal, informal institutions within the broader framework of the farms. Levi points out that while formal institutions like the collective and state farms are often very difficult to dissolve, “they remain susceptible to change that is the consequence of internal institutional decisions that alter, often subtly, the distribution of resources” (Levi 1990:415). David Anderson has termed this “citizenship regimes” (Anderson 1996). Anderson rejects the myth of the “complete absence of any kind of autonomously managed or socially

meaningful public sphere” (Anderson 1996:99), i.e., “civil society,” in Siberia. “[T]hirty years of resistance and negotiation with a rigid yet segmental bureaucratic structure also formed a tradition of civic practice which came to be experienced as varied citizenship regimes” (Anderson 1996: 107). He insists that “civil society in Siberia was harboured within different ‘citizenship regimes’ which formed restricted yet significant channels for economic and political practice (Anderson 1996:100). In this way, a form of civil society (often assumed not to have existed during Soviet times) managed to percolate up from within the state-run institutions.

Institutional Upheaval in Post-Soviet Russia

When the Soviet Union began weakening and showing signs of collapse, a general directive went out to force the state farms to become more economically “rational” and self-sufficient. State subsidies were drastically reduced. The state farms based on reindeer herding were suddenly and for the first time to be held accountable for their economic performances.⁹ One drastic measure implemented on the reindeer herding farms in the Tozhu District of Tyva was the annual cutting of reindeer antlers “in velvet” for sale to the east Asian market (1990-1993). This proved detrimental to the health of the reindeer and led to a massive die-off of reindeer in Tyva between 1991-1994.¹⁰ When it became undeniably clear that the state farms could not survive on their own, they were liquidated in 1996.

The failure of the state-subsidized farms sounded a clarion call for market-based reforms and wholesale privatization, assumed by many to be the only alternative. Former members of the state farms were encouraged to take their “shares” and strike out on their own. *Sovkhoz* property was shared out to the members in two forms: land shares (*cher ülügleri* in Tyvan, *zemel'nye doli* in Russian) and property shares (*önchü khörenge ülügleri* in Tyvan, *imushchestvennye pai* in Russian). But land shares were only very small plots in and around the villages, and did not include reindeer pastures or hunting grounds. The property shares – equipment, machinery, vehicles, and livestock – were very unequally doled out, with the *sovkhoz* administrators managing to garner most of the physical property for themselves. Since reindeer were doled out not only to herders, but to all members of the former state farm, including tractorists, drivers, nurses, and kindergarten teachers, no one got very many. Most of these people weren't reindeer herders and didn't know what to do with the deer, so they slaughtered them for food or sold the deer to someone who could afford to buy them.

The responses of the herder-hunters to the institutional void left by the collapse of the state farm system fall into three categories, each of which has implications for institutional arrangements, particularly

⁹ In Soviet times, the great majority of state farms in Siberia chronically operated at a loss (see Humphrey 1983:13 and note 19).

¹⁰ The reason for the die-off is debated. Herders claim that the cutting of antlers causes great loss of blood and weakens the animals' immune systems. Doing this several years in a row weakens them to the point of death. Administrators say the cutting of antlers, done properly, is sound practice, and that the herders didn't follow the prescribed method properly.

property relations and management of important common-pool resources such as hay fields, reindeer pasturage and wild animal resources: 1) officially and legally sanctioned peasant enterprises (*arat azhylygyi* in Tyvan, *fermerskoe* or *krest'yanstvo khozyaistvo* in Russian); 2) officially and legally unrecognized private ownership of livestock and usufruct of land; and 3) legally sanctioned, state-affiliated, kin-based communities (*törel bölükteri* in Tyvan, *rodovye obshchiny* in Russian).

Peasant Enterprises

In order to establish a peasant enterprise, applicants must demonstrate a legitimate historical claim to the territory, meaning that they can show that their family lived within that territory in pre-Soviet times. This arrangement gives them a renewable 5-year lease on a certain territory, explicitly mapped out, and complete freedom to exploit the resources on that land as they choose, which includes the right to exclude people from the land or to charge people who want to extract resources.¹¹ Successful applicants were given a state-subsidized loan to get their enterprises off the ground, which they were to start repaying in the second year. In addition, they were granted a five-year tax holiday on the revenues from their enterprises. But the entire initiative was plagued from the beginning by an intimidatingly complex, bureaucratic, and time-consuming application process (cf. Ziker 2002a:128-134); a cultural predisposition against private enterprise¹² (Anderson 1996; Humphrey); and a perverse incentive structure that encouraged people to abuse the system. For example, many people with no intention of setting up private enterprises applied for these peasant enterprises only to get the initial state-sponsored loan. They used the credit for other purposes, defaulted on the loans, and had the land taken away from them.¹³ Others managed to pay back the loans, thus were allowed to maintain leases on their landholdings, but haven't been able to turn a profit or even to pay taxes on the landholdings (after the initial 5-year tax-free period), so have had to restructure into "personal subsidiary activities" (*lichnoe podsobnoe khozyaistvo* – LPKh). This arrangement allows them to keep the plots they were granted in perpetuity and with inheritance rights, but they are allowed to use the land only for subsistence purposes, and not for any kind of entrepreneurial activities. The Tozhu, as specially designated "Small-Numbered Indigenous Peoples of the Russian Federation," don't have to pay taxes on this land. In 1997, there were 118 registered peasant enterprises. Now there are zero. Sixty-eight have reformed into LPKh, and the rest have folded.

From the beginning only two reindeer herders tried to form peasant enterprises for purposes of reindeer herding.¹⁴ In the first place, most of the herder-hunters did not have enough private livestock to establish a private herd, nor the financial resources to purchase livestock from other former *sovkhos*

¹¹ When asked what he would do if he caught someone fishing on his territory, one young herder-hunter I interviewed first said, "Nothing," then got a mischievous grin on his face and said, "No, I'd tax him. One fish!"

¹² Tyva flew in the face of the overwhelming pressures toward privatization, and even forbade private ownership of land in the 1993 constitution. This was reversed in the new constitution of 2001.

¹³ They would still retain their land share, which included the land their houses sat on and the land enclosed within their fences – usually between ¼ and ½ hectare – enough for a vegetable garden and a potato patch.

¹⁴ The rest were established as hunting and fishing camps, private vegetable plots, or hay fields.

members when the *sovkhozy* collapsed, so private ownership of livestock was out of the question. These two herders who initially registered as peasant enterprises had the financial resources to purchase deer from the state farms or had managed to accumulate sizeable private herds during Soviet times,¹⁵ and had representatives (usually relatives) with political connections and legal savvy. The actual territories, however, are much smaller than the herder-hunters have traditionally used, and are not large enough to meet the extensive range requirements of reindeer. This has not yet posed a problem, as the herder-hunters simply range over the territory they have always ranged over, not bothering to observe the limits imposed by the agreement, but it could pose a problem now with the current politics of privatization (see below).

Unofficial Private Reindeer Herding

There is one small but persistent group of herder-hunters who have always defied the authorities. These herders maintained private herds even when it was forbidden to do so, either by staying in such remote locations that authorities could not track them down, or by maintaining herds for the state institutions (the state farms, the state hunting operations, the state forestry operations) and also maintaining, but not reporting, their private herds. In addition, these few herders are the ones who have tended to keep to lands their parents and grandparents historically used. Now these herder-hunters have no official affiliation with the *obshchiny*, nor do they have officially recognized leases to land. They own their livestock and range them as they see fit, secure in their right to do so because of their family history of herding and hunting in a certain territory. This right is acknowledged and respected by all the other herders, although not officially recognized by the state.

Obshchiny

Since the majority of the reindeer herders didn't have enough reindeer to strike out on their own, establishment of the *rodovye obshchiny* was the most common reaction to the collapse of the state farms. In his call for a new approach to the indigenous minorities of the Russian North, Russian ethnographer Aleksandr Pika champions the concept of "neotraditionalism" (Pika 1999). Pika believes that his concept avoids the artificial dichotomization between the "traditional" and the "modern." According to Pika, "Normal development (especially for numerically small ethnoses) should allow for a person to inculcate the 'modern,' 'developed' and the 'ethnic' simultaneously" (Pika 1999:20-21). Such development would include "not only monetary help from state funds. . . , but transfer of the means of production (land,

¹⁵ During Soviet times, herders were able to accumulate private livestock in several ways: If they exceeded their target in a given year, they were allowed to keep the additional deer as private deer. For example, if the state farm established a goal of 80 new calves per 100 bearing females, and a given herder managed to increase his herd by 86 per 100, then he could consider the 6 extra as private property. Also, the most successful herders were recognized by the state farms at annual festivals and given awards, sometimes in the form of livestock. The offspring of these private animals were also considered private. Finally, some herders would falsely report deer as having died of illness or having been killed by predators, and then would keep these deer separate and raise them as private deer. In these ways some herders were able to amass sizeable private herds even during Soviet times.

resources, and special economic rights). Land and water resources, rights of resource use, rights to a share of profits from developed sub-surface resources. . . should all be transferred directly to *obshchinas*, family-clan groups, northern associations, and individuals” (Pika 1999:23-24). If this were the case, then “Peoples of the North themselves could then develop entrepreneurial activities in the non-traditional branches of the economy such as services for the infrastructure of their villages, allocation of paid services to newcomers, tourism, and so on” (Pika 1999:24-25).

According to Pika, the institutional foundation of “neotraditionalism” must be the *obshchina* (plural: *obshchiny*), which he asserts is distinct from and more socially fundamental than “clan” structures, a concept he considers problematic.

[T]he term “clan” in Siberia obscured a different form of social organization: the territorial *obshchina*, consisting of groups of relatives, by blood and by marriage, through various genealogical lines. The *obshchina* is a universal form of social organization of peoples found at the pre-class or pre-industrial stage of social development. The significance of the *obshchina* as a universal form of economic territorial organization, and as a structural unit for survival [*zhizneobespechenie*], autonomy, and the reproduction of the ethnos is especially important for minority peoples seeking to preserve their cultural and economic distinctiveness. (Pika 1999: 63-65)

Pika notes that such territorial *obshchiny* “were relatively stable, economic and demographic collectives, oriented to self-sufficiency and reproduction, which were able to exert real control over their territory, and effectively use local natural resources.” (Pika 1999:66-67).

The concept of the *obshchina* found its way into Russian central planners’ lexicons, and soon it was being touted as the ideal intermediate step between the state farms and the shock therapy of abrupt and complete privatization. Thus it was a system of *obshchiny* that was supposed to replace the *sovkhkozy* throughout the former Soviet Union. The *obshchiny* were in effect built on the ruins of the *sovkhkozy*, and were intended to fulfill many of the functions formerly performed by the *sovkhkozy*, i.e., organize the productive activities of the herders and hunters, provide food, tents, clothing, guns, bullets, transportation and a regular salary in return for the products of the members’ work as herders and hunters. The *obshchiny* were similar to the *kolkhozy* in that the reindeer were considered the collective property of the members, while land remained in state hands.

In the Tozhu region, six *obshchiny* were initially established in 1996. Of these, four were founded on the economic basis of reindeer herding and hunting; the other two were founded on hunting only. While in theory this was an effort to return to traditional forms of self-organization and should have placed more control in the hands of the indigenous Tozhu, the plan was hampered from the beginning. In the first place, it was mandated from the center and implemented in a uniform fashion throughout Russia. Secondly, the *obshchiny* started with nothing. While ostensibly they should have started with the remaining assets of the *sovkhkozy*, the *sovkhkozy* had been cannibalized by the *sovkhos* administrators. Finally, the membership rolls

of the *obshchiny* were notable for their lack of community leaders. The handful of former *sovkhos* members who had the means to do so (either in the form of significant numbers of private livestock, or the financial means to acquire such numbers of livestock, or in the form of political connections and savvy allowing them to do so) chose not to join the *obshchiny*, preferring instead to try to set up their own enterprises. Other defiantly independent reindeer herders simply struck out on their own. This left the poorest and in many cases least able reindeer herders and hunters to stay with the *obshchiny*.

These problems, along with the failure of the state to provide the promised support and the collapse to the formerly state-subsidized transportation and distribution networks, rendered it virtually impossible for the *obshchiny* to effectively organize themselves as a going concern. While the *obshchiny* gave their members a legal guarantee of sorts that they could continue herding and hunting on the territory officially recognized as *obshchina* territory, the herder-hunters learned to expect nothing in the way of material support from the *obshchiny*. This failing of the *obshchiny* did, however, have one potentially positive, albeit unintended, result. As Margaret Levi has put it, "In the case of formal institutions, an individual's cooperation or compliance is conditional upon the provision of promised benefits by institutional managers and personnel and upon the continued compliance of others" (Levi 1990: 409). Because they failed from the beginning to fulfill their stated purpose, the directors of the *obshchiny* had no leverage to dictate and control the activities of their members. Hence there was a great deal of freedom and flexibility at the operational level for the reindeer herders, which allowed for the emergence of new patterns of regularized and repeated behavior – the seeds of new institutions. For example, the *obshchina* members, in theory, did not have disposition rights without the permission of the *obshchina* director. In practice, however, the herders treated the reindeer as if they had proprietary and disposition rights over them, justifying this action by saying that since the *obshchina* had not paid them or provided the promised material support, the reindeer had in effect become their private property, in lieu of back pay. If they sold an animal, they kept the money for themselves. When the *obshchina* director sent word that the herders were to contribute a few of the *obshchina* deer in their care to a large deer sale (to Mongolia), one of the herders stated flatly, "I just won't give them. I don't have enough deer." Another was willing to sell deer, but only if he were paid directly by the buyer and given 100% of the purchase price. "If they don't put the money right in my hand, I'll turn around and come back with the deer," he said. The *obshchina* director acknowledged that there wasn't much he could do about this situation. Likewise, the herder-hunters saw no need to stay within the officially demarcated boundaries of the *obshchina*'s territory, and continued to range their herds in effect wherever they wanted.

This sense of freedom and flexibility regarding hunting and grazing rights among *obshchina* members was demonstrated to me as I was trying to get a fix on how many herders there are and where they tend to live. Having heard that one of the largest groupings of herders migrated in the area of Ödügen Taiga, I expressed my intention to get there and spend some time with them. I was informed by my hosts that they had all pulled up stakes and moved into the Serlig Khem region – a completely different area that

also historically was part of a different clan territory – because Ödügen was too far from the nearest village. I asked the director of the Serlig Khem *obshchina* if they needed any special permission to move, and he simply shrugged and shook his head, as if the thought had never occurred to him. In turn, the group in the Sorug River region on the north side of the *Azas Zapovednik*¹⁶ and part of a completely different *obshchina*, moved around to Ödügen Taiga on the south side of the *Zapovednik* to escape bears. So while the herder-hunters readily asserted their membership in the *obshchina* in order to guarantee their right to continued usufruct of the land and its resources, and to claim their share of the rare delivery of provisions from the *obshchina*, they did not feel compelled to obey the director.

In the first year I was conducting fieldwork for this research (2000), I observed another interesting development regarding land tenure and property rights. All the herders of the Serlig Khem group who had not yet done so decided to build small log cabins on “their” territories, at places where they habitually establish their fall and/or winter and/or spring camps. This investment in time and labor not only indicates a sense of property ownership – a way of staking a claim to a certain territory – but also has implications for the migration patterns and a variety of ecological factors associated with migration (e.g., pasture health, forest cover). Additionally, these houses all tend to be in close to populations centers or to the gold mining bases, indicating that these lands closer in are considered more valuable (for reasons of accessibility to consumer goods, basic necessities, and transportation to the capital). This, along with the very noticeable decline in game animals and fish population may cause the herder-hunters to develop a sense of exclusivity regarding their territory and resources, which could lead to more vigilant management of scarce common-pool resources. Of course, it could also lead to an increase in conflicts and tensions.

In another new arrangement that has developed since the collapse of the state farms and the subsidies they provided, the herder-hunters have turned to the gold mining bases as their principal trading partners. They trade fish, game meat, antlers, berries, and pine nuts for necessary foodstuffs (primarily flour, sugar, tea, oil, cigarettes). They also take in guns and axes to be repaired at the bases; pick up useful scrap metal, nails, boards, plastic sheeting; and get free transportation to and from the capital in the vehicles operated by the gold mines. Whenever they’re at the bases, they eat free of charge at the base cafeteria. One private herder even had a contract with one of the gold-mining bases that allows the base to use some of his territory as cattle pasture in the summer in exchange for delivery of flour. These examples of new arrangements and self-organized activities, while admittedly not without their drawbacks, demonstrate that when given the flexibility and freedom to act, the Tozhu herder-hunters will experiment with a variety of activities in search of the combination that best satisfies their needs and enhances their chances for survival.

The failure of the *obshchiny* has forced the Tozhu herder-hunters to rely on their own resources to survive and to muddle through, as McCay puts it:

¹⁶ A *zapovednik* is a strict nature preserve set up on the principle of complete exclusion of human activity, except for purposes of scientific research.

The value of muddling through processes, through which initial changes are small, relatively cheap, and not necessarily informed by consideration of larger values and goals, is similar to an argument made by Bateson (1963, 1972) and Slobodkin (Slobodkin and Rapoport, 1974; Slobodkin, 1968) concerning the 'economics of flexibility' in evolution and adaptation. (McCay 2002:375)

Contrary to popular preconceptions of "traditional" societies as static, stable, and stagnant, such flexibility has always been the hallmark of indigenous institutions. Bjorn Bjerkli has used the term "deinstitutionalized institution" (Bjerkli 1996:9) to describe the flexibility of the nomadic lifestyle as the true "institution" of indigenous peoples. Hunters, gatherers, fishers, herders have always depended on flexibility of lifestyle to survive in the unpredictable conditions and fluctuating resource base that characterize the Arctic and subarctic environments. Their "tradition" is and has always been one of change and flexibility.

However the newest turn of events in the post-Soviet saga could threaten to eliminate this flexibility for the Tozhu reindeer herders. The Tozhu District is 4,475,749 hectares (44,000 km²) in area, the largest of 16 districts in Tyva (26% of Tyva's territory). Within this district, the six *obshchiny* covered nearly half of the district. As *obshchiny*, they provided a degree of security to the land tenure for the Tozhu reindeer herders under the new law on *obshchiny*.¹⁷ Last year (2001) the four largest *obshchiny* in Tozhu were unilaterally closed down¹⁸ by the state (without consulting the president of the Tozhu branch of the Russian Association of Indigenous Peoples of the North), and consolidated into a *GUP* (*Gosudarstvennoe Unitarnoe Predpriatnoe* – Unified State Enterprise). The *GUP* seems similar to a *sovkhos* in that the physical assets all once again belong to the state, and the state is supposed to pay the herders and hunters a salary. The critical difference between the *GUP* and the *obshchiny* is in the amount of land that is protected. The *GUP* has control over 26,132 hectares (261 km²), but in fact the reindeer herders require somewhere between 1,500,000 and 2,000,000 hectares for their seasonal migrations (which is about how much land the original four *obshchiny* had). In addition, approximately 16,000 hectares (160 km²) is split up among the remaining 68 LPKh (see p. 8). To put this into perspective, the local people living in the Tozhu district have some form of limited legal control over 39,740 hectares (397 km²), which represents less than one percent of the total area of the district. At present, 4,040,040 of the total 4,475,749 hectares (90%) is officially listed as state forest land (*lesnoj fond*), with another 333,912 hectares (7.5%) set aside for the Azas *Zapovednik* (see note 15), which, except for a small, seasonal migration corridor, is off-limits to the Tozhu herders and hunters. Of 1,529,600 hectares of land officially designated as reindeer pasture, 1,438,400 falls under the category of state forest land and another 91,000 hectares is categorized as agricultural land.¹⁹ At

¹⁷ "On the General Principles of Organization of Clan Communes (*Obshchiny*) of the Indigenous Small-Numbered Peoples of the North, Siberia, and the Far East of the Russian Federation" (20 June, 2000).

¹⁸ In fact, all had already collapsed for all intents and purposes and only still existed on paper.

¹⁹ The information in the above paragraph has been culled from documents at the State Committee for Land Resources and Land Tenure of the Republic of Tyva, especially the "Amended Active Cadastre Map of the Territory of the

present, the Tozhu reindeer herders are using this land, but without secure legal rights or tenure. According to the new Land Codex, both agricultural lands and lands classified as belonging to the forest fund can be privatized.²⁰ As the president of the Tozhu branch of the Russian Association of Indigenous Peoples of the North pointed out, the transformation from *obshchiny* to *GUP* will be disastrous for the Tozhu-Tyva because the government won't support the *GUP* in the way they've promised, and because there are no legal protections for *GUP* lands. In any event, it appears that the transformation from *obshchiny* to *GUP* will make it easier for the formerly protected *obshchina* lands to be sold out from under the indigenous peoples of the Tozhu district.

This threat has suddenly become much more imminent now that the Russian government has finally passed the new Land Codex legalizing the privatization of land (Zemel'nyi Kodeks, 25 October, 2001). In practice, small-scale buying and selling of land has been going on since the early 1990s, mostly in and around urban areas. But the passage of this Land Codex opens the way for wholesale privatization of enormous tracts of land throughout Russia, thus threatening the insecure tenure of Russia's indigenous peoples. Privatization of land poses the greatest threat to both the cultural survival of the indigenous peoples of the Russian North and to the environmental health of Siberia. Anderson has observed that "the assault on forms of civic entitlement and participation has never been greater than with the current politics of privatization" (Anderson 1996:100). The Soviet system of property allowed "multiple modes of appropriation to coexist" (Anderson 1998:64). Within this system of social property, which Verdery characterizes first and foremost as a "cultural system," and as a "system of power and social relations" (Verdery ND:2), actors employed a variety of strategies and social relations to gain entitlements to resources, much along the lines of Anderson's "citizenship regimes" discussed above. Where post-Soviet land reform policies of privatization and exclusive land tenure have been instituted, they "have had the effect of entitling only those who know how to reach the marketplace" (Anderson 1998:83), and have tended to disenfranchise politically and economically disadvantaged groups, especially those leading subsistence lifestyles. Indigenous reindeer herders are at particular risk, as they would not be able to afford to purchase the extensive tracts of land necessary to migrate seasonally, which is crucial to raising reindeer, and would be prevented from grazing their herds on newly privatized land.²¹ This helps explain why efforts to privatize collective farms have failed so miserably, especially among indigenous Siberians (Humphrey 2002: 165; Anderson 1996, 1998; Ziker 2002a, 2002b).

Tozhu District" (Inv.# 689D, 24 May, 2001), and the "Resolution of the Chairman of the Administration," No. 312 (26 November, 2001). My thanks to the State Committee for access to these documents.

²⁰ This according to the director of the Tozhu District branch office of the State Committee for Land Resources and Land Tenure of the Republic of Tyva.

²¹ Virtually all observers have commented on the threat of privatization to the indigenous cultures of Siberia. Cf. *inter alia*, Anderson 1996:100; 1998; Fondahl 1998:84ff.; Golovnev and Osherenko 1999:114-115. Both Ziker (2002) and Anderson (2000:160ff; 1998) discuss the Dolgans's, Nganasans', and Evenkis' unwillingness to participate in the decollectivization and privatization processes.

Privatization is not an abstract threat. There has been a strong push to privatize land, and the government of the Republic of Tyva has been entertaining bids for exclusive rights to fish in certain lakes and cut timber in certain tracts of forest to the highest bidder. In July 2002, the Tyva government announced a project to improve water transportation on the upper Yenisei River specifically to take advantage of timber resources.²² The Tozhu District is the most heavily forested region of Tyva, and the Bii Khem River, one of two large rivers that come together to form the Yenisei, runs through the Tozhu District. The Ministry of Natural Resources granted permission for the construction of yet another gold mine in the Tozhu District, along the heretofore untouched upper reaches of the Bedii River, which serves as the lifeline for one group of reindeer herders. Such actions will give outsiders a legal means of prohibiting the herder-hunters from exploiting the resources they have always used, and thus would pose the greatest threat to both the cultural survival of the Tozhu-Tyvals and the environmental health of the Tozhu region.

How likely is it that the Tozhu will ever be able to (or ever have the opportunity to) develop effective local institutions of self-organization and collective action? Examples of successful self-organization at the local level and creation of local-level institutions for the management of common-pool resources abound (Ostrom, Gardner and Walker 1994; Ostrom 1990). But many of these success stories point out structural issues that make self-organization in the Tozhu situation particularly difficult. Ostrom, Gardner and Walker suggest that an institutional analysis might begin with an analysis of three factors that affect the action situation under study. These are "attributes of a physical world," "attributes of the community," and "the rules individuals use to order their relationships" (Ostrom, Gardner, and Walker 1994: 37). In the Tozhu case, the single most important economic resource is wild animals, both for meat (predominantly elk, moose, and deer), and for furs (predominantly sable and squirrel). Blomquist, Schlager, Tang and Ostrom's discussion of the "physical characteristics that make a difference" (in Ostrom, Gardner, and Walker 1994: 308ff) brings up the issues of *storage* and *stationarity*. For the Tozhu, wild animals represent a CPR with nonstationary resource units and unavailable storage. As noted, "All other things being equal, appropriators of CPRs that lack storage and / or yield nonstationary resource units face greater difficulty in devising allocation rules that reduce appropriation externalities" (Ostrom, Gardner and Walker 1994: 309). With such resource units, it is difficult to determine beyond doubt that there is a decline in a nonstationary resource, and even if it were determined definitively, it isn't always clear whether this is a temporary, cyclical change or evidence of a more permanent condition. Schlager cites J. Wilson's argument that CPR dilemmas meeting the following three criteria are more amenable to institutional solutions: 1) repeated encounters among appropriators; 2) an effective information network; and 3) a collective means for enforcing rules (Ostrom, Gardner and Walker 1994:251). Schlager concludes that appropriation externalities are extremely difficult and least amenable to solution. In the Tozhu case, none of the three

²² From "Vodnyi Put': Lyod Tronulcya" (Water Way: The Ice Has Begun To Break) by Al'bert Khomushku, in the weekly newspaper *Tsentr Azii*, 26 July-1 August 2002: p.2.

conditions holds, and the principal problems are appropriation problems. The Tozhu have very little accurate information on the wild animal populations beyond their personal experience, which varies greatly. Some Tozhu complain that it's becoming more and more difficult to find wild animals to hunt, and indeed my fieldwork bears this out. Others claim that the animals are out there, but you have to know where to go to find them. The governmental agency entrusted with the task of monitoring wild animal populations hasn't done an accurate count since the mid-1980s. It lacks the necessary resources, and there are a number of perverse incentives for the agency to overstate the wild animal populations. This is further aggravated because appropriators tend to deny that their own individual actions have anything to do with the decline, and blame other appropriators (Ostrom, Gardner and Walker 1994: 311). With mobile resource units it is also more difficult to determine whether people are violating rules or not unless you catch them in the act, because there isn't the same kind of physical evidence that would show up in regular rounds of guards (e.g., freshly cut grass or branches), as Agrawal describes in his case studies in the Almora district of India (in Ostrom, Gardner and Walker 1994: 267-282).

Even more significant in the Tozhu case are the attributes of the community. The Tozhu were until 1950 or so entirely nomadic, and even today all those intimately involved with reindeer herding still lead a nomadic existence. This limits opportunities for face-to-face communication (see Ostrom, Gardner and Walker 1994: ch.7 on the importance of face-to-face communication). The fact of their nomadic existence prior to their entering the Soviet Union in 1944 combined with the very low population density and a traditional social organization based on camps of three to seven families would also have limited their experience with collective choice problems. In pre-Soviet times, when virtually all Tozhu people were nomadic herders and hunters, land was not exclusively "owned" by anyone (although there were recognized clan territories), and wild animals were not considered anyone's exclusive "property" as such. There were, however, social relations built into the rights people could claim to wild animals. For example, a person from one clan or lineage was expected to request permission to hunt on another's recognized territory (this permission was almost never refused), and if the hunter were successful, he was expected to share his kill with the recognized occupying clan of that territory. Among the Tozhu at least, the practice of hunting on a different clan's territory was so widespread that it gave rise to the custom of *uzha*, in which the member of the foreign clan is supposed to give the highly valued rump (*uzha*) of the slain animal to members of clan on whose territory he hunted.²³ Still today the salient feature common to all of the institutional arrangements among the Tozhu is non-exclusivity with regards to rights of access. In interviews, virtually all my Tozhu-Tyvan informants, from elderly people to younger current herder-hunters, vehemently denied that they have or ever had any sense of exclusive property rights. They would outline for me the territory that they considered "theirs" (territory they habitually ranged over), but when I asked them to outline the

²³ Analogous customs have existed in almost all north Eurasian cultures (see Fondahl 1998:32 and Forsyth 1992:50 on the custom of *nimat* among the Evenki and other Tungusic peoples; Ziker 2002a and 2002b on the "Law of the Tundra" among the Dolgan and Nganasan).

territory they felt they had a right to range over, most included the entire Tozhu *kozhuun* (district), and several included the northern section of the neighboring Kaa-Khem District as well. When I asked what they would do if they saw an unknown Russian (playing a bit on inter-ethnic tensions) hunting on what they considered their territory, a typical response was, "I'd help him. I'd put him up in my tent; I'd feed him; I'd show him where to hunt. What else can I do?" The traditional "Law of the Taiga" continues to be one of helping out guests and visitors.²⁴ On more than one occasion I heard Tozhu-Tyva people say, "No one owns the taiga. Whoever wants to can come and get what they can." Simply undertaking the rigorous trip into the taiga seems to entitle those who do it to whatever they can get.²⁵ This lack of exclusivity violates McGinnis and Ostrom's first "design principle" for robust CPR institutions: "Individuals or households who have rights to withdraw resource units from the CPR must be clearly defined, as must the boundaries of the CPR itself" (McGinnis and Ostrom 1992:55).

Another attribute of the community that works against self-organization is lack of effective leadership. As nomadic people living in small, acephalous bands, the Tozhu never had to organize and never had to worry much about conflict resolution. In times of serious interpersonal problems, the preferred solution was for one person or one group to leave and join up with a different group. There was great flexibility between bands, and with such low population density, there was always someplace else to go to. This lack of leadership and lack of experience with self-governance reveals itself at the local level in the apparent apathy and inertia bred from long years of central planning and dependence on the government. As Samuel Bowles has put it, "self-direction . . . requires opportunities and experiences that are much more available to people who are more favorably situated in the hierarchical order of society; conformity is the natural consequence of inadequate opportunity to be self-directed" (Bowles 1998:17). This is a fair description of the situation the Tozhu people find themselves in. They have very little experience with self-governing institutions. They lack information; the communications infrastructure has broken down; they are at the bottom of the social ladder and are intimidated by bureaucratic processes and by officials; and humility is a cultural value. All responsibility for organizing ultimately devolves onto the government, and the government ultimately involves back to a self-serving center, lacking genuine concern with improving the conditions of the impoverished Tozhu region. Despite the fact that the government has failed spectacularly in recent years, there's simply no sense of where else to look. There is a deeply entrenched sense that the work of governance requires special training and education, and only those in government (or government institutions such as the university) have that training and education (not to mention access to resources).

²⁴ Cf. Ziker on the "Law of the Tundra" in the Taimyr (Ziker 2002a: Ch. 6; 2002b:12).

²⁵ This sense of entitlement to resources for those who "know the land" (Anderson 1998) has been noted throughout Siberia. Cf. Anderson 1998, 2000; Fondahl 1998:34. Curiously, in the Tozhu-Tyva case this entitlement seems to extend to anyone who can make it out to the taiga, whether they really "know the land" or not.

The Tozhu also have problems with effective representation. There is no well-educated Tozhu intelligentsia living in urban areas to represent their interests to those in power. Complicating matters is the fact that, while the Tozhu are recognizably distinct from the majority of Tyva people, they are nonetheless considered an ethnic subgroup among the Tyva, identify themselves as Tyva as well as Tozhu, and were only officially recognized as one of the indigenous, small-numbered minorities in 1993,²⁶ a status the rest of the Tyva population doesn't qualify for because the population exceeds 50,000 (approximately 210,000). The earlier lack of distinction between the Tozhu and the Tyva population in general has also led to problems of effective representation of the Tozhu at both the republic and federal levels. At the republic level, none of the people in the administration who deal with issues related to the Tozhu people and the Tozhu *kozhuun* (district) are ethnic Tozhu, nor was the governor of the Tozhu *kozhuun* for 10 years (1992-2002), who has become the representative for the Tozhu district to the republic-level parliament. (The new governor is Tozhu.) At the federal level, the failure to distinguish between Tozhu and Tyva has led to even greater problems of representation. The presumption has been that, since Tyva is already a republic with a majority of the population Tyva, the best interests of all Tyva people, including the Tozhu-Tyva, are automatically considered. But the Tozhu are an underprivileged indigenous minority within a republic dominated by an indigenous (but not small-numbered) majority. One non-Tozhu Tyva man successfully managed to convince the federal government that he was the founder of one reindeer-herding and hunting *obshchina* in the Tozhu region, and was the representative of the other five *obshchinas*²⁷ in the Tozhu region, and proudly displayed to me a letter officially acknowledging his right to represent these Tozhu *obshchinas* at the federal level. In fact, the Tozhu people did not know of his representation and very openly acknowledged that they did not recognize him as their representative. Yet he was entrusted with funds specifically earmarked for the reindeer herding Tozhu. No one has seen anything concrete from these funds. In addition, he has applied for and been granted (by the governor of the Tozhu region, also not a Tozhu) permission to set up a gold-mining operation on three tributaries upstream from the Bedii River, which is the lifeline for one group of Tozhu reindeer herders. As another example, the first officially recognized representative of the Tozhu people to the Russian Association of the Indigenous Peoples of the North (RAIPON) was not Tozhu, nor is his successor.

In addition, there are exogenous pressures hindering the development of effective management of wild animal resources, principal among them the black market for contraband animal parts. Bowles notes that markets can frame choices and affect behavior: "The morality of economic agents embedded in a market context may. . . be quite different from their morality in isolation. While we are not claiming that

²⁶ I would argue that this was an oversight due to historic consequences – the original list of 26 indigenous minorities was drawn up in 1926, when Tyva was not part of the Soviet Union (Tyva was nominally an independent country from 1921-1943), hence the Tozhu weren't recognized. Tyva was incorporated into the Soviet Union in 1944, but no revisions to the list of indigenous, small-numbered peoples was made until 1993, at which time the Tozhu-Tyva (listed as the *Tuvinsti-Todzhintsi* – see note 2 above) were among the first group of four peoples to be officially included in the list of "indigenous small-numbered peoples."

²⁷ In fact, most of these have since collapsed. See pages 20-21 below.

people change their nature when they function in markets, it may be that the competition inherent in markets and the need to survive offers justifications for actions that in isolation would be unjustifiable” (Bowles 1998:11). While many hunters told me of certain cultural proscriptions against overhunting (don’t shoot a pregnant female or one with young; don’t shoot white animals or ones with white markings; don’t hunt in certain sacred areas; don’t kill more than you need), in practice I observed most of these norms being broken, with no apparent sanctions. In Soviet times there were new pressures on the wild animal resource base related to the arrival of non-indigenous peoples (mostly Russians) and the establishment of the state farms that placed unrealistic production quotas on state-employed hunters for furs and wild game meat. Now with the collapse of the USSR and withdrawal of all state subsidies, a thriving black market in contraband animal parts (bear gall bladders, musk deer glands, elk genitalia) has emerged as the best source of income for the indigenous peoples. All these factors provide incentives to overhunt.

Monitoring and enforcement of sanctions against illegal hunting pose yet another problem. As an example, let’s look at the system of monitoring in the 330,000 hectare *Azas Zapovednik*. Remember that *zapovedniks* are strict nature preserves, and that no human activity (except for scientific purposes) is supposed to occur within the preserve. In theory, then, the *zapovednik* could serve as a source of storage for wild animal resources. However the structure of the monitoring system has perverse incentives. All employees of the *zapovednik* have the right to harvest natural resources (berries, pine nuts, mushrooms, medicinal plants, and wild animals) from preserve lands for subsistence purposes, while everyone else is prohibited from entering the preserve. Of course most of these employees go well beyond subsistence and sell (and give away) much of what they harvest. The rangers are mostly local men, and they are the opposite of the sort of “proactive” guards that Tang discusses (Ostrom, Gardner and Walker 1994: ch. 10). In addition to being allowed to hunt and gather as a result of their employment, they are culturally bound to allow friends and relatives to come in to the preserve and hunt. In addition, their meager pay couldn’t possibly compensate for the social capital they’d lose by broaching such cultural norms. As Agrawal notes (Ostrom, Gardner and Walker 1994: Chapter 12), institutional incentives for the rangers to monitor more diligently would have to be created, but given the present state of affairs and lack of financial resources, I don’t see that happening. Meanwhile, the head ranger (non-indigenous) is universally recognized as one of the biggest poachers in the entire republic. Needless to say, such abuses lead to resentment among those who don’t have such easy access to the resources, so they aren’t very inclined to respect rules, much like the resentment the Harijans feel toward the Brahmins leads them to break rules in Agrawal’s cases in the Almora region of India (Ostrom, Gardner and Walker 1994:Chapter 12).

Conclusion

I have presented a rather pessimistic picture of the possibilities of the development of effective self-governing institutions among the Tozhu. Let me now search for the silver lining. At the constitutional level, there is some cause for optimism. In the past few years, several major new framework laws have been

passed that are designed to clarify the legal status of the indigenous peoples of Russia and provide them with a legal basis for asserting their rights as indigenous peoples.

These laws are:

- 1) "On the Fundamentals of State Regulation of Socioeconomic Development of the North of the Russian Federation" (19 June, 1996)
- 2) "On Guarantees of the Rights of the Indigenous Small-Numbered Peoples of the Russian Federation" (30 April, 1999).
- 3) "On the General Principles of Organization of Clan Communes (*Obshchinas*) of the Indigenous Small-Numbered Peoples of the North, Siberia, and the Far East of the Russian Federation" (20 June, 2000).
- 4) "On Territories of Traditional Natural Resource Use of the Indigenous Small-Numbered Peoples of the North, Siberia, and the Far East of the Russian Federation" (7 May, 2001)

Now that the Tozhu have been designated as one of the "Small-Numbered Indigenous Peoples," these laws may provide a basis for them to assert their independence and gain some control over the management of their resources. For example, the law "On Territories of Traditional Natural Resource Use" might be able to be used as a mechanism to have indigenous peoples' land declared "specially protected natural territories." Doing so could delimit at least some territories, which would be declared federal lands, and make them federally protected for the exclusive, inalienable rights of the indigenous peoples (see Bicheldei 2001:21; also Semenova 2001, personal communication).

Another creative use of the new laws suggested to me by Tamara Semenova of the Russian Association of Indigenous Peoples of the North (RAIPON) is to put lands inhabited by indigenous peoples under the protection of the *Sovet Bezopastnost'* – the Federal Security Council. Such a move would effectively put such lands out of reach even of the president of Russia, so, for example, the president couldn't issue an act to withdraw the protected status in favor of industrial development. This ploy is based on the notion that the environmental sustainability of the land is important to national security (Semenova 2001, personal communication). But proponents for indigenous peoples' land rights will have to move more quickly than more politically and economically powerful entrepreneurs determined to buy up large tracts of land for extractive industries or to set up tourist resorts if they are to take effective advantage of these new laws' potential.

There are, however, problems with these new laws. In the first place, While these laws appear to be quite progressive with regards to indigenous minorities' rights, they all studiously avoid the term "self-

determination” (*samooopredelenie*), preferring instead “self-rule” (*samoupravlenie*)²⁸. This allows the Russian Federation to continue to deny indigenous peoples true control over their economic resources.

In addition, these laws are only very general framework laws, and the actual details of how they are implemented tend to get hammered out at the regional level, so they are not always interpreted in the same way or evenly enforced. This is further complicated by the fact that the benefits and privileges that go along with these designations are expressed through a variety of laws, acts, decrees, and codes (e.g., republic and federal level forest codes, republic and federal level laws on hunting, republic and federal level land codices). In many instances, decrees are not taken as seriously as laws, and in some cases may simply be selectively disregarded where it serves the interests of more politically and economically powerful stakeholders. In the Tozhu case, for example, the president of the Tozhu branch of the Russian Association of Indigenous Peoples of the North told me that a republic-level law had to be written in order to activate these federal-level laws within the Tyva Republic. He has written one and submitted it to all the necessary legislative bodies, but has heard nothing back. He asserts that those in power don’t want to recognize the rights of the Tozhu because the resources are simply too valuable to lose control over. In addition, as numerous commentators have noted, the court system in Russia is still very weak and ineffectual as a means for indigenous peoples to assert their rights. Finally, the commitment of the government to these processes is questionable and the vague wording of the documents imposes no concrete commitments on the government and provides for no mechanisms of enforcement that the indigenous peoples can fall back on in the event the government doesn’t show good-faith efforts at protecting the lands and lifestyles of the indigenous peoples.

There are a few fundamental considerations that must be borne in mind if the Tozhu are to stand any chance of successfully designing and implementing their own institutions of self-governance:

- 1) Market-based privatization is not the only path toward good governance, and can in fact be detrimental. As Caroline Humphrey has pointed out, “collective enterprises of one kind or another are still highly relevant to our times. . . . [L]arge numbers of collectives still exist in Russia, and in many regions they and other forms of joint agricultural enterprise are indispensable to the way farming is now organized and the way people imagine their lives. . . . It is not just in Russia that people see that the problems facing them cannot be resolved simply by a choice between the State and the Market” (Humphrey 1998:ix).
- 2) Communication and information networks must be improved. Face-to-face communication is most desirable, but if that’s not feasible due to the nomadic nature of the herders, at least each herding camp could be equipped with a two-way radio so that

²⁸ Some prefer to translate *samoupravlenie* with the even weaker “self-administration” (Fondahl, personal correspondence).

the herders could maintain contact with one another and exchange important information.

- 3) The herders must establish some boundary rules defining who has rights to withdraw resource units from the CPR, and they must have a way of monitoring and enforcing the boundary rules (see McGinnis and Ostrom 1992: 55-57).
- 4) They must find a way to make the new changes at the constitutional level translate into real opportunities at the collective-action / policy level. The first and most important step along these lines would be to use the new laws to establish secure land tenure and exclusive access to resources immediately.

Thus far, there's been very little discussion of granting Russia's indigenous peoples control over the real wealth that lies in their lands. While they might in theory be granted some degree of control over the wildlife and fish and perhaps even the forests, except for suggestions from disaffected indigenous peoples themselves, there's been no serious discussion of granting them control over the subsurface minerals and fossil fuels. It is not until the Russian Federation is willing to grant true ownership of land and rights to all the resources on those lands, including economically valuable ones, that the indigenous peoples of Siberia will have any chance of realizing true self-determination.

Of course, giving such control over economic resources is not without its own share of problems and conflicts. In the first place, there will always be problems answering the question, "Who's indigenous here anyway?" – and therefore who should have rights of access to resources of all kinds? Then there's the very real possibility that a particular group of indigenous people, once given control of resources on territory that has been officially recognized as 'theirs,' will engage in (or consent to) wholesale extraction of those resources without regard for the long-term sustainability of the natural resource base or for the environmental consequences. After all, indigenous peoples too have to compete in the global marketplace to survive economically (Ovsyanikov 1999:115), and indigenous peoples too can mismanage natural resources (Yamskov 1999:122-123; Osherenko 2001:721). But at least they should have the right to do so for themselves rather than be forced to stand idly by while someone else mismanages their resources right out from under them.

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