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Margarita Postnikova

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Betreut von / Supervisor:

Univ.-Prof. Dr. Peter Schweitzer

Mitbetreut von / Co-Supervisor:

kandidat nauk Olga Povoroznyuk

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I Introduction

1.1. Introduction to the region and its population

The Kamchatka Peninsula, or, as it is frequently called in Russia, “the place where Russia begins”, is located in the Russian Far East, bordering the United States to the East and Japan to the South. It is nine hours ahead of Moscow.

Kamchatka is washed by the waters of the Sea of Okhotsk, the Bering Sea, and the Pacific Ocean. The population of the Kamchatka Peninsula is very sparse and the majority live along the river banks and valleys of the Avacha and the Kamchatka rivers (the biggest rivers on the peninsula). The regional center - Petropavlovsk-Kamchatskiy – is the biggest town, with a population of 181,015 ([URL 1](#)).

In 2019, the population of Kamchatka as a whole was 314.7 thousand people (0.2% of the population of the Russian Federation) ([URL45](#)). Population density is 0.7 people per 1 sq. km., which is 13 times less than Russia in general. In total, representatives of 134 nationalities live in Kamchatka. The majority are Russians (85.9%). The second-biggest ethnic group is Ukrainians (3.9%). There are also indigenous people who live on the peninsula (around 3.5% in total) ([URL45](#)). The main industries of the Kamchatka Krai are: fishing and seafood processing; agriculture; extraction of natural resources: gas, coal, and non-ferrous metals; electric power industry; and geothermal energy and tourism ([URL45](#)). Nevertheless, the majority of the population are engaged in industrial fisheries; and the fishing industry and salmon fishing are the most important sectors of the economy of the Russian Far East as a whole and of Kamchatka in particular.

In accordance with the List of Indigenous Minorities of the Russian Federation, approved by the government on the 24th of March, 2000, the following minority nationalities live in the Kamchatka Krai: Aleuts, Aleutorets, Itelmens, Kamchadals, Koryaks, Chukchi, Evens, and Eskimos ([URL 2](#)). The Russian government ensures and recognizes a number of rights of KMNS, including the right to perform traditional economic activities; the right to use natural resources; and the right to establish official territorial and kin-based communities (*obshchinas*). *Obshchinas* allow for the fulfillment of some functions of internal local self-administration in accordance with indigenous customary law. They also function as economic cooperatives, through which indigenous peoples are able to pursue their traditional economic activities (fishing, reindeer herding, hunting, gathering, etc.) and provide services in the fields of culture and education (UN Human Rights Report 2018 [URL 3](#)). Since the collapse of the Soviet state, the economic role of *obshchinas* has significantly increased, as former state-sponsored entities

like Sovkhozy, Gospromkhozy, and Kolkhozy in which a substantial proportion of indigenous people took part, ceased to operate (Novikova, 2008: 158). Nevertheless, *obshchinas* are limited to “traditional” kinds of activities and operate as non-profit organizations; but, in accordance with article 6.1 of the Federal law of January 12, 1996, “On Non-Profit Organizations”, they have the right to carry out business activities (the production of goods and services) (ibid 2008: 158).

Obshchinas are therefore allowed to sell the “products of labour” (e.g. souvenirs made out of fish skin); but their access to commercial fishing quotas and commercial markets is otherwise almost completely restricted (Thornton & Mamontova 2016:158). This means that indigenous obschinas lack the opportunity to sell their fish harvests legally. They are people who are mainly engaged in a traditional economy and who have no other sources of financial support and so it is almost impossible for them to meet the technical, financial and bureaucratic criteria for commercial fishing activities (ibid. 2016: 158).

Before Russian colonization, the indigenous population of Kamchatka led a nomadic life, moving between pastures and locations where they could fish (Koester 2012). When Soviet ethnographers first came to Kamchatka, they divided the Koryaks into two groups according to their way of life: the nomadic Koryaks (or, as they named themselves, “chav'chu” or reindeer herder); and the sedentary Koryaks (“nymylyo”, which means “residents” or “settlers”), who moved between the coastal and continental zones for fishing and marine hunting according to the time of year (Nikitina 2007: 154).

However, after forced collectivization initiated by the Soviet government, the population became sedentary, mostly concentrated in villages and towns.

Maria Nakhshina (2016: 310) writes that the Soviet state has been using the fishing resources actively throughout most of the 20th century, particularly when the local population was organized into kolkhozes from 1920 to 1930 (ibid. 2016: 310). Moreover, indigenous children were placed into boarding schools and were taught Russian (Anaya 2010: 6), often forgetting their native language almost completely.

Thus, during the period of collectivization, indigenous traditional occupations like reindeer-herding and fishing were transformed into Government-run enterprises, as Soviet policy required people to abandon their traditional settlements and to move to centers like Kovran or Ezzo, where indigenous peoples became workers on the collective farms or fishing collectives, often changing their way of life completely from nomadic to sedentary (Koester 2012:51). In rural Kamchatka, Sovietization started with the creation of *artels*: work units of individuals who

contributed their labour as part of a collective, producing fish for distribution within the collective or sent for consumption elsewhere (ibid. 2012:51).

The Soviet political repressions of 1920-1950 took place in Kamchatka as well; and those events impacted on the indigenous population. During the decades of Stalinism, the Soviet authorities carried out a policy of wealth dispossession (“raskulachivanie”); and the indigenous population did not escape this fate, which included the Gulag institutions which were created in Siberia and the Russian Far East (Garipov 2010, 26). The grandfather of the leader of the *obshschina* A., where I conducted my fieldwork, was among the victims of the regime. A proud reindeer-breeder and a Koryak who possessed more than three thousand reindeer, he was sent to prison and then killed. All the reindeer became the property of the State. The descendants of those deer are now kept in the former kolkhoz; and the workers in that kolkhoz know to whom the deer belonged; so when the head of *obshschina* A. comes to visit their small herd of 17 deer “*they will slaughter a young deer for her when she arrives: that is why she is a very respected person in our community*” (from the field diary on 10.08.19, conversation with M.).

At the same time, when talking about the Soviet past some of my informants spoke of the collective farms and state farms with nostalgia, as that time people had stable jobs and a clear view of the future. Andrei Konstantinovich Adukanov, an indigenous master of bone and wood carving with Koryak and Even roots, noted that collectivization was perceived relatively calmly by the indigenous population. Unity was particularly facilitated by news of the Great Patriotic War. At this time, Soviet propaganda and the idea of helping the soldiers united many Soviet people, including indigenous ones.

Among the advantages of the Soviet era, education was noted, despite the fact that children were taken from families to boarding schools. A. said: “*We still had to study*”. Some of my informants also said that learning the Russian language was not easy at first (from the field diary on 08.08.19., 10.08.19, 11.08.19). Moreover, in summing up a number of positive effects, M. Nakhshina (2016: 310) mentions the fact that state kolkhozes and state enterprises could support a wide range of social welfare and improve infrastructure: they built roads, hospitals and schools. These examples show how ambivalent the perception of the pre-Soviet and Soviet pasts can be and how difficult it may be to interpret these events now, as both negative and positive developments took place. It is therefore difficult to judge whether the effects of colonization on the indigenous communities were wholly negative when benefits such as education and technological developments are generally perceived as positive.

Nevertheless, after the decline in Soviet power and during the transition to a market economy during *Perestroyka*, indigenous peoples found themselves in a particularly vulnerable

position, unable to find new roles in a changing political environment and where unemployment, poverty and alcoholism rates were rising (Anaya 2010: 6).

T. Thornton and N. Mamontova (2016: 155) state that the most significant changes in Russia took place in the 2000s with the governmental promotion of the idea of a unitary state; and that this led to a clear shift “from the ideology of multi-ethnic federal state to the civic nation with the dominance of Russian culture and language” (ibid 2016: 155).

1.2. Topic description and research questions

Remote regions inhabited by indigenous populations often contain an impressive amount of natural resources; and these in turn will attract various businesses and corporations aiming to make a quick profit. This fact fosters the penetration of globalization into the most distant corners of our planet (Aylwin 2008: 1); and contributes to the quicker integration of indigenous peoples into the current global capitalist schemes.

Fortunately, the international communities have become gradually aware of these problems and have started to respect the demands of indigenous peoples for the right to use their ancestral lands and the resources located thereon (Sarivaara, Maatta, Uusiautti, 2013). At the same time, the introduction of indigenous rights at the international and governmental levels gives indigenous peoples the hope for at least partial compensation for the historical injustices that took place during the colonial period in many parts of the world (Taiaiake & Cornthassel 2005: 599). The implementation of special rights at the international level is therefore an important mechanism in helping indigenous peoples to adapt to a quickly changing political and economic environment. For example, developments in human-rights policies during the last two decades, such as the United Nation Declaration on Indigenous Peoples Rights, the International Labour Organization (ILO) Conventions, and the World Bank projects, have allowed a broader recognition and protection of indigenous peoples' rights in the international arena (Aylwin 2008: 25).

In addition, the legal tools supporting indigenous peoples' individual and collective rights were created within the Russian Federation. As the interpretation of indigeneity depends much on the regional context, it is important for anthropologists to analyze the implementation of indigenous rights on a local level and to investigate whether the current legal system satisfies the requirements of indigenous groups (Novikova 2014: 7), as, in practice, the situation of indigenous peoples depends not only on legal regulations but also on the socio-economic development of the regions in which they live (Novikova 2008: 22). I therefore intend in this

paper to look through the lens of legal anthropology at the rights of indigenous peoples in the context of governmental regulations covering fishing resources in the Kamchatka Peninsula; and at the impact of these regulations on the daily life of the indigenous population of Kamchatka.

As regards the non-indigenous population of the Kamchatka Krai, who are in the majority, subsistence fishing is prohibited; but they can buy a one-day license for amateur and sports fishing. Vouchers can be issued online ([URL46](#)). Although licensed fishing has become a very popular tourism business, the licensing market cannot meet the entire local demand for fish (Vakhrin 2018: 28).

Historically, the indigenous people of Kamchatka had free access to fishing, as no authority above the tribal level controlled them. Nevertheless, the colonization process; forced Christianization; Soviet collectivization; and the post-Soviet period affected indigenous fishing practices a lot (Gerkey 2011: 78) and the life of the indigenous peoples in general. For example, before colonization, the indigenous population had led a nomadic life, moving between pasture and locations suitable for fishing; but the policy of Russification and compulsory indigenous education in the Russian language carried out by the Soviet government meant that the population became sedentary and mostly Russian-speaking.

The fishing industry of Kamchatka is very important and a major source of employment. Salmon is not only an important food product for the indigenous population of Kamchatka, but also a highly profitable business, which has led to many interests being concentrated around Kamchatka salmon. The state is trying to regulate the consumption of the resource by distributing the fishing quotas. At the present time, the indigenous people of the Kamchatka Krai enjoy special benefits from the Russian government, including the distribution of free quotas for salmon fishing as a way of providing subsistence support and help maintain their traditional lifestyle.

Competition for the right to natural resources between indigenous/non-indigenous actors is quite common worldwide, especially for such a valuable and shared resource such as salmon, which is desirable for various actors. Indigenous people, deprived of their lands in many parts of the world through colonization, depend greatly on their resource base and their lands. The involvement of indigenous peoples in fisheries management remains a challenge for various governments. For example, in the countries geographically close to Kamchatka, in Canada and Japan, the questions arising from indigenous access to resources are not yet fully solved. As Hossain et al. (2018: 62) state in their article, the indigenous population of Japan, the Ainu, has considerable difficulties with fishing due to restrictions imposed by the Japanese government,

which include the prohibition of fishing for ritual purposes without special permission from the local authorities.

Canadian natives were also deprived of access to the resource of fishing through colonization and have been involved in numerous long-term struggles over salmon resources with local canneries (Harris 2001). In practice, therefore, many indigenous people still struggle for legal recognition of their rights in fisheries management and for the equal opportunity to fish as this right is closely connected to their wellbeing (Capistrano 2010: 1).

In Alaska, state-supported commercialization of natural resources is achieved through the subordination of the subsistence economy as well; and under current conditions it is impossible to give subsistence users genuine priority over salmon when most commercial fisheries take them at sea, before they reach their terminal spawning streams, where most customary and traditional subsistence salmon fishing takes place (Thornton & Mamontova 2016: 153-154).

Thus, the topic of this research is relevant, as it helps to reveal the facets of state fish-management in relation to indigenous peoples; and what current impact fish-management regulations at federal and regional levels are having on the indigenous population of the Kamchatka Peninsula, an a priori marginalized participant in the major natural resource-extraction process happening on the Peninsula.

The research aims to focus on the contemporary situation regarding fishing in Kamchatka and resource distribution; and to evaluate the impact and outcomes of governmental policies in the area of fishery management on the indigenous population of the Kamchatka Krai and their socio-economic wellbeing. Moreover, it is important to understand what role indigeneity plays in resource distribution in relation to the Kamchatka Krai, as legal issues around who is considered to be indigenous and who can claim these rights are often controversial.

The fishing industry forms the basis of the economy of the Kamchatka Krai. It is the basis of the life of the population of the peninsula; and amounts to about 90% of the region's export potential ([URL45](#)). Fisheries is the industry that has created cities and villages in Kamchatka; and is one of the main sources of employment. In this MA thesis, I argue that the issue of access by the indigenous people of Kamchatka to the fishing resources and the governmental regulations related to this access (the number of quotas permitted; the restrictions regarding fishing territories; and the condition that the fish must be used for personal consumption only and not for selling) have a direct influence on the socio-economic position of

the indigenous people, as involvement in fishing resources can give the indigenous people the necessary subsistence base and also be a source of stable income.

The research questions are therefore as follows:

- *What role does indigeneity play in resource distribution within the Kamchatka Krai?*
- *How do official regulations in the area of the management of nature (in particular, fisheries) impact the socio-economic situation of the indigenous population of the Kamchatka Peninsula?*

In particular, the researcher aims to trace the relationship between the measures taken by the state to manage nature (the set amount of quotas and the territorial restrictions for fishing, etc.) and the socio-economic position of the indigenous people in the village of Esso, Bystrynskiy Raion, Kamchatka Territory. Special attention will be given to the question of the rights to sell the products of subsistence/traditional activities by indigenous subsistence fishers.

- *How is poaching defined by the indigenous people? How is it defined by the state?*

1.3.State of the art

Citing of literature written in the Russian language and used for supporting theoretical considerations as put forward here has been translated by the author.

1.3.1. Indigenous rights in the international and Russian contexts

There are still endless discussions among politicians, scientists and indigenous peoples themselves about the path of indigenous peoples' development and their integration into the world's economy and capitalist structures. A. Zavalishin (2000: 120) considers that opinions among the indigenous population regarding their future are not homogenous: some are for preservation of traditions and cultural revival whereas others see a way out in progress and an ability to integrate into the modern world (Zavalishin 2000: 120). This fact creates a dilemma: by advocating the preservation of indigenous traditions and customs, indigenous people hope to

improve their legal and economic status, which will inevitably lead to a new round of modernization as a necessary condition for entering Russian and world society (ibid. 2000: 120).

The first international involvement of indigenous peoples into politics, according to the UN website, occurred in 1923, when Haudenosaunee Chief Deskaheh travelled to Geneva to speak to the League of Nations and to defend his people's rights for land, their own laws and religious beliefs. In spite of that, he was not allowed to speak and returned home in 1925, his vision inspiring future generations (UN DESA [URL9](#)). A similar journey was made by Maori religious leader T.W. Ratana aiming to protest at the breaking of the Treaty of Waitangi (1840), which protected the ownership of Maori lands. Ratana travelled to London, but was denied access. Then, in 1925, he was also denied access in Geneva (ibid).

These examples show how difficult it has been for indigenous peoples to make their voices heard concerning their rights and independence. The issue of human rights in the indigenous context therefore goes far beyond national borders, acquiring an international character. The United Nations, the World Bank, the International Labour Organization (ILO), as well as various NGOs around the world and legal tools adopted by various governments contribute to indigenous recognition and security. Nevertheless, despite the attempts of various international actors in this field, progress with indigenous rights still remains uneven around the world according to the United Nations website ([URL12](#)).

Indigenous rights attracted international attention for the first time in 1959 with the adoption of Convention 107 by the International Labor Organization (ILO) concerning the protection and integration of indigenous peoples ([URL 10](#)). Another ILO convention, number 169, adopted in 1989, underlined the importance of maintaining the indigenous way of life (ibid.) and recognized the right of Indigenous Peoples to prioritize their development needs (Article 7) ([URL 11](#)).

Nevertheless, ILO convention No. 169 concerning Indigenous and Tribal Peoples (1989) has not been ratified by the Russian Federation (Anaya, 2010: 6). The Federal constitution was adopted in Russia in 1993 and guarantees indigenous rights (article 69) (ibid. 2010:6), protecting the indigenous way of life and their rights to land (article 72) (Novikova 2014: 19). In spite of the fact that the articles of the Russian Constitution ensure rights for indigenous peoples on the territory of the Russian Federation, Ruslan Garipov (2012: 68) asks in this respect what basic guarantees of rights are conveyed by the Russian Constitution if Convention 169 has not been ratified and the Russian Federation is not taking part in this basic international instrument? He believes that in the event of ratification of the Convention, Russia would have a guide to the development of subsequent federal legislation (ibid. 2012: 69). The

ratification of the ILO Convention No. 169 has obstacles because of its discrepancy in terms of the Constitution of the Russian Federation and Russian legislation. For example, the concepts of “indigenous peoples” in the ILO Convention 169 and in domestic Russian law are different (ibid. 2012: 69). It is worth mentioning that indigenous peoples in Russia are also determined by a numerical principle: in order to be considered indigenous, they should number at most 50,000 people (Tomaselli, Koch 2014: 1). The interpretation of the concept of “land” also does not comply with Russian law, as it is presented in the convention too broadly, including the entire regions occupied or used by indigenous peoples (Garipov 2012: 69). Ownership of land by indigenous peoples presented in the Article 14 of the Convention also contradicts Russian law, where ownership of land is not assigned to indigenous peoples (ibid 2012: 69). According to the Russian Constitution, the form of ownership of lands and natural resources may be state, private or municipal and the majority of lands and resources are currently under the ownership of the State (Anaya, 2010: 10).

In 2007, the UN Declaration on the Rights of Indigenous Peoples was adopted ([URL 12](#)). It reflects the particular spiritual, political and economic needs of indigenous peoples, including self-determination and rights to land as well as to the resources necessary for indigenous subsistence (Dunbar-Ortiz et al. 2015: 12). It also contains indigenous rights in both individual and collective forms (ibid. 2015: 12). These two forms of rights are often the reasons for the contradictions in various frameworks including anthropology (see Malkki 1992). In spite of that, collective rights are often recognized by international experts as the most logical for an indigenous-rights scheme (Niezen 2003: 120). However “*they [indigenous peoples] or illiberal states (...) can easily use these [collective] rights as a tool of repression, justified on the grounds of (...) the need to secure rights of distinct cultures over the rights of individuals. Human rights collectivism is thus a challenge to both human rights liberals and indigenous peoples*” (ibid 2003: 219). Thus, the debate over collective versus individual rights in the indigenous context remains open. A possible way out could lie in exploring the issue beyond the collective-individual binary and focusing mostly on the task, which is how to ensure that indigenous people benefit from both types of rights, as Tania Murray Li suggests (2010). I entirely support this point of view.

The UN declaration is a remarkable achievement in the struggle for indigenous rights ([URL 12](#)). Niezen underlines that with the help of the UN declaration, indigenous claims became not only *multi-cultural*, but also *multiconstitutional* (Niezen 2003: 216), as the implementation of human rights towards indigenous peoples bears an international character and their rights are started finally to be recognized by a growing number of countries.

Within the context of human rights and international treaties, indigenous peoples have the right to maintain and develop their traditional way of life. In this sense, indigenous rights as a combination of both individual and collective rights can be considered unique because of the specific position indigenous people take in society. Access to land and resources is very important for indigenous peoples in order to develop economically and to retain their cultural identity. The rights adopted by the UN and other international organizations and nation-states help to ensure that indigenous cultures continue their existence. Nevertheless, at the local level, the situation with the indigenous peoples and the implementation of their rights may vary considerably due to differences between legislative systems in different countries and the level of governmental involvement in the problems of the indigenous population.

In the Russian Federation, for example, the indigenous question is quite acute, as indigenous minorities occupy sparsely populated territories in the north of Russia, Siberia, and the Russian Far East, which are also famous for their abundance of natural resources. This fact creates a challenging situation for the Russian government, which is striving to protect indigenous peoples and, at the same time, to find a way to receive economic gain from these vast territories (see Garipov 2019).

The indigenous policies of the Russian Federation represent a layered structure: at the federal level, the government determines some legal protective principles concerning indigenous peoples, whereas they are specified and implemented at the regional level (Anaya, 2010: 9). Federal subjects may vary according to their financial prosperity and ethnic composition; and thus regions have different ways of dealing with questions around indigeneity (ibid, 2010: 9).

The definition of indigeneity in the Russian Federation comprises several necessary requirements:

- (1) living in the historical territories of their ancestors;*
- (2) preserving their traditional way of life, and occupations;*
- (3) recognizing themselves as a separate ethnicity;*
- (4) numbering at most 50,000 people within Russia (Garipov 2019).*

The last point is often criticized in the international context as it creates contradictions in terms of legislative protection for those communities which may be similar to indigenous groups in their lifestyle but which do not meet the requirements in terms of population.

This number was introduced through ethnological work in IEA-RAS in the early 1990s, when the creators felt almost obliged to limit the number of peoples who could claim benefits from the government (Donahoe et.al. 2008: 997-998). According to these numerical limitations, indigenous peoples in Russia are termed in law “indigenous small-numbered peoples” (Garipov

2019). Donahoe et.al. (2008: 993) consider that this category forces a dichotomization into small-numbered versus non-small-numbered peoples and promotes a stratified territorial differentiation of human communities. Moreover, this limitation is quite unique in international legislation practices and creates “*assymetrical legislative protection*” of indigenous peoples (Garipov, 2019). Thus, the artificial inventions of categories starts to influence people’s lives, as according to some scholars, small groups might attempt to divide into even smaller ones (for example, in situations in which a KMN group is also considered a subgroup of a larger indigenous group), trying to qualify for social and economic benefits (Donahoe et.al. 2008, 998). This dichotomy is particularly visible when an indigenous group is at the borderline number and indigenous leaders have to evaluate what identity seems more useful under particular circumstances; or when members of larger groups are trying to benefit from the rights and privileges of the KMN by asserting residence in “regions inhabited by the KMN” (ibid. 2008: 1000).

Moreover, those indigenous groups who number more than 50,000 do not qualify for the KMNS privileges; but they are able to form larger political and administrative units (republics) with an associated increase in the potential for self-governance. The KMN, on the other hand, are deprived of the corresponding political power and symbolic capital (ibid. 2008: 999).

Many researchers have come to the conclusion that the legal framework in the Russian Federation protecting indigenous rights consists of three major federal decrees (Stammiller & Forbes, 2006, Novikova 2014, Garipov 2014, Tomaselli, Koch 2014, Anaya, 2010, Sokolovsky, 2016). The first one guarantees indigenous rights. This is the federal law “*On Guarantees of the Rights of Numerically-small Indigenous Peoples of the Russian Federation*” (April 1999). The second deals with establishment and function of community enterprises (*obshchinas*). This is the federal law “*On General Principles of Organization of Obshchina of Numerically small Indigenous Peoples of the North, Siberia and the Far East of the Russian Federation*” (2000). The last one establishes the legal grounding for special territories for natural use (TTP): “*The federal law on Territories of Traditional Natural Use of indigenous peoples of the North, Siberia and the Far East of the Russian Federation* (2001).

Nevertheless, researchers note several factors as to why the decrees described above do not function as effectively as they were designed to do. First, the implementation of federal laws at the local level is difficult, as municipal bodies have to issue legal acts to stipulate details (Stammiller & Forbes, 2006: 54). Legal imperfection is also grounded in the numerous amendments to the laws which lead to legal uncertainty (Tomaselli, Koch 2014: 15). The

transparency of indigenous legal rights is therefore worsening, which helps the extractive industries to take the initiative and look for the breaches in the legislation in order to use these in their own interests (ibid. 2014: 15). N.I. Novikova (2014: 66) also speaks about some general negative trends in the Russian legislation system concerning the indigenous population, namely, the gradual centralization process of the legal system. This is happening due to the increasing authority of the federal legislation and the continuous reduction of opportunities for indigenous self-governance, thus reducing the indigenous population's involvement in the political life of the state; and this is followed by a reduction in the importance of regional legislation (Novikova 2014: 66). To sum up, all these factors result in worse development indicators among indigenous peoples in comparison to other sectors of the population (Anaya, 2010: 6-9).

Thus, various amendments in the legislative system concerning indigenous peoples' rights; legal contradictions; lack of full correspondence to international indigenous policies; the marked centralization of power; the reduction of indigenous self-governance; and poor implementation of laws on the local level all create an interesting field for anthropological research in the area of indigenous rights protection in the Russian Federation. Nevertheless, as legal practices and the implementations of laws may vary at the local regional level, it is necessary to take a more precise view regarding indigenous rights in the Kamchatka Krai.

1.3.2. Indigenous rights in fisheries: an overview of the problem

A considerable amount of literature has been written which reflects on the relation between indigenous rights and fisheries worldwide. In the examples provided below, we can see that clashing interests between indigenous people and other social groups and actors around fishing resources, especially such a valuable resource as salmon, is a common issue in many countries.

Robert Charles G. Capistrano studied the situation relating to indigenous fisheries in Canada and the Philippines and came to the conclusion that even in highly industrialized countries like Canada, indigenous people's rights to resources are challenged (Capistrano 2010: 53). While an indigenous food fishery is guaranteed by the Sparrow decision in Canada, it is so narrowly defined that it provides only a small to negligible contribution to an indigenous livelihood (Capistrano 2010: 53), as the participation of indigenous peoples in nature-management processes in Canada remains very limited. Canada is also examined by Douglas C. Harris (2001) in his book "Law And Colonialism. The Legal Capture of Salmon in British Columbia", in which Harris describes the impact of Canadian colonial policies upon the

indigenous people living near the Babine Lake and their long-term struggle with canneries production over the salmon resources. In his work, he demonstrates the issue of legal pluralism in the Canadian context, and how the competing interests of businesses, government and indigenous peoples clash in the area of fish management and what additional problems have appeared from such conflicts. Among the reasons from the conflict were limitations linked to the usage of traditional indigenous fishing wires and restrictions on fishing in quantities, enabling indigenous peoples' subsistence. What I found especially interesting was the way in which the author shows colonialism as a process.

Robert Charles G Capistrano's examination of the situation in the Philippines shows that indigenous peoples in that country also face multiple issues in securing their rights to fish, including lack of tenure and legal recognition of their traditional rights in national constitutions and laws; discrimination; and culturally-insensitive policies and development projects (Capistrano 2010: 79). Moreover, the indigenous people of the Philippines have to struggle with international companies based outside the Philippines that want to exploit the natural resources pushing the indigenous people away from their ancestral lands. The author underlines the importance of the participation of indigenous peoples in fisheries management; that to gain success in natural-resource management, indigenous people, together with other natural-resource users, should be interested in long-term sustainability; and that the education of indigenous communities therefore has a primal relevance for the strengthening of their potential (Capistrano 2010: 453-454).

Japan, a country which is geographically very close to Kamchatka, also has still-unresolved issues regarding indigenous fishing. As Hossain et al. (2018) state in their article, the indigenous population of Japan, the Ainu people, have had considerable difficulties with fishing due to restrictions imposed by the Japanese government, which include the prohibition of fishing for ritual purposes. This includes night-fishing, a tradition which has a specific sacred meaning. Moreover, since 2005 the Regulations relating to Hokkaido Island have allowed the Ainu to catch salmon for performing their rituals only if they get special permission from the authorities (Hossain et al. 2018: 62). Thus, even though the Ainu were officially recognized as Indigenous People of Japan in 2008, their legal position in Japan is still far from meeting international standards.

Karolina Sikora (2018) writes about the Norwegian Sami people and their claims over the right to fish for salmon on the Tana River, which is one of the world's largest Atlantic-salmon river systems. The Tana Agreement, which was signed in 2017, regulates fishery management including quotas and fishing techniques. However, the Sami people consider that

this document considerably limits their rights to the resource; and, moreover, violates their right to culture, as the agreement reduces the number of fishing days as well as opening up to tourism fishing some tributaries which were previously reserved only for indigenous people. In the latter case, the indigenous people have no control over how many fishing licenses are issued yearly (Sikora 2018: 70).

In their joint work, Anthony Davies and Svein Jentoft (2001) explore the implications of aboriginal fishing entitlements for Norwegian and Canadian fisheries management systems; and put forward the idea that the establishment of aboriginal fishing rights represents an opportunity for non-aboriginal coastal-zone fishers and fishing communities to assess and to recast, in partnership with indigenous peoples, coastal-zone fisheries management (Davis, Anthony; Jentoft, Svein 2001: 224). Harry Kersey (2003) discusses the current legal and political conflicts over the distribution of the assets of Maori fisheries. This author has written about Maori fishing rights in Aotearoa/New Zealand and a legal and political conflict linked to the governmental regulations. The Fisheries Amendment Act (1986) adopted a quota management system which allowed the coastal Maori to perform fishing within permitted amounts. However, the urban inland Maori have not received any quotas and this struggle has not yet been resolved.

Laurie Richmond analyses and compares two US policies designed to address indigenous rights in fishery management practices – the community-quota entity programme in Alaska (2005); and the 1994 State of Hawai'i community-based subsistence fishing area (CBSFA) legislation. Thaissa Sobreiro (2014) has also written about a typology of fishing conflicts between rural and urban actors in Barcelos. Thaissa Sobreiro (2015), when describing the situation with indigenous fishing in Brazil, notes that there are various types of fishing in Barcelos (subsistence, commercial, ornamental (for the aquarium), and sport fishing) and all the actors involved (including the indigenous population) compete for the resource. Barcelos is the main sport-fishing destination in the state and local indigenous communities complain about sport-fishing motorboats disturbing fishing; overfishing; and garbage abandoned on beaches along the river. Moreover, in their opinion, catch-and-release sport fishing harms the fish and it dies. Indigenous communities try to charge sport-fishing companies for access to their fishing areas, but this does not work well and many companies refuse to pay. In addition, indigenous claims to traditional territories have not yet been satisfied. Sobreiro considers that there is an urgent requirement for ecological and political management models to be created which will address these issues.

Studies of the Russian North take a special place in anthropology. A vast and interesting field for anthropological enquiry is created by the area's remoteness; its harsh climate; its

underdeveloped infrastructure due to its distance from the capital; and the imperfect nature of the legislative system concerning indigenous rights in Russia both at the state and local levels. Overall, the issue of indigenous rights within the Russian Federation has been covered from different perspectives: on a global level (Sokolovsky 2016; Novikova 2017, 2014, 2008); and on the local level, where a great deal of work on indigeneity has been devoted to the Siberian and Sub-Polar territories, including the Kamchatka Peninsula (Kasten 2012, Koester 2012, Stammer 2012; Novikova 2016, Gerkey 2011, 2016, Berezkov 2016, Garipov 2010 and others). Simultaneously, the topic of the relationship of indigenous peoples to salmon has received a lot of attention among anthropologists (D.Koester 2012, E. Wilson 2012, E. Kasten 2012, D. Gerkey 2011).

The work of N.I. Novikova, who aspires for a joint work of socio-cultural anthropologists and lawyers in the direction of indigenous rights of the Russian North, attracted my attention. Alongside the classical anthropological methods of field research, such as participant observation and interviews, N.I. Novikova brings as a theoretical framework for her work the phenomenon of legal pluralism: a system in which coexistence, mutual influence, and the interaction of various legal systems is possible (Novikova 2014). As N.I. Novikova suggests, one can see through the lens of legal pluralism that the low level of indigenous legal consciousness often leads to the fact that in everyday life they are guided by their traditional norms, especially in the field of family relations and environmental management (ibid. 2014: 60).

Drew Gerkey, an American anthropologist, speaks about the economic and cultural value of salmon in Kamchatka and illustrates how kinship communities (the *obshchinas*) are facing challenges to acting collectively (2011). In his recent work, published in 2016, he studies the emergence of post-Soviet institutions that serve as mediators for the indigenous population and speaks about the status of post-Soviet collectives in Kamchatka. In their article, Alexandra Tomaselli and Anna Koch (2014) discuss the peculiarities of the implementation of indigenous rights in Russia.

The work of E.A. Pivneva (2019) “How much does the fishtail weigh?: ethnicity and bureaucracy in traditional fishing in the North Ob”, I found especially interesting in considering my research questions, as in her work she discusses the impact of governmental measures on indigenous fishing communities in the Khanty-Mansi Autonomous District, identifying positive and negative tendencies there. This work has inspired me to conduct analogous research but in the Kamchatka Krai. I have also drawn inspiration from the articles of Ruslan Garipov and

Dmitry Berezhkov, who both work in the field of legal anthropology and write articles on the indigenous policies of the Russian North.

Another impetus in choosing this field of study was the fact that I was born in Kamchatka; and the subject of the fishing industry is of great personal interest to me since my father has spent his whole life working as an engineer on marine fishing vessels. Nevertheless, while living in Kamchatka, I came across the topic of the indigenous peoples of Kamchatka very rarely since I grew up in an urban environment and had little idea about the aspirations and problems of the indigenous peoples in other parts of the Peninsula in remote villages. I would therefore like to fill this personal gap with this work, as the topic of Indigeneity and the rights of indigenous peoples stir my interest. This is especially so after having been an exchange student in Nebraska, USA, where the issue of Indigeneity and the protection of the rights of indigenous peoples are very acute matters too.

1.3.3. Legal anthropology: legal pluralism and customary law

Legal anthropology is an interdisciplinary subject that combines legal studies and social anthropology. It studies practices, values and beliefs which all societies consider essential to their operation and reproduction (Rouland 1994: 1). In this case, the analytical category used for anthropological enquiry is law and researchers focus on understanding whether there are universal characteristics of law; how law may relate to other aspects of culture; and what happens when the legal systems of different cultural groups come into contact (Nader 1965: 3). Neoliberal policies; global markets; the development of international organizations; the appearance of new legal categories and international decrees, like the United Nations' Universal Declaration of Human Rights (UDHR); and indigeneity have all opened up a bigger area for legal anthropologists and posed broader questions (Goodale 2017: 5). At the present moment, for example, the system of legal pluralism is receiving close scrutiny (Novikova 2014: 17); and in this respect anthropologists are also interested in the effect of the multiplicity of different legal systems within one society; and how collective traditions may be positioned in conflict with the official legal system (Goodale 2017: 22).

It is worth mentioning that those who developed the proto-anthropology of policy were lawyers by background (for example, Lewis Henry Morgan, Henry Maine and Johann Jakob Bachofen) (Nader 1965: 3). They saw the potential in this field of enquiry, as the law serves as a general social-ordering principle involving the most critical aspects of human society such as kinship, social structures and economic distribution (Goodale 2017: 26).

Norbert Rouland in his work “Legal Anthropology” (1994) mentions that while having a deep connection to social anthropology, legal anthropology never sees the law in complete isolation, but takes into account society as a cultural and social whole (Rouland 1994: 2).

At present, therefore, contemporary anthropology of policy, instead of simply trying to describe legal practices *per se*, is moving towards a study of the relationships between law and society. Thus, on the one hand, it studies the influence of different legal schemes upon a single society; or situations of legal pluralism and cultural conflicts on the other.

Legal pluralism stresses one of the hidden dimensions of law (Rouland 1994: 42), where the law of the state is declared as the official one and only it has the right to exist. The advocates of legal pluralism are take another point of view (ibid 1994: 42).

Legal pluralism has been the main trend of legal anthropology since the 1970s (von Benda-Beckmann 2009: 24). It means competing legal orders and mechanisms within one geographic area. This happens predominantly in the situation where a former colonial authority co-exists with a more traditional legal system (Novikova 2014: 17). In that case, “a person in his daily life is confronted in his behavior with various, possibly conflicting, regulatory orders, emanating from various social networks of which he is [...] a member” (Vanderlinden, 1989: 154). Thus, because the forms of legal pluralism are so widespread nowadays, legal anthropology also focuses on comparative studies of traditional and modern legal systems (Novikova: 2014: 22), and this will, I believe, help to analyze indigenous rights to resources in the context of international, national, and customary legal systems.

For this research, it is therefore also important to make a distinction between the concepts of “custom” and “customary law”, as they do not mean the same thing. Custom is a social practice, the violation of which does not imply any sanctions; whereas violation of customary law may lead to sanctions, as it may be seen by relevant actors as laws (Anaya 2005: 128). However, the problem does arise of whether one should consider customary law “law” in its full sense, as it is not written and is only being passed on from generation to generation. Nevertheless, when this practice goes in parallel with the formal legal system and the relevant actors follow it as socially accepted within their community, we should analyze these practices from the point of view of law. First, because customary law has been accepted on the international level as well: the UN basic principles of equality, non-discrimination, and self-determination support the notion of customary law and provide the right of indigenous peoples to have their own norms of conduct (Anaya 2005: 129, 136). Thus, the principle of self-determination provides people with the right to control their lives and destinies, which helps them to retain their cultural distinctiveness and retain their social structures and organizations.

They also have the right to self-government according to their customs and traditions (ibid. 2005: 129, 136).

Second, customary law is approved by Russian legislation in the context of the rights of indigenous peoples, where indigenous peoples have the right to follow their customary laws, as long as they do not conflict with the Russian constitution (Garipov 2019). Thus, customary law reflects the life of a particular group of people, presenting the result of empirical and spiritual knowledge of the surrounding reality (Sushkova 2017: 167). Customary laws were created over centuries based on people's experiences, social accepted norms and beliefs; and, therefore, behind any customary law "even when it seems archaic, there is always a rational grain hidden behind the form" as the law embodies recognized views, experiences and social contradictions (ibid. 2017: 167). According to Anaya (2005) there are two points of reference that determine the existence of customary law: a material element, shown by its uniformed practice through time, and a psychological element, *opinio juris*, when a relevant actor considers it to be a law (Anaya 2005: 128).

1.3.4. Indigeneity. Validity of the concept and moral implications

Indigeneity is an interesting and fruitful topic in social anthropology, as, among questions about the validity of the concept (Kuper 2003), other issues arise. These include the questions of why indigenous peoples enjoy special rights; why they are considered to be different from other vulnerable groups in society such as minorities (see Niezen 2003); why they should be perceived as special; and why they can enjoy a degree of exclusivity in terms of international policies (see Sokolovsky 2016).

Indigenous people have cultivated a deep relationship with their ancestral lands and this has contributed to the shaping of their cultural identities (Hossain et al. 2008: 60). In general, a spiritual connection to their lands; strong kinship bonds; and a respectful relationship with the natural world in the shape of plants, animals, rivers or mountains all contribute to the shaping of the indigenous identity (Taiaiake & Cornassel 2005: 609).

As indigeneity is closely associated with nature, researchers consider that the dislocation of indigenous peoples from their ancestry lands has a direct effect on their health, through, for example, newly introduced diseases with which indigenous peoples have not been in contact before (see Cunningham & Stanley 2003). Indigenous issues are therefore often seen in both moral and ethical contexts, taking into account the assumption that descendants of the original inhabitants of a country should have privileged - perhaps even exclusive - rights to its resources (Kuper 2003: 390); considering the direct linkage of indigenous knowledge to the

traditional management of nature (Dove 2006); and the fact that, in the event of their dislocation from their lands, their unique culture will be endangered (Cunningham & Stanley 2003), because of the strength of their bonds to the lands and the lands' resources.

Indigeneity is a product of historic political processes (Dove 2006: 193) and this notion can be found both in international law and in the practical politics of rights for oppressed minorities (Barnard 2006: 13). Indigeneity is therefore a legal concept, the definition of which made it possible to create a system for the procedural negotiation of conflicts grounded in indigenous access to resources and other claims to rights. Nevertheless, some researchers note that it is impossible to separate one right from the other in the context of indigenous rights because they should be seen as a whole or as a right to their culture as many of them overlap and influence each other (Sikora 2017: 70).

We can therefore assume that indigeneity is a legal category that provides rights to natural resources that go beyond simple ownership rights and include spiritual dimensions, ethical aspects and moral obligations. At the same time, the global category of indigeneity is interpreted and performed in different regional and national contexts differently. Within social anthropology, therefore, this concept is a fruitful topic.

The issue of distinguishing indigenous peoples from other marginalized groups may be a puzzling one. For example, indigenous peoples and other ethnic minorities may operate within similar descriptive categories. Asbjørn Eide (Eide 2015: 124-125) considers that the main difference between a declaration of rights for indigenous peoples and the same declaration for ethnic minorities is that "legal tools for indigenous peoples are striving for a high degree of autonomous development, whereas for minorities the legal mechanisms aim to ensure a space for pluralism in togetherness" (Eide 2015: 124-125). Moreover, unlike other ethnic minorities, indigenous peoples rely on the presentation of their collectiveness for achieving political influence, with this being not just a simple reflection of cultural and spiritual trends but seeking "some form of perfection or ancestral source of wisdom from the native, aboriginal, or indigenous 'others'" (Niezen 2003, 191). Nevertheless, even constant perfection of definitions cannot prevent the concepts which underpin these legal categories from overlapping, even though the categories may have different implications in international law. Even though both minorities and indigenous peoples have a common experience of oppression and human rights violations, the fact of indigeneity "accords greater rights to groups that managed to remain physically in possession of their original territories" (Daes 2004: 133-134).

Nevertheless, indigeneity has been criticized in terms of there being a difficulty in finding its "true" form in modern times, as the way of life of modern hunters or herders may be

only remotely related to that of hunters and herders who lived thousands of years ago (Kuper 2003: 390). However, many researchers agree that indigenous peoples are carriers of their unique culture and values and that it is crucial to preserve these because losing the identity of the indigenous people in turn leads to a great loss for humanity in general. In contrast to this common viewpoint, A. Gupta (1998: 289) mentions that the intention behind indigenous-knowledge conservation is based upon the idea of the potential usefulness of this knowledge for humankind; and that there is therefore a danger of privileging “indigenous knowledge” over other kinds of knowledge. *“Indigenous peoples’ cultures are undoubtedly distinct, original and have a continuous history”* (ibid 1998: 289); but such thinking places the vast majority of the world’s poor who cannot claim “to be indigenous” in an even more marginalized position.

It can therefore be seen that the concept of indigeneity is rather a controversial one. The puzzling issue of who should be considered as indigenous gives rise in turn to the question of whether indigenous peoples have a moral right to be rather special in the human-rights context and to be more “exclusive” than other marginalized groups. It is quite difficult for me not to agree with A. Gupta’s opinion that some parts of society might be seen as more privileged than others within international law and policies on rights. Nevertheless, indigenous rootedness and spiritual connection to the lands and nature does distinguish this group and makes it unique; and thus contributes to humanity’s moral imperative not to destroy this fragile equilibrium of traditional nature-management in combination with unique practices and beliefs.

1.3.4.1. The issue of definitions

Defining indigeneity may not be an easy task, as the term itself is rather controversial and one needs to consider different aspects that have been associated with the term: the process of colonization, complex policy mechanisms, etc. Nevertheless, David Roach and Andrea Egan (2008: 25) point out that definition of the concept of indigeneity is very important for indigenous/government relations, as it helps indigenous people in proving the validity of their rights claims.

There are several specific traits that are more or less associated with indigeneity. For example, Malkki (1992) considers that common and often taken-for-granted views on indigenous people still promote an image of them as rooted: *“...ideally adapted to their environments” - “like the wildlife”*; and that this has made indigenous peoples *“...an object of enquiry and imagination not only for anthropologists, but also for naturalists, environmentalists, and tourists”* (Malkki 1992; 30). Moreover, indigenous peoples are often

defined as “*the disadvantaged descendants of the peoples that inhabited a territory prior to colonization or the formation of the existing state*” (Sarivaara, Maatta, Uusiautti 2013: 369). An attachment to native lands and rootedness therefore appear to be the dominant features in many definitions of indigeneity. For example, when we look at the dictionary meaning of the word “indigenous”, we can see that the concept is often closely connected to the land. For example, the Cambridge Dictionary defines indigeneity as: “naturally existing in a place or country rather than arriving from another place” ([URL 4](#)). In the Oxford dictionary it is explained as “originating or occurring naturally in a particular place; native” ([URL 5](#)).

Alongside rootedness, the concept of indigeneity is also tightly bound in to the contemporary discourse over human rights. Sarivaara, Maatta and Uusiautti (2013) write that the issue of indigenous rights has been attracting international attention since the 1990s (2013: 370). During the last three decades, Indigenous Peoples’ policies have been adopted by the United Nations and recognized in various international conventions.

Sokolovsky (2016) considers that the legal status of indigenous peoples was developed mainly by three international organizations: the International Labour Organization (ILO); the United Nations (UN); and the World Bank. Nevertheless, one of the first legal definitions of indigenous peoples was formulated by Jose Martinez Kobo in his report (1986) designed for the UN sub-commission on the Prevention of Discrimination and Protection of Minorities.

In Jose Martinez Kobo’s view, indigenous peoples share the following characteristics:

- *having a historical continuity*
- *considering themselves distinct*
- *forming non-dominant sectors of society*
- *aiming to preserve their ancestral territories*
- *having distinct identity*
- *having their own cultural patterns*

(IWGIA Website [URL 6](#)).

These key characteristics were later developed in the United Nations definition of indigenous peoples (Sokolovsky, 2016); but the UN tries to identify rather than to define indigenous peoples by using the indigenous self-identification approach (UN Website [URL 7](#)).

For distinguishing Indigenous Peoples in the present, the following four criteria are applied by the UN:

- *attachment to geographically distinct ancestral territories and natural resources in these habitats and territories;*

- *maintenance of cultural and social identities different from mainstream societies;*
- *descent from population groups present in a given area, most frequently before modern states or territories were created and current borders defined;*
- *self-identification as being part of a distinct indigenous cultural group.*

(URL 5 WHO Indigenous Peoples & Participatory Health Research Document).

The definition of Indigenous People offered by the UN is thus based on a combination of different elements that reflect the essence of indigeneity (UN Permanent Forum on Indigenous Issues factsheet [URL 8](#)).

At the same time, the definitions of indigeneity are still very broad; and thus space is left for indigenous identities to be constructed and shaped. Returning to definitional difficulties, Niezen (2003) considers that, as researchers lean to universalism, finding specific traits common to all indigenous groups is among the dangers which are a part of arriving at a definition. Human-rights standards, according to Niezen (2003; 143), are “universalist in intention”; and at the same time “anti-relativist in orientation” as the concept is framed from the Western, subjective point of view. A collection of various understandings of the topic is therefore necessary, especially taking into account local contexts and definitions created on the micro level, which may bring new perspectives to the current research context on indigenous fishing rights.

I therefore ask myself whether a unified definition as offered by the international organizations or developed by Anthropology researchers would be capable of labeling indigenous peoples as a distinct entity; and whether it could be a good way out of the definitional puzzle, taking into account the considerable diversity of the concept and the different cultural facets that may imply indigeneity. However, the concept’s flexibility does mean that it can follow changes in the international legal framework regarding indigeneity as and when indigenous peoples become active participants in the political arena.

1.4.Theoretical framework

What attracts me to legal anthropology is that it helps us to study how laws function in practice and what influence they have upon the people under consideration in terms of their daily life and their socio-economic situation in general.

My theoretical discussions are grounded in the study of legal pluralism and the notion of the customary law; and anthropological, as well as legal, perspectives on the concept of indigeneity.

I would therefore like to argue in this work that the contextual analysis of indigeneity and, especially, the access of indigenous peoples to resources should be analyzed through the study of policies, taking into account the co-existence of different legal frames (legal pluralism). The notion of legal pluralism can be helpful in analyzing the definition of “poaching” and how different social groups perceive the term from different legal perspectives.

The true potential of legal pluralism, according to Goodale (2017: 26-27), is that it is based on flexible norms: what might be called simultaneous legal identities. Instead of abstract notions of human dignity and human equality, the study of legal pluralism reveals practices of customary law grounded in social relations and worldviews and their relation to another legal system existing in parallel. Therefore, alongside the theoretical framework and the official laws concerning fishing in the Kamchatka Krai, the empirical investigation of a normative worldview (the customary laws) of the Koryak kinship community must be analyzed in order to understand the position and role of indigenous peoples among other actors in resource distribution in the Kamchatka Krai.

In my work, I will look for indigenous practices related to fishing that correlate with the notion of the customary law, and compare them with the legal framework imposed by the Russian government and government regional policies. Historically, the indigenous peoples of Kamchatka had free access to fishing, as no authority above the tribal level controlled them. I would like to investigate what customary laws connected to the fishing practices of the indigenous peoples of the Kamchatka Krai exist at present; and how Soviet collectivization and the post-Soviet period affected those indigenous fishing practices. Moreover, it is important to look into how the socio-economic situation of the indigenous peoples is influenced through government nature-management regulations and restrictions.

In this case, ideally, the main task of an anthropologist is to offer ways in which the regulations may be improved; or, at least, try to draw the public’s attention to existing problems with legislation in the area of the distribution of natural resources as far as indigenous people are concerned.

A great deal has already been written about the difficult socio-economic situation of indigenous peoples and public interest in the problem of indigenous peoples is also growing steadily. Kamchatka's fishing industry determines the economic development of the region, as the Krai budget depends a lot on the money from fish. In addition to being an important source

of food, commercial fishing of salmon provides many jobs for the whole population of Kamchatka. Access to the resource and the opportunity to fish therefore has a direct influence on the socio-economic wellbeing of all the inhabitants of Kamchatka and indigenous groups in particular, due to the latter's special connection to subsistence fishing.

However, Andrei Zavalishin (2000: 109) is clear that until now no effective system of studying and monitoring the socio-economic and physical condition of indigenous peoples has been developed. He considers that, due to the lack of systematics and a clear approach towards the problem of indigenous peoples, there are always those who would like to speculate about this acute problem and who intentionally exaggerate or diminish particular issues. In this sense, the researcher must be very careful in his/her conclusions and should rely on simultaneous analysis of numerous sources: interviews and his/her own fieldwork; data from up-to-date media resources; and published articles by trusted anthropologists and scholars in other disciplines who are professionally engaged in the topic of indigeneity. Moreover, of course, one needs to use various statistical, as well as legislative, documents. Only by working in conjunction with various sources can one achieve the fullest picture and produce valid material.

Additionally, I will use the term customary law in order to examine the cultural importance of salmon for indigenous life; and how salmon is central to indigenous practices.

1.5. The research settings

During my field research, I was living with the Koryaks' *obshchina* in the Bystrinsky Raion, near the village of Esso, which is situated 524 kilometers from the regional center (Petropavlovsk-Kamchatsky).



Picture taken from:

(https://ru.m.wikipedia.org/wiki/%D0%A4%D0%B0%D0%B9%D0%BB:Location_Bystrinsky_District_Kamchatka_Krai.svg) and edited by the author

From the regional center, one can reach Eso by helicopter or by bus. An Mi-8 helicopter flies twice a week with a flight time of only one hour and forty minutes. However, this method of travel is the most expensive: a one-way ticket costs 31,000 rubles (350 Euros). It is three times cheaper for local citizens. The second way of travelling to Eso is by shuttle bus. Bus number 215 travels from Petropavlovsk to Eso via Kamchatsky. The journey time is around ten hours. From Milkovo to Eso, the road is unsurfaced. This is a distance of 222,4 kilometers. Further travel is by either helicopter or by all-terrain vehicle. In winter time, the Autonomous District of Koryakia (Palana village) is supplied by means of road from there. The heliport in the village of Anavgai (which is half an hour's drive from Eso) is used by an air ambulance, guarding, for commercial needs and tourism. Sled-dogs and reindeer are however the traditional means of transport in the region. The famous dog-sledge race, Beringia, which has the longest rout in Eurasia, is held annually beginning here. This contributes to the revival of indigenous culture; attracts a lot of tourists; and at the same time contributes to the promotion of indigeneity.

OKVED (the Russian national classification of economic activities) lists a number of activities in the area being studied, the Koryak obshchina. These are: the breeding of domestic reindeer and other animals; the hunting of wild animals; the harvesting of forest resources and medical plants; fishing in order to ensure the implementation of the traditional economic activities of the indigenous peoples of the North; leather and fur manufacture; and the organization of entertainment programs and museum activities (Postnikova 2019).

In order to gain access, I started to prepare for the trip beforehand and contacted different obshchinas through the Russian social networks while still in Vienna. I found the obshchina that generously welcomed me through the Association of Communities of the Indigenous Minorities of Kamchatka, where they were listed as being among the founders.

Having previously confirmed with the obshchina by phone that I was coming and having asked what things from the town they might possibly need, it was decided that I would arrive on the eighth of August by bus and someone from the community would meet me at the Eso bus station. Upon my arrival in Eso, the head of the obshchina, A., with her husband, M., kindly met me at the bus stop and took me to their house by car.

It turned out that the head of the kinship community, A., lives in a wooden house in Eso, but the kinship ground is located outside of Eso and obshchina members are working there. This kinship ground (further "*stoibishche*" in Russian) is a piece of land rented from the government where the obshchina members, alongside their regular occupations in Eso in various social sectors, also take care of their *stoibishche*, with renovated yarangas and balagans,

thus using that land for promoting their Koryak culture; trying to save it for future generations; and also benefiting from the fact of being different and being indigenous.

The house is very simple and warm; there is a greenhouse and a large veranda in the yard. It looks like a normal medium-size family house of wooden construction in a Russian village. Just inside the veranda, the deer skins are stored to dry out (ibid. 2019).

I was surprised how warm it was inside the house - the owners explained that all the heating comes from the thermal waters located under the village. It is a peculiarity of the settlements of the Bystrinsky Raion - central heating supplied by natural geothermal springs.

Gradually I became acquainted with the life of the obshchina and its people. I visited the local museum and the library and took part in the obshchina's activities. The field trip took place in August, which is the most popular month for tourists visiting Kamchatka, I was surprised how many people are interested in the life of the indigenous peoples of Kamchatka. In addition, some of them wanted to stay at the *stoibishche* for one or two nights and to live in the traditional *yarangas*; to sit at a campfire at night; and to go fishing or hiking with the members of the obshchina. The obshchina offers horse riding in the forest, hunting and fishing, the preparation of traditional dishes made of freshly caught fish.

A., the head of the obshchina, is very skilled at sewing traditional Koryak clothes. She organized beadwork and fur workshops in the village; and anyone could take part in the masterclass and try to make some jewelry decorated with deer fur. Moreover, A. works at school as a dance teacher parallel to the activities in the *stoibishche*; and her husband organizes hunting and fishing for tourists all year round. Their children have left Esso; and the outflow of young people from the village is seen by many as a natural process: places for employment in the village are very limited.

I went numerous times to the forest with the obshchina members to collect wild plants and berries. It was also necessary to help with cooking and cleaning. Moreover, on one occasion I was accompanying the obshchina members with a tour group in rafting along the river and observed fishing activities. I was also shown how traditional beadwork is done and reindeer skins are prepared to be further parts of traditional costumes.

During my stay I even managed to visit and to take part in the "International Day of Indigenous Peoples" which is widely celebrated, as a lot of villagers belong to different indigenous groups – the Evens, the Koryaks, the Itelmens, and the Kamchadals.

After a hard day in the *stoibishche*, we gathered together in the kitchen for the evening tea and this was a very good opportunity for me to ask my informants about life in Esso and what opinions they have on different matters.

The obshchina owns 17 reindeer; but, in general, reindeer herding in the Bystrinsky Raion is in decline due to the difficulty of financing and attracting young people to this area. The obshchina's reindeer are held in the former kolkhoz Olenevod LLC (every year the community gives one of the newly-born reindeer into the ownership of Olenevod LLC as payment for using the services of the company in pasturage and care) (Postnikova 2019).

A. tries to maintain the other aspects of Koryak culture and to share her knowledge of it. She works with reindeer skin and fur using old Koryak traditions, and is very proud that she can still read the meaning of some Koryak patterns on clothes. These were taught to her by her grandmother; and some of them were explained to me too. *“Look at this pattern - that is a wild rose in the middle”*, she told me while we sat in the yaranga. *“The rose connects two other patterns from both sides. That is our kin pattern. And my grandmother used a wild-rose symbol for me as she thought my character was as thorny as this wild rose!”* (Laughs) (from the field diary, 10.08.19).

1.6.Methods

The research methods include semi-structured and unstructured interviews with individuals and experts; media research; an anthropological diary; comparative analysis of existing literature; and participant observation in the field.

The data for this research was gathered in August 2019 in the village of Ezzo, Kamchatka Krai (Region). The study methods included unstructured and semi-structured interviews with the members of the *obshchina*, local people in the village; and expert interviews with a representative of the administration and a museum director. Participant observation included involvement in everyday activities of the members of the *obshchina*; I also took part in official celebrations of International Indigenous Peoples' day in the village.

Information on fisheries legislations was kindly provided by the administration of the Bystrynskiy Raion, and was additionally gathered from the official websites of fishery management organizations and also through media research, where information was gathered through various local information agencies and the official websites of the Kamchatka administrative bodies.

All interviews were conducted in the Russian language; the quoted speech used in this paper are from the author's transcriptions and translations.

1.6.1. Participant observation

Russell Bernard claims that participant observation is the basis of cultural anthropology, because by using this method the researcher can join the group of people being studied and make them feel comfortable about his/her presence (Bernard 2006: 342). However, entering the field also requires certain conditions and consent from people. It may not be at all easy to enter the field as a participant observer, where one becomes a member of a group and lets the others know that you are there in order to carry out research. The issue of access to the field was a difficult task for me: I had to contact many indigenous communities to try and receive consent to live with some of them for a while and conduct my research. Only one community generously let me conduct my research on their kinship ground and be their member for a while.

After receiving permission for access, the method involves getting closer and taking field notes about things you see and hear in the natural settings; and taking photographs or video (Bernard 2006: 344). During the field research, I was allowed to take part in all the activities undertaken by the indigenous community; and they were also very open to conversations with me. During the field research, I produced many field notes by noting the events which were taking place during my participant observation, what people were talking to me about and between themselves.

In summary, the obvious advantage of the method is that one can get a very good understanding of what is happening in the field and produce quite credible data through field notes, photo elicitation, and interviews that need to be analyzed and interpreted afterwards (ibid. 2006: 355), while being in the field and being a part of the community that one is studying.

1.6.2. Unstructured interviews

The major bulk of my data came from unstructured interviewing. The advantage of this method lies in the fact that it can take place as a parallel activity; can be present in everyday situations and conversations; and happens naturally. Russell Bernard points out that unstructured interviewing goes on all the time (Bernard 2006: 210).

I have used this method in the community quite often, since I consider that an informant opens up more easily during an informal conversation, when distractions such as recording equipment are not present, and they perceive you more as a friend who is simply interested in their life. These are my conclusions after going through the experience of informal unstructured interviews.

Russell Bernard also notes that this method is particularly good and helpful at the start of fieldwork, when you are settling in (ibid. 2006: 2011). It is also used throughout ethnographic fieldwork to build greater rapport and to uncover new topics of interest that might have been overlooked (ibid. 2006: 211).

I used this method during the usual evening tea rituals in the kitchen with the community, when we could talk about the events happened during the day, share opinions about current situations in the village and I could ask about their thoughts on different issues, something they were rather open to. I have also used this method when it was impossible to conduct interviews in the usual way, such as when I was helping the community members to collect honeysuckle in the forest and at the same time we had short conversations; or when I participated in river rafting or cooking by the fire; or during cooking together in the kitchen. All these simple daily activities that were performed collectively provided a good basis for communication and produced a natural flow of conversation. Of course, the main disadvantage of the method is the requirement to keep everything in your head and only later being able to write about it in your field diary. At the same time, I found that my informants did not mind if I asked for later clarification regarding some specific number or fact, or when I had more questions. My additional questions were received in a friendly way. Some of these informal interviews were used in combination with photo elicitation.

1.6.3. Semi-structured interviews

Semi-structured interviews, in my opinion, give the researcher more freedom in communication with an informant, when communication goes more freely, as it gives an opportunity to jump to other topics and to diverge from the interview guide to other issues mentioned by an informant. This method was especially helpful when I was conducting expert interviews.

For example, during a semi-structured expert interview with a specialist on indigenous issues from a local administrative body, the interviewee mentioned the problem of the remoteness of some settlements and their inability to complete quota-application forms in time. In this case, I could diverge from my question plan and ask more questions about the issue, the specialist's opinion about it and possible solutions, as I could see that she was concerned about this matter and that it worried her particularly.

This method is also especially good when a researcher will not get more than one chance to interview someone (Bernard 2006: 213). That is why, in my opinion, it is particularly

suitable for expert interviews, as usually you have only one appointment planned and agreed, as experts are usually very busy people.

During the semi-structured interview with the director of the museum, I realized that some of my previously prepared questions did not fit, as the person had expressed a different reaction to the problem and a different opinion on the issues; and so I omitted some parts of the questions and simultaneously added new context-related questions that helped the conversation to be productive without being out of context. Therefore, while adding some more questions, I could still follow my question plan and the expert interview went well.

1.6.4. Data analysis

Data analysis, including the system of coding, is based on the qualitative content analysis offered by Philipp Mayring and was carried out with the help of the Atlas.ti program.

For the analysis, I chose an open coding and qualitative content analysis as suggested by Philipp Mayring - his inductive category-formation approach (Mayring, 2014). The clear advantage of this technique is that the categories come directly through working with the material itself, and not from theoretical considerations (Mayring, 2014: 79). Thus, working through the whole material, we can organize categories that are relevant for answering the research question. Through working with the whole body of material, we can decide what parts are relevant for analysis in order to answer the research questions. As I was analyzing the interview transcripts, as well as my field diary, it was clear that not all the information contained in these sources was of relevance to my research questions. To make the selection process easier, I formulated rules of selection in order to determine what categories I should analyze.

As my research question includes the influence of governmental regulatory mechanisms for nature-resource management in the context of the socio-economic position of indigenous peoples in the society, I chose for my analysis the categories that: describe the socio-economic position of indigenous peoples; describe their everyday practices; relate to the area of fishing management and its regulations; relate to indigenous traditions or customary laws; and describe the situation with fish and fishing in Kamchatka in general. I have therefore formulated a list of categories, which, in my opinion, are the most suitable in order to answer the research questions. The first category is fishing, which includes the usage of fishing tools; fishing-control measures; the importance of fish for indigenous peoples; and the issue of overfishing. The second category provides an overview of existing quota measures; their distribution quantity; and the application procedure. The third category comprises the issues that either give rise to concern among the indigenous obshchina and local villagers of Esso and were mentioned in interviews and in daily

communication (e.g. loss of traditions, alcoholism, people leaving the village); or issues that influence the socio-economic position of indigenous peoples directly and which were also mentioned in conversations (e.g. the situation with the job market, problems of reindeer herding, corruption).

1. FISHING	General quotes devoted to the fishing topic
1.1. usage of fishing tools	This subcategory holds comments regarding fishing techniques
1.2. fishing ground	This subcategory holds comments discussing the fishing grounds
1.3. fish in the rivers	These quotes relate to the general situation with fish in the rivers
1.4. poaching	All quotes related to the issue of poaching
1.5. control	All quotes regarding control of fishing grounds
1.6. importance of fish	All quotes dealing with importance of fish and fishing
1.7. suggestions for ways out	All quotes related to suggestion of solving the problems related to fishing

2. Government regulations, quotas	General quotes about different issues connected to quotas
2.1. quotas enough	Commentaries discussing the idea that the amount of quotas is enough
2.2. quotas not enough	Commentaries discussing the idea that the amount of quotas is not enough
2.3. quotas for dogs	These commentaries are about additional quotas for dogs
2.4. applying for quotas	These commentaries are about the procedure for applying for quotas
2.5. distribution of quotas	This subcategory deals with the peculiarities of quota distribution
2.6. suggestions	This deals with suggestions regarding quota improvements and what amount is satisfying
2.7. other	Quotes related to government regulations and quotes that do not fit into the other quotas categories.

3. Socio-Economic Position of Indigenous Peoples	issues in indigenous communities not related to fishing
3.1. traditions loss	the issue of losing knowledge of indigenous traditions
3.2. traditions revival	ways of sustaining traditional indigenous knowledge
3.3. shame about own identity	the issue of being ashamed of one's own indigenous identity
3.4. corruption	This subcategory deals with the problem of corruption
3.5. infrustructural issues	This subcategory deals with any quotes about village infrastructure and the condition of the roads (for example, the condition of the road leading to the official fishing ground) fishing ground distributed for indigenous peoples in the village
3.6. people leaving	All quotes devoted to those who have left the village
3.7. jobs situation	All quotes about the job market in the village
3.8. reindeer herding	All quotes about reindeer herding
3.9. ways out	Suggestions for solving problems not related to fishing
3.10. Alcohol	Quotes about alcohol abuse

This method is especially fruitful for qualitative content analysis, as, skipping the generalization process (the step of building paraphrases), one can summarize the categories coming directly from the material and thus escape the bias that a researcher may have when

using a pre-determined set of categories (Mayrling, 2014: 79). The category-formulation process was carried out simultaneously with working through the data from sentence to sentence.

1.6.5. Ethical considerations and difficulties

All anthropological research should follow the no-harm principle, as an anthropologist is involved in the daily life of the people being studied. It is therefore important to follow some ethical considerations. Relying on ethical norms while working is one of the pillars of good fieldwork: a researcher should keep in mind ethical issues in order to conduct good research.

I consider being respectful to informants is the most obvious and important part of proper fieldwork. When, as a researcher, you have obtained permission to live in a community for a while, it means you have won their trust and, as a gesture of gratitude, you should obey the community's rules and respect everyone's private life. Even though I was welcomed like a member of the family into the *obshchina*, that did not give me the right to share information with the public without getting consent for that from my informants.

Conducting research within the norms of ethics was my goal; and that is why I changed the names of my informants (when they asked me to). Recorded interviews were also harder to conduct, as the people of the *obshchina* were strongly opposed to them; but they were very open to a long evening conversation with tea, but without any recording equipment, in the form of stories at times, with my leading questions.

I should also have been very careful about some delicate issues like poaching, as not many people were ready to speak about it openly and tried to move the topic in another direction or did not answer my questions. I also came across some confidential information which was shared with me, but which I could use only for my personal consideration and which I will not mention in this thesis.

Moreover, among the goals of an anthropologist is a sincere attempt to stay objective and not take the side of the community being studied, as the researcher spends a lot of time with them and it may seem easier to take their point of view and see it as your own. This task is among the most difficult ones, especially when one is dealing with activities that may be considered illegal and a researcher's opinion may become biased. That is why for a researcher it is extremely important to maintain an independent viewpoint and to stay neutral in relation to everything they observe in the field.

A study in the field of legal anthropology also creates difficulties, in the first place, due to its interdisciplinary nature. Research in the sphere of legal anthropology includes both working in the field as well as the collection of legal information about the norms of law and the

system of legislation of the subject being studied (Novikova 2014: 22). It may therefore create additional challenges, as a researcher should have a good awareness of the major laws and policies which relate to his/her topic of interest and to understand the application of the laws in a specific context. Working in the field serves as an additional source of information which helps to understand peoples' attitude towards the policies and their applicability in daily life.

II Chapter. Resource distribution in the indigenous context

This section presents the main outcomes of the field research conducted in August 2019. The interviews were conducted in Russian and were based on questionnaires prepared by the author and translated into English.

1. Relation of indigenous peoples of Kamchatka to salmon: nutritional and cultural aspects

Dmitry Berezhkov (2016: 8) calls Kamchatka “a fish province” of the Russian Federation. In a strange way, even the shape of the Kamchatka Peninsula resembles the traditional indigenous food, which is fish dried by being hung up by the tail. This is called “yukola”. Undoubtedly, fishing in Kamchatka is a very important part of the economy. It generates revenues for the federal budget and is one of the main types of employment, providing thousands of jobs for the local population.

Moreover, salmon has high value for the whole of Kamchatka’s ecosystem, as it delivers organic material from the ocean (Dronova Spiridonov 2008: 8). At the same time, salmon is a particular fish which is also of interest because of its biology. First of all, marine scientists are puzzled by its capacity for “stream fidelity” (Ween and Heather 2018: 198). This describes the fact that a salmon always returns home, overcoming substantial obstacles like strong currents, stones, numerous predators and waterfalls on the way back to its home river. After years in the ocean, a “faithful salmon offspring” remembers the river where it was born and where it is going to die in giving life to future generations of salmon (ibid. 2018: 198). Be that as it may, the most important thing in this story is the fact that salmon always returns to its native lands and its home river, and the predictability of its annual migration contributes to the important role it plays in life on the peninsula (see Dronova & Spiridonov 2008).

Another interesting fact about the Kamchatka salmon is that all species of Pacific salmon spawn in the rivers of Kamchatka (Nikitina 2007: 71) due to the abundance of clean fresh water and the large number of rivers on the Peninsula. Moreover, at least twenty percent of all wild Pacific salmon spawn in Kamchatka ([URL43](#)). One may find here six species of the Far-Eastern Salmon as well as the Noble Salmon and two species of Char. The season begins in May, when the Chinook (King) salmon (*Oncorhynchus chawycha*), the biggest species, enters the rivers. In summer and autumn, the Pink salmon (*Oncorhynchus gorbusha*), the Sockeye salmon (*Nerka*) and the Chum salmon (*Keta*) race up the rivers towards the spawning grounds. The Coho salmon (*Kizchuch*) is the last to ascend the rivers; and it stays in the spawning grounds till November-December, when the rivers become ice-bound (Nikitina 2007: 71).

The main target species for industries are the Pink salmon (*Oncorhynchus gorbusha*) and chum salmon (*Keta*) as the most abundant of Pacific salmon species, constituting up to 80 % of the overall salmon catch (Dronova Spiridonov 2008: 10-12). The chinook salmon (*Oncorhynchus chawycha*) is the largest Pacific salmon, as well as the largest anadromous fish in northeastern Asia. Chinook can grow to a length of 147 cm and weights of 57-61 kg (ibid. 2008: 12).

Undoubtedly, salmon plays a very important role in the diet of the inhabitants of Kamchatka. Nevertheless, the traditional indigenous ways of food preparation have changed through time. Viktoria Michailovna Zinovyeva, an ethnographer with Koryak roots from the village of Milkovo, told me that she was saving and collecting old recipes of the indigenous peoples of Kamchatka and that many traditional indigenous recipes had been changed or lost. It is therefore difficult to get them, as much is forgotten or only the older generation in remote places still remember some of them.

“Caviar, as it is now, was not that barbarously produced; fish roe was like a treat, like a “bounty” - it was dried and chewed by us kids. I remember it from my childhood. And besides yukola, many different dishes were prepared, not only from fish, but from the roots of saranas flower, ferns, much has changed, the way itself has changed.” (From the field diary, 13.08.19).

Vera, a member of the obshchina A. (in the conversation from the field diary on 11.08.19), also mentioned “sour heads” (*“kislye golovki”*) – pickled salmon heads put into pits in the ground and left there for fermentation. Vera does not remember the traditional way of life of the Koryaks, as she was born in 1987. She also told me that her son had never tried “sour heads” and probably will not. Erich Kasten (2012) considers that losing indigenous-food traditions is one of the main causes of their health problems.

The traditional processing of fish like yukola and pickled fish is therefore not as popular any more. The majority of indigenous people freeze or salt fish. Even though the importance of salmon for indigenous peoples has not been diminished, the relationship between indigenous people and salmon has been changed through the process of governmental restructuring, new ideology and, later, transition to a market economy.

D. Koester (2012: 51) writes that, with the emergence of commodity-money relations among natives, salmon began to be perceived as a commodity from which a profit can be made, and this understanding has greatly perverted the attitude to the resource. For example, some people are joining the one-day poaching brigades for the illegal selling of salmon roe and getting quick and easy income from that.

On my arrival in Ezzo, the head of the community, A., with her husband kindly met me at the bus stop and took me by car to their house. It turned out that the head of the kinship community, A., lives in a wooden house in Ezzo; but the kinship ground is located outside of Ezzo and *obshchina* members work there.

Almost all of the Raion territory is a nature reserve. The villages are located on the territory of the Bystrinsky Natural Park, which is on the UNESCO World Heritage List. Ezzo village has a school; a kindergarten; a hospital; some small food shops (kiosks); a post office; a branch of Sberbank of Russia with an ATM and four federal mobile-connection operators; an administration building; and a museum. Anavgai village also has a school, but all the other facilities such as the post office, hospital, and bank are located in Ezzo and so the villagers of Anavgai have to travel to Ezzo each time they need to use these services (Postnikova 2019).

The *obshchina* owns seventeen reindeer which are held in the collective farm organization Olenevod LLC (every year the *obshchina* passes one of the newly-born reindeer to the ownership of Olenevod LLC as payment for using the services of the company in pasturage and care). Even though some people have tried to breed reindeer in the village, this is unfortunately impossible as deer need to migrate across the tundra and the indigenous lifestyle of the Koryak *obshchina* being studied now does not involve migration but is rather sedentary and so it is the easiest way for the members to use the services of such reindeer breeding companies, and to visit them once in a while to control and slaughter deer and to get reindeer skins for their crafts.

The community has organized an ethno-museum (*stoibishche*) in the open air, having built traditional *yarangas* and *balagans*, where anyone can get an idea about the distinctive features of the Koryak culture. It is located in the forest on the river bank, outside the village of Ezzo. Of course, one of the first things I asked was whether the *obshchina* fish in the river at the *stoibishche*. I was told that it is forbidden to fish there; and instead one must go seventy-five kilometers to the fishing spot officially designated for the whole indigenous population of the Raion. The *obshchina* members said that it was very inconvenient since the fish had been spawning since July and at the same time it was the high season at the *stoibishche*. It was therefore very difficult to leave the *stoibishche* for a long time, since one would need to spend several days fishing. One has therefore to plan fishing very carefully and well in advance.

In relation to the importance of fishing for the community, A. noted that consumer items in Ezzo were becoming more expensive while at the same time salaries in this rural place were very low: “*Fish is as important as bread.*” This was said in relation to the fact that the diet in Kamchatka is poor; although the people in Ezzo do manage to grow vegetables in their

greenhouses (eg tomatoes and cucumbers) and grow potatoes. The hosts also have two greenhouses with tomatoes; but A. has time for them only late in the evening, when everything is done at the *stoibishche*. They therefore do not grow much and fishing is a big help in their subsistence.

People in the *obshchina* salt fish or freeze it for the whole year. We cooked fish soup and also delicious Koryak tortillas (*lepeshki*), fried on the fire and consisting of dough and pieces of salted or fresh salmon. Huskies living in the *stoibische* were also given fish remnants and fish heads. Since there are very few deer in the community and *obshchina* members keep them for breeding, they rarely have deer meat; and so the diet at home often consists of bought products (I also went to the village store and bought eggs, milk and cereal) and frozen or salted fish.

A.'s family receives fish through the fish quotas from the state; but, as they say, the amount of quotas make it difficult to eat fish every day for themselves, since only around one hundred kilograms are allocated per person per year and the distribution of quotas for *obshchina* members is not entirely clear. For example, this year, a quota allocation was denied to A.'s husband who considers himself an indigenous Kamchadal. People also note that fishing itself has become harder, since in July there were almost no fish in the rivers. During this summer M. (the husband of the head of the *obshchina*) went fishing only twice and returned with a very small catch. The *obshchina* members therefore look forward to September, when they hope that they will be able to catch enough fish to, at least, fill the quotas.

At the same time, all researchers note that historically Kamchatka was very rich in fish. For example, Georg Wilhelm Steller admired the abundance of fish resources on the peninsula, noting that inhabitants of Kamchatka lived almost exclusively on fish and such a diet was particularly healthy for them. Waldemar Jochelson, while describing Itelmen life on the peninsula, also noted that the abundance of fish satisfied everyone's needs (Koester 2012: 49). Moreover, David Koester (2012: 54) underlines the importance of fish by the fact that there is still a special verb in the Itelmen language meaning "to eat fish". Therefore, due to the abundance of salmon, the relevant predictability of its appearance and its variety, fish consumption in Kamchatka has had a very long tradition (Dronova & Spiridonov 2008: 40).

In any case, salmon still plays a very important role in nutrition and the life of the indigenous peoples. Nevertheless, the importance of fish apart from its meaning as a source of profit or as nutritional and healthy food is often forgotten. In this chapter, therefore, I would also like to underline the cultural significance of salmon for Kamchatka and, especially, for its indigenous peoples.

Sergei Ivanovich Vakhrin, Director of the Museum of Fish and Fish Eaters, noted in a conversation with me that in Kamchatka the only monument to salmon that has ever been made is a metal statue of a salmon in the mouth of a bear. Tourists often try to steal this metal fish for their collections and in fact it has been stolen numerous times (News Agency Kam24 [URL13](#)). Sergei Ivanovich notes that the fact that the fish is squeezed in the deadly mouth of a predator in this monument also reflects the consumer's attitude of the population to the resource, which is perceived mostly as a food source or source of profit. He also mentioned that people forget to respect the fish as a living creature and as a part of nature's creation (from an interview on 22.08.19).

2.1. Practices, rituals and crafts involving salmon

We can find traces of salmon in the rituals, nature management, in art and in folklore of the people in Kamchatka. Drew Gerkey (2011: 84), for example, calls Kamchatka salmon both a natural resource and a cultural resource, as it combines nutritional value with a spiritual one. Long before the Russians came to the peninsula, the indigenous population of Kamchatka (the Koryaks, the Itelmen, the Evens, the Chukchi) had developed cultural, religious, and subsistence practices centered on salmon ([URL 14](#)).

On one occasion, I took part in rafting along the river, as organized by the obshchina for tourists; and this event gave me a chance to get a better idea of what traditions and beliefs are still preserved among the Koryaks regarding salmon.

There were five tourists, wearing life vests and already being prepared for the river ride. I was introduced to the tour group as a volunteer. M. said that the Bystraya river (translated as "fast" in Russian) has really a very fast current with rapids and stones and we must therefore help Vasiliy to manage the raft and to row when necessary (we were also given oars). *"During your route, you can see how the fish go to the spawning grounds; there is an opportunity to see a bear or a moose. We will also stop in different places on the river for fishing and we will prepare fish soup"*. We started our trip and I was as excited as the tourists sitting next to me. We were sitting three people in a row with me on the left side, holding an oar too, and rafting down the river. Soon, large stones appeared in our way, and Vasiliy told us which side of the boat should row, so that we could maneuver between the stones that were seen partially above the water. During the quiet part of the route we saw several Pacific chars in the water nearby and a river otter on the bank.

We stopped to fish several times on small islands amidst the current. The tourists were given fishing rods and were shown how to cast them and how to use the spinning technique. I remained a passive observer of the process. Vasiliy told us how the Koryaks fished using nets that used to be made from nettles and other high grasses, but now rubber boats and industrial-made nets are used everywhere by the indigenous population in Esso too. During the first stop, the tourists could not catch a fish and a decision was made to go down the river again. After an hour of rafting, we stopped and I helped to arrange a picnic place.

Vasiliy, an indigenous Kpnyak, showed how to cut fish properly. He needed only two minutes to cut up a huge char and to prepare it for cooking. He cut it along the spine and halved it carefully, moving the blade along the ribs. The fish was without roe, as it was a male. Vasiliy said that the heart, liver, spine and intestines are usually given to dogs, so the Koryaks use the fish completely.

Vera and I began to cook the fish soup, adding tomatoes and wild garlic to traditional ingredients like potatoes, carrots, and onions. Vera said that she did not go fishing herself, but previously went with her husband quite often. She has relatives living on the coast in Ust-Khayryuzovo, and they salt and dry fish and send it to her. She added that as Ust-Khayryuzovo is on the coast, fish is more abundant there, as industrial fisheries located near the coast do not let enough fish get into the central parts of the Peninsula.

On the route, Vasiliy showed me a place where he saw a fish dump left by poachers last year. Unfortunately, this is quite a common practice when poachers take roe, throwing fish bodies on the shore which begins to rot quickly. Vasily believes that such people are stealing from themselves and from other residents of the village, since such a barbaric method contributes to the fact that the numbers of fish in the rivers are reducing. Vasily and Vera consider that true Koryaks will always use the whole fish, as nature will not forgive such a waste and will not give fish in the future. *“That what we see now: there is almost no fish this year, as last year there were fish dumps everywhere.”* (field diary, 11.08.2019).

In a conversation with ethnographer Victoria Mikhailovna Zinovieva (field diary from 13.08.19), who herself has Koryak roots, she said that the Koryaks use nature very wisely and can get everything they needed from it. Even fish skin can be used for making waterproof clothes. The Koryaks can also make a type of utensils (*tuesha*) that can keep things warm and cold, as with a thermos. In summer, it was even possible to bring snow from the glaciers in such baskets made of birch bark; and it hardly melted when the lid was tightly closed. Children mixed snow with berries in the summer and ate it like ice cream. Birch bark could be mixed with dried roe and eaten too. She also said that the Koryaks always treated fish carefully and never caught

more than they needed for their food and for feeding their dogs, so that their neighbors could also have enough fish. This practice shows the respectful attitude of the indigenous population towards nature and towards a resource.

Victoria Mikhailovna Zinovieva comes from the Tigil village (North of Kamchatka) and considers that salmon take a major part in such rituals as the Ololo holiday, and in the “rite of the First Fish”. During Ololo (the festive time which ends the hunting and fishing seasons), people eat specially prepared roe and salmon with herbs; and for the ritual of the First Fish (first fish in the spawning season) people give the fish back to the river in order to express their gratitude for it having provided food for them. During the ritual of First Fish, the fish meat is boiled, mixed with herbs and put into the mouth of a freshly caught fish, which should be released back to the river. This ritual is a tribute to the river and will ensure a successful fishing season (from the field diary, 13.08.19).

Erich Kasten (2012: 81) described a variation of this ritual. He wrote that a figure of a giant meadowsweet was made and put into the river, which helped to attract fish which were disorientated by its smell and came to the river (ibid. 2012: 81). Different variations of this ritual also include people giving gifts to the river (the ritual of throwing food into the water to please the river and to receive fish afterwards), so the river itself was respected and was almost sacred (ibid. 2012 82-83).

With all the variations of “the First Fish ritual” described, the essence of it remained the same: to treat nature with respect and to pay tribute to the spirits who help people in their everyday activities. Nowadays, the ritual of “the First Fish” has become a regional event and is included in the Kamchatka official holidays list for the first Sunday in June (Belyaeva 2019: 106). It takes place in all national villages, as well as in the regional centers. In villages, cultural workers make this a holiday in keeping with the traditional rituals (ibid. 2019: 106).

In this way, traditional rituals and animistic beliefs are still practiced, even after the indigenous peoples of Kamchatka were forcibly converted to the Orthodoxy during the Soviet period. For example, during my fieldwork, when I was at the stoibische and we went together to gather honeysuckle in the forest, I came across a totem hidden in the bushes away from occasional visitors behind one of *yarangas*. It was about two meters high, and the head of the obshchina forbade me to approach it and to pick berries around, mentioning only that this was their kinship totem and, sometimes, she goes to pray there with her sister. I was not allowed to take pictures of it or to walk near to it (field notes from 10.08.19).

Steller, in the 24th chapter of his work of 1774, “Description of the Land of Kamchatka”, interestingly describes the spiritual practices of the Itelmen. They believed in the

deity Raven Kutha, who created the land and sky. Nevertheless, indigenous peoples created a lot of funny stories and jokes about this deity, showing how stupid and lazy he was. However, the deity spirit living in the sea, *Mitg*, was treated with respect, as he told fish to ascend the rivers each year (Steller 2011).

People asked nature for assistance and knew that nature would not help them if they misbehaved towards it: these beliefs gave indigenous peoples the knowledge of how to live in a sustainable way (Kasten 2012: 84-85). Following the rules thus helped to maintain the natural balance.

Koryak indigenous masters can carve various figures from wood, walrus tusks and deer antlers; and in their works they depict marine animals such as salmon and also deer. However, among all these sculptural images, the main place is occupied by a hunter or a fisherman in his daily routine. Such works are displayed in the local museums of Kamchatka and many of these figures are also sold in souvenir shops. I was also very proud and happy to meet Andrei Konstantinovich Adukanov, a famous indigenous wood and bone carver of Even and Koryak descent. His carved salmon figures are displayed in the Museum of Fish and Fish Eaters in Kamchatka, the director of which is ethnographer, journalist and writer Sergei Vakhrin, a person who really appreciates the cultural significance of salmon for the Kamchatka Krai, calling it metaphorically “a divine gift”. The museum displays various figurines of salmon and indeed statues made by both local Kamchatka craftsmen or given to Sergei Vakhrin from abroad.

Andrey Konstantinovich Adukanov likes to carve what is closest to him: Kamchatka nature, animals and indigenous daily life. When we met, I found him at work. He was carving a life-size reindeer head wooden sculpture. Twenty years ago, in Anavgai, he and his wife established a school of woodcarvers; but, unfortunately, indigenous woodcarving attracted little attention from the local children and, after the death of his wife, Andrey Konstantinovich decided to close the school. But the master has taught the craft to one of his sons, who actively helps him. Thus, the handcrafts of the indigenous peoples, their legends and beliefs reflect their proximity to nature, their true respect for its laws, power and wealth, among which salmon has been one of the most valuable gifts.

We may conclude that the rituals, practices and beliefs of indigenous peoples provide the base for their customary laws, especially in the sphere of nature management; and that these reflect their worldview and “are presenting the result of empirical and spiritual knowledge of the surrounding reality” (Sushkova 2017: 167). In customary law, indigenous folklore presents reflection of the norm (Krasnov 2003: 31). For example, legends about Kutha

and the folklore traditions of the indigenous peoples of the North can be attributed to the form of customary law, which reflects norms of acceptable and unacceptable behavior in an allegorical creative form and basic concepts of morality (Arctic Development Portal [URL 15](#)).

Regarding the position of salmon in such stories, David Koester (2012: 57-58), while studying the myths, legends and tales of Kamchatka indigenous peoples, came to the conclusion that the salmon does not take an active role in the narration even though it is often mentioned. It stands in contrast to other places in the North Pacific Rim where the salmon is a central element in myths (see Kasten, 2012: 84). Nevertheless, salmonoid anthropomorphizing takes place, when fish acts and thinks like people, has its own will and social status. Interestingly, such an active role was given to the *gorbusha* (pink salmon) only and other salmon species do not have an active or wilful role (Koester 2012: 57). Salmon is mentioned only to a small extent in Itelmen folklore, however; and David Koester explains this in terms of the fact that salmon is a part of the indigenous *habitus*, which is so interwoven into their daily life that it already has an “*overt orthodoxy*”. Thus, salmon is a matter-of-fact, regular daily experience (ibid. 2012: 57-58).

Novikova (2014: 136) considers that customary laws governing the attitude of indigenous peoples to the land reveals one of the fundamental features: a great responsibility towards their native lands. We can find a reflection of her words in the example provided by Erich Kasten (2012): he underlines that the indigenous peoples during their fishing activities thought about letting salmon pass and did not block the rivers with their fish weirs completely. He also draws on Wilhelm Steller’s record, who observed that families were concerned to leave fish for upstream settlements and thought about other peoples who will also need the fish. This system of customary law is in contrast to the now more individualistic way of thinking (Kasten 2012: 70).

Nowadays, the ability of indigenous peoples to have their customary laws and to act according to them was recognized at the federal level. The federal law, “On Guarantees of the Rights of Numerically-small Indigenous Peoples of the Russian Federation” and signed by the President of the Russian Federation on the 30th of April 1999, ensures the right of indigenous peoples to act in accordance with their own customary laws as long as they do not contradict federal or regional laws (Tomaselli, Koch 2014: 5). Another federal law “On General Principles of Organization of Obshchinas of Numerically small Indigenous Peoples of the North, Siberia and the Far East of the Russian Federation” (2000) guarantees the right of indigenous peoples to set up their own self-governing bodies (*obshchinas*) and communities and to establish their customary laws within these entities, if they are not contradictory in nature as regards federal and

regional legislations (Anaya, 2010: 15). The law specifies the rules of the formation of *obshchinas* in order to defend the indigenous way of life and culture.

Customs were created over centuries based on people's experiences, practices and beliefs and, thus, *“behind every customary law, even when it seems archaic, there is always a rational grain hidden behind the form”*, as it embodies the recognized views, experiences and wisdom of many generations (Sushkova 2017: 167).

Colonial activities contributed largely to the complexity and diversity of the legal configurations. Nevertheless, state sovereignty and monopoly of power rejects the idea of plurality of law (Benda-Beckmann & Turner 2018). Therefore, after the colonization of Kamchatka, the customary laws of the indigenous peoples were subordinated to the Russian formal legal system; and whenever any legal contradictions appear, indigenous customary laws become not valid from the point of view of the government.

Salmon has found its reflection in many facets of indigenous life including their rituals; beliefs; customary laws of nature management; and their world view; and in this way is an integral part of their lives, providing a resource for their physical and spiritual subsistence. We can therefore conclude that even though the indigenous relation to salmon may be transformed with time, it has not lost its primary importance for indigenous peoples, who can treat it not merely as a resource, but a valuable part of their culture. Thus, we conclude that the ability to fish is highly important for the indigenous population, due to subsistent, spiritual, and cultural reasons.

3 Fishing in the Kamchatka Krai

3.1. Specific traits and problems of the fishing industry in Kamchatka

Kamchatka was annexed to Russia in 1697, when the population of the peninsula comprised around 20 thousand people and 9,000 fishes (approximately) were caught per person for their own and their dogs' nutritional needs (author unknown 1996: 78). From the end of the 17th to the mid-19th century, the number of fish caught in Kamchatka increased more than ten times (ibid 1996: 78).

The end of the 19th century was marked by establishment of the Kamchatka Trade Society, a private commercial company supported by the Russian government, which sold marine resources both to the local and foreign markets (Vaisman 2001: 6). The competition however was huge, as domestic and Japanese fishing industries received roughly equal rights to

salmon fishing near the shores of Kamchatka as a result of the Russo-Japanese War of 1904-1905 and the Portsmouth Peace Treaty of 1907 (Vakhrin 2018: 4) which allowed Japanese fishermen to catch and process fish along the coasts of the Russian Far East (Vaisman 2001: 6). Moreover, export fish duties from Russia were canceled for Japanese fishermen (author unknown 1, 1996: 126). Added to this, the areas for fishing could be rented on long-term conditions and the Japanese fishing industries rented 47 of such fishing areas in one year (ibid 1996, 126). This uneasy relationship between the neighbours continued until 1923 when a resolution on the decree on fishing in the Far East was adopted, which cancelled all previously concluded concession agreements (Grinyuk et. el. 2019).

Nevertheless, the dark times for Kamchatka Fisheries continued in the 1950s, when, in the part of the Pacific Ocean opened for international fishing, the Japanese began large-scale drift-net Pacific salmon fishing (this is when the nets are buoyed up by floats carried by marine currents and a type of fishing which causes enormous damage to the ecosystem ([URL 16](#))) with the catches exceeding 100,000 tons (Vakhrin, 2018: 12). The negative effect for the coastal catch in the Kamchatka Peninsula was so huge that, in 1958, the government imposed a ban on any catch of salmon for personal consumption with an exception for indigenous peoples in order to influence the marine drift-net catastrophe caused by Japanese fishing activities (ibid. 2018: 12).

Thus, during that hard period only indigenous peoples retained the right to catch salmon for personal consumption. Nevertheless, due to Soviet ethnic categorization of indigenous peoples, that law created problems for those, who, according to the categorizing mechanisms, were excluded from the list of indigenous peoples. This was the case for the Kamchadals, an ethnic minority of a mixed origin, who received their recognition as indigenous peoples only in 1991 and after a long struggle (Hancock 2001: 1). Nevertheless, fishing was among the main occupation of the Kamchadals as well, before it was prohibited (ibid. 2001: 20).

Donahoe et.al. (2008 998) write about understandings of nationality in Soviet and Russian contexts. In the USSR, “nationality” served as a key element of an individual’s ascriptive legal status and as a statistical category. Nationality was determined by the parents and fixed in the birth certificate, with the opportunity of changing the nationality (limited to the legal nationalities of the parents) (ibid. 2008: 998). Nowadays, the practice of recording nationality in passports has been abolished since 1997. This leads to a situation when indigenous nationality is not fixed anywhere except for birth certificates and the process of recognition of indigenous identity is a complicated one.

The situation was aggravated by the fact that Japan was fishing in the ocean, and the USSR did not have an ocean fishing fleet at that time; so fishing was carried out in the coastal

waters and rivers of Kamchatka. Due to the drift-net catastrophe, the economy of Kamchatka decreased abruptly, as many local fishing enterprises had to close due to the reduction in catch volumes, which had led to a reduction and gradual loss of dozens of coastal villages that existed around these enterprises (see Vakhrin 2011).

In 1978, the Soviet government introduced a 200-mile EEZ (Exclusive Economic Zones) making Japanese drift-nets move far away from the Kamchatka shores. This step provoked the mass run of Pink salmon into Kamchatka's rivers (Vakhrin 2018: 24-25). However, Kamchatka fisheries were still in decline and physically could not cope with such volumes. Moreover, Kamchatka fisheries of the Soviet times were largely dependent on financial support in the form of grants, capital investments, subsidies and loans from the State (Vaisman, 2001: 7). Therefore, because of the inability of local industries to cope with the volume, the dead fish covered all the spawning nests and the eggs were destroyed; this tragic event led to a strong decrease in the numbers of fish coming into Kamchatka's rivers from 1986 to 1996 (Vakhrin 2018: 24-25).

The situation changed completely in 1996 when scientists predicted a record run of Pink salmon to the rivers in the western coast of Kamchatka (author unknown 1996: 33-38). The industrial fisheries did not know what to do, remembering the consequences of the previous mass run of fish, when massive dying of fish on the spawning grounds led to a biological catastrophe. The fishery industry needed additional capacity, more storage, freezing equipment, containers and good road connections for transporting such a volume of fish (the west coast was connected to the Regional Center by only one road which was in poor condition) (ibid 1996: 33-38). The fish conservation ministry made the only possible decision in such situation and allowed the entire Kamchatka population to be engaged in fishing for their own consumption; with the understanding, however, that roe would be the most attractive resource (ibid 1996 33-38). This led to a fishing boom among the local population which ended on the first of August, when the run of fish had weakened and fishing was banned again for everyone. The specialists of *KamchatNIRO* and *Kamchatrybvod* checked the activity at the spawning grounds and it was normal. The balance was thus saved (ibid. 1996 33 -38). The government therefore allowed mass uncontrolled fishing twice, in 1996 and in 1998, in order to save the spawning grounds (Vakhrin 2018: 25).

In 1992, Russia, the USA, Canada and Japan signed an international convention prohibiting the use of drift networks outside the 200-mile economic zones of their countries ([URL17](#)). However, each country could act independently within its own EEZ. Russia decided to allow drift fishing in the exclusive economic zone (ibid). The law on the abolition of drift-net

fishing in the Russian Federation has not been adopted for a surprisingly long time, as only on the 1st of January 2016 was the ban on drift-net fishing in the Russian EEZ and inland seas introduced by the president V.V. Putin ([URL18](#)).

In the early 1990s, fishing enterprises found themselves cut off from State support; and, moreover, they were burdened by the huge expenditure of keeping old and economically unprofitable vessels, resulting in the serious crisis experienced by the Kamchatka fisheries throughout the 1990s (Vaisman 2001: 7). Structural reforms in 1992-96 did not save the situation and in fact worsened it (ibid. 2001: 7); and since 1995 Kamchatka's fishing sector has been running at a deficit (ibid. 2001: 69-70).

We may therefore say that Kamchatka fisheries were created in the unique environment of strong competition for resources both on the international and the local levels. At the present time, Kamchatka fisheries work mostly for export, sending Kamchatka fish to the Asian markets. In 2014, the Russian currency, the ruble, dropped significantly in value against both the US dollar and the Euro. Before 2014, the exchange rate was 30 rubles to the US dollar and now it is 60 rubles to the dollar. Similarly, the same time period saw the ruble drop in value against the Euro, from 40 rubles to 70 rubles. After 2014, therefore, the export market for the Kamchatka fisheries started to be especially profitable.

Thus, Kamchatka is a region rich in fish and natural resources; but it is still in the bottom of the rating of developed regions of Russia (75th place in 2019 in the ranking of the socio-economic situation of Russian regions) (RIA rating [URL 19](#)). At the same time, the waters of the Okhotsk, Bering Seas and the Pacific Ocean around Kamchatka are among the most productive fishing zones of the world's oceans; and since fishing is one of the most popular and profitable activities in Kamchatka, the state of the fishing industry determines the socio-economic situation of the Kamchatka Krai (Kamchatka Administration Website [URL 20](#)).

Sergei Storozhev (1996) notes that the Kamchatka coast continues to survive what is amiserable existence and associates this, first of all, with strong centralization and dependence on Moscow. Soviet factories and state farms were destroyed and new players came with a policy of exporting Russian raw materials abroad (Storozhev 1996: 47). This corresponds well to the wide-criticized resource-curse topic, when the whole country's economy is based on and lives from exporting a resource (Funk et.al. 2018).

The main consumers of Kamchatka fish products are the countries of the Asia-Pacific region: the Republic of Korea, China, and Japan. In 2018, Kamchatka producers delivered 304.5 thousand tons of aquatic resources abroad. The main export items are frozen fish, frozen crustaceans and molluscs (Kamchatka Administration Website [URL 20](#)). But the current state of

affairs and a sharp drop in the value of the Russian ruble, which has almost doubled against major world currencies, made exporting a highly profitable business. A 2014 article in the electronic newspaper “Novaya Gazeta” ([URL 21](#)) reports that the Russian exporter, sending fish to Korea or China, returns VAT to himself, i.e. is exempted from paying it. That is, it already has a 10% advantage over those, who work in the domestic market. One also needs to spend a lot of money on transportation for domestic markets and logistics to the centre of Russia and Moscow but transporting fish to Dalian (China) by sea is much cheaper economically than sending fish to the western part of Russia. Amidst the rising dollar, the domestic market has become completely uncompetitive in comparison to export operations.

Despite the abundance of fish in the region and the number of fish processing plants, it seems strange that fish is a rather expensive and scarce product for the local residents of the Kamchatka Krai. A kilogram of salmon is more expensive than a kilogram of pork or chicken, and many residents of the region, especially pensioners, cannot afford to buy fish. Licensed fishing has become a fairly popular tourism business; but the licensing market cannot serve the entire local need for fish (Vakhrin 2018: 28).

The need for affordable fish is therefore acute for the entire population of the Kamchatka Krai, not only for indigenous peoples; although the latter have more cultural and moral rights in relation to this area as has been discussed in the previous sub-chapter. In October 2019, an incident occurred which was in my opinion shameful and which perfectly characterises the situation in the region. On 8th October, 2019, the Krai authorities (with the support of industrial fisheries) organized a free action “Fish Land” – the free distribution of free fish (frozen Pink salmon) to everyone, especially the poorer residents of Petropavlovsk-Kamchatskiy. Vladimir Ilyukhin (the Governor) promised to allocate 170 tons of fish to the poor in the region, prioritising pensioners; people with disabilities; and families with many children. The distribution of the Pink salmon began on Labor Square. According to eyewitnesses, hundreds of people gathered at the container with the fish and formed a huge queue. A crush also began in which a pensioner suffered. People in the media and in internet forums in particular called this “a mockery” of people who were forced to stand in a huge line in the hope of getting their portion of Pink salmon. People filmed the events with their smartphones as they happened. The videos were re-shared across Russian-speaking websites and social networks very quickly and Kamchatka residents left hundreds of commentaries under them. Most commentators agreed that the event was poorly organized, and the crowd in the queue for frozen Pink salmon was a shameful event for Kamchatka ([URL 22](#)).

In the internet forums there were also accusations that the frozen fish which was handed out to pensioners was not of the best quality. Many people criticized the authorities for the fact that poor people and families with small children had to crowd around the container, forming a life-threatening crush, instead of the authorities providing such assistance in a targeted way and delivering the fish directly to homes.

I therefore want to conclude that the high export orientation of the Kamchatka fishery industries; poor state-funding; and under-developed internal logistics, as well as other internal contradictions preventing the resource from entering the domestic market, are the factors that determine industrial fisheries in the Kamchatka Krai nowadays.

3.2. Who can be considered indigenous in the Kamchatka Krai and what benefits the indigenous people have

Donahoe et al. underline that discussion and treatment of indigenous peoples has changed from seeing them as primitive and backward to seeing them in positive terms as unspoiled and environmentally sustainable (2008: 1000). Paternalistic justifications have therefore been replaced with declarations of their fundamental human rights (ibid. 2008: 1000).

In 1993, the Federal Constitution was adopted in Russia, which contains a range of human rights (Anaya, 2010: 6). The appearance of the document has changed the situation with indigenous peoples dramatically: for the first time, the Russian State guaranteed indigenous rights in accordance with international policies and principles (article 69) (Anaya, 2010:6); and protected the indigenous peoples' way of life and their rights to land (article 72) (Novikova 2014: 19).

Many researchers consider that the legal framework in the Russian Federation protecting indigenous rights consists of three major federal decrees (Stammiller & Forbes, 2006, Novikova 2014, Garipov 2014, Tomaselli, Koch 2014, Anaya, 2010, Sokolovsky, 2016). The first one guarantees indigenous rights – the Federal law *“On Guarantees of the Rights of Numerically-small Indigenous Peoples of the Russian Federation”* (April 1999). The second deals with the establishment and function of community enterprises (*obshchinas*): The Federal law *“On General Principles of Organization of Obshchina of Numerically small Indigenous Peoples of the North, Siberia and the Far East of the Russian Federation”* (2000). The last one establishes the legal grounding for specially protected natural reserves (TTP): *“The federal law on Territories of Traditional Natural Use of indigenous peoples of the North, Siberia and the Far East of the Russian Federation (2001)”*.

The Federal law *“On Guarantees of the Rights of Numerically-small Indigenous Peoples of the Russian Federation”* was signed by the President of the Russian Federation on the 30th of April 1999. Adoption of this law was an important step towards indigenous peoples’ recognition (Novikova 2014: 62). According to this law, the list of indigenous peoples has been established. However, the mechanism for consideration of who is indigenous and how to allocate a person to this category in each particular case is still not formulated (ibid. 2014: 62). For example, after the column “nationality” in the Russian passport has been cancelled, the only official document with the indicated ethnicity is a birth certificate. Moreover, no special document certifying indigenous status has not been yet created (Polishchuk-Molodozhenya 2017: 114). Sometimes, people have to go to court to claim their connection to the small-numbered indigenous peoples of the North; but this procedure is extremely difficult and expensive for those living in remote places (ibid. 2017: 114-115).

Kamchadals were the most underestimated ethnic minority of Kamchatka, as for a long time (till 1991) were excluded from the list of indigenous people because of the lack of “cultural purity” (Hancock 2001: 2), as they have appeared after the process of Russian colonisation resulting in mixed ancestry of the Itelmen with Russians and Cossacks. They were therefore for a long time cut off from benefits like resources and territories (ibid 2001: 2). By the early twentieth century, most Kamchadals’ households kept a few milk cows and tended a vegetable garden, but remained oriented principally toward hunting and fishing (ibid 2001: 20). Since this category has been enabled to receive the right to resources and other social benefits, they should go through a process of proving their belonging to the small-numbered indigenous peoples of the North, Siberia and the Far East of the Russian Federation.

M. from the obshchina considers himself a Kamchadal, but was excluded from quotas for reasons difficult for him to understand. His documents were considered as not giving enough proof that his ancestors had lived in the region and had a relation to the Kamchadals.

At this present moment, therefore, in order to receive special benefits from the government, each indigenous person must go through documents to check procedure and only when he is able to trace a direct link, via documents and marriage and birth certificates, to an individual who is classified as belonging to an officially recognized indigenous group of the small-numbered indigenous peoples (for example, Kamchadal) (Hancock 2001: 97) does he have rights regarding quotas and other benefits. Moreover, as the legal definition of indigenous status in Russia combines both territorial and economic traits (Sokolovskiy 2015: 201), a potential applicant should lead a life within a traditional subsistence economy and be constantly living on the official territory of indigenous inhabitancy, as the status of indigenous peoples in Russia is

strongly linked to the concept of traditional territory (*“territoria traditsionnogo prozhivania”* TTP) (ibid 2015: 201).

Thus, indigenous status on a governmental level is directly linked to the presence of an indigenous person within a given territory; traceable ancestry; and one’s linkage to indigenous culture and subsistent activities. The link to indigenous culture and subsistent activities is contradictory in nature: the law also applies to people who are engaged in traditional subsistence alongside their main type of activity in other sectors of the national economy and so traditional fishing from time to time is enough for someone to claim indigenous status (Polishchuk-Molodozhenya 2017: 117-118). Moreover, a person claiming his or her indigenous origins should understand the language and share the culture of the ethnic community. However, the process of evaluation of such categories as language and culture remains unclear (ibid. 2017: 115).

The category of the official territory of indigenous inhabitancy has recently arisen in relation to an indigenous rights conflict in Kamchatka. According to the media, in 2014 the Governor of Kamchatka Vladimir Ilyukhin stated that the Federal Law “On Territories of Traditional Natural Use of indigenous peoples of the North, Siberia and the Far East of the Russian Federation (2001)” needed to be amended. *“Now the whole peninsula refers to the territory of the traditional residence of indigenous peoples, including cities and southern regions, although indigenous peoples live and lead their traditional lifestyle in national villages in the North, in central Kamchatka, and on Bering Island. Therefore other territories should be excluded from the list”*. The indigenous peoples in Kamchatka have repeatedly opposed the exclusion of the southern regions from the list and considered this initiative discriminatory (CSIPN / RITC Website [URL 23](#)). Be that as it may, no changes to the law have been made so far. Nevertheless, in order to maintain their rights, indigenous peoples are forced to live in certain areas, and if they leave them they may lose their rights (Novikova 2012 28).

Of course, a special place in the system of the rights for indigenous peoples belongs to the right to traditional nature management, which includes rights regarding the traditional use of land; forest resources; water resources; fish resources; and wildlife, etc. (the report of the Special Council on Indigenous Issues in the Kamchatka Krai 2017 [URL 24](#)). These rights refer to the allocation of free fishing and hunting quotas for the indigenous population in order to help them lead their traditional subsistence activities.

Moreover, on Kamchatka Krai, the Russian government provides a range of other social benefits to representatives of the small-numbered indigenous peoples of the North, Siberia and the Far East, including: free healthcare; partial reimbursement of tuition fees in secondary and

higher professional education institutions (full-time and part-time studies); reimbursement of the cost of travel to the place of study; social pension benefits provided five years earlier than the general retirement age (social pension for indigenous peoples is provided at the age of 55 for men and 50 for women); and the right of indigenous peoples to receive free legal aid (ibid. 2017).

Another important aspect regarding the rights of indigenous peoples, therefore, is the social tension and intolerance that is created among the non-indigenous population towards indigenous peoples. For example, free salmon fishing quotas, shortened retirement age, and other social benefits available for indigenous people fuel the confrontation between indigenous peoples and other poor sectors of the society, especially in rural areas, which may see indigenous peoples as more privileged than themselves in terms of the programs or policies addressed towards improving their living conditions (see Tomaselli & Koch 2014: 15).

During my stay, I managed to visit and take part in the “International Day of Indigenous Peoples” (field notes, 10.08.19). This holiday was combined with the Raion anniversary holiday as well. The event was widely celebrated as a lot of villagers belong to different indigenous groups – the Evens, the Koryaks, the Itelmens, and the Kamchadals. In the village I met different people who showed their attitude to indigeneity differently - some (mostly there were representatives of indigenous groups) said that the supportive measures for indigenous people are not enough; while others supported the idea that not only indigenous peoples are in a marginalized position but other residents of the village as well. The second group expressed the opinion that they also want fishing rights as they were born here and are living in the same conditions. One woman at the local library was unhappy with the fact that her colleague, who belongs to the indigenous communities, will retire five years earlier, because of her indigenous descent. This was despite the fact that they are neighbors and working in the same organization.

In this respect it is necessary to mention a controversial issue: Andrei Zavalishin (Northern Pacific 2000: 109) notes that researchers often confuse the ethnic problems of indigenous peoples with the general problems of the society, when social problems are characteristic for most of the residents in remote villages. When scientists strive to solve the problems of indigenous peoples, this can cause confusion and misunderstanding among the locals living with them side by side under the same conditions (ibid 2000: 109). Zavalishin underlines that people in the northern regions are often equally affected by economic processes.

That is why the question about who can be considered indigenous remains controversial. Moreover, the current legislation distinguishes sharply between indigenous peoples (through a careful selective mechanism which is not still perfect, as we will see) and

those representatives of Kamchatka Krai, who permanently live in the same regions of the traditional indigenous residence during several generations and may lead a similar way of life. Novikova (2014: 111) underlines the idea that a clear legal mechanism for distinguishing indigenous peoples is needed, and it should not be put in place unilaterally by the authorities, so the members of obshchinas and other village initiatives can have the right to voice. Thus, aborigines and their organizations should be given the opportunity to prove their rights (ibid 2014: 111).

As IWGIA (International Work Group for Indigenous Affairs) observers also noted in their report of 2014 ([URL 25](#)), current legislative approaches bring about a situation where indigenous rights are granted to individuals through application only and this contradicts the international norms set out by the UN, especially the right to self-determination. It also makes it incredibly difficult for indigenous peoples to assert their rights if every indigenous family has to do so on their own (ibid.)

3.3. Resource distribution for indigenous peoples

Currently, in accordance to the Federal Law “On Fisheries and the Conservation of Aquatic Biological Resources” (December 20, 2004, Federal Law #166) ([URL44](#)), a number of regional bodies of the Russian Federation, including the Kamchatka Krai, have adopted their legislative acts regarding fishing (Sivakov 2017: 136-137). Thus, the legislation on fisheries and the conservation of aquatic biological resources is jointly administered by the Russian Federation and its entities (ibid. 2017: 136-137). Therefore, at the Federal level, fisheries are administered by the State Committee of Fisheries (*Rosrybolovstvo*), which is assisted by scientific advisory bodies (Russian Federal Research Institute of Fisheries and Oceanography) and at regional level by branch directorates (Vaisman 2001: 5). *Rosrybolovstvo* decides about the fishery management policies including quota allocation, determines fishing zones and types of allowed gears (ibid. 2001: 5).

According to Article 30 of the Federal Law #166, there are different types of quotas: industrial; scientific; for aquaculture (fish farming); amateur and sports fishing; and for traditional subsistence economies (Sivakov 2017: 138).

Industrial quotas in Kamchatka are allocated to legal entities (industrial fisheries) and individual entrepreneurs for industrial and coastal extraction of aquatic biological resources. Scientific quotas are allocated between research organizations under authority of the Federal Fisheries Agency for research on Pacific salmon during feeding, pre-spawning and spawning

migrations, in order to conduct studies of the marine period of life of salmon, study their pre-spawning migrations and also to produce preparation of operational forecasts of runs of Pacific salmon to Kamchatka coastal fishing areas ([URL 26](#)).

These scientific data constitute future total allowable catch (TAC) numbers. TAC is estimated each year and determines the amount of quota distribution for the whole fishing season to different types of actors including indigenous peoples. This essential procedure is performed through *Rosrybolovstvo* with the help of the local scientific branches of the Russian Federal Research Institute of Fisheries and Oceanography (Kamchat TINRO (Pacific Branch of the Research Institute) and KamchatNIRO (Kamchatka Research Institute of Fisheries and Oceanography) in the Kamchatka Krai). Nevertheless, external researchers mention that the quotas for scientific purposes are “research in name only” (Dronova & Spiridonov 2008:16) and are not that different from ordinary industrial fishing.

I was fortunate, as the *obshchina* where I was staying is a member of Association of Communities of the Indigenous Minorities of Kamchatka. During one of our evenings with tea at home, M. told me that once they were at the *Rosrybolovstvo* branch in Petropavlovsk-Kamchatskiy and witnessed the procedure of quotas allocation by themselves.

I asked them to describe how it was in the fishing ministry and what the procedure looked like:

M: *Imagine a pie chart. Big circle. They draw it on a blackboard. And the first big piece is to industrialists (“promyshlenniki”) (author’s note: Industrial quotas). And they explain there that this part goes to them. Then the big share goes to research (author’s note: scientific quotas). And there already for KMNS (indigenous) is distributed by the residual principle, they give us the thinnest piece of cake. Since we were there, we saw it. And this piece should be distributed for all and they check whom to give it.*

Author: *And can people from industrial fisheries request quotas again, you have said?*

M: *Yes, and they will be given extra! But we have no right to ask for more, even when there is enough fish. It is very unfair! There were times when rivers were full of fish, but still we could not get more, even though, industrial fisheries have made huge money on that. Last year the industrialists even did not have the capacities to store and to freeze all the fish they have caught through numerous additional quotas, but nevertheless, even then the Ministry did not give the right to KMNS for additional quotas. Therefore, at that meeting we were simply informed that we are supposed to rely only on this small part allocated to the indigenous peoples. It was impossible to somehow challenge the decision and we stopped going to these meetings afterwards.*

Ruslan Garipov (2010) considers it is indigenous peoples of the North, Siberia and the Far East who are the least protected among other indigenous peoples in Russia, due to the fact that these peoples cannot survive by engaging only in traditional reindeer husbandry, fishing and hunting within the modern market economy scheme, when various extractive businesses influence their way of living (Garipov 2010, 28). True, with introduction of the market economy the private resource extractive companies have started to compete with the indigenous population for resources. Competition is especially strong, when the same administrative organ allocates quotas both for industrial fisheries and for indigenous population as in our case. And, according to many media sources, the administration of Kamchatka Krai is tightly connected to the fishery business by itself by having company shares and in many other ways.

The situation described above in an interview took place in 2018, when industrial organizations did not have enough capacities to process all incoming fish. In Kamchatka the fishing season of 2018 has been the most successful for the last 110 years. Industrial fishermen harvested up to 15 thousand tons of salmon per day, 612 thousand tons have been caught and it is only according official estimations. No one expected this, but it was explained that salmon stocks are very fragile to any changes. For example, a small earthquake near the Alaska shore could provoke fish to move from the American coast to Russia ([URL 27](#)).

For Russian manufactures it was unprofitable to transfer fish to the central part of Russia due to weak infrastructure and high transportation costs, moreover, refrigeration capacities are all clogged. Dozens of refrigerators have accumulated at the raid in the port of Vladivostok, which could not be unloaded ([ibid.](#)).

There were therefore numerous videos on the internet and in social networks about huge piles of unprocessed fish scattered throughout the peninsula in the forests and local residents were sure that it was made in order not to let the prices for fish decrease, which are rather high now ([URL 28](#)).

Huge amounts of valuable sorts of fish rotting in the forest have shocked numerous Russian media resources and a lot of Russian people. The fish is expensive, it is valuable, but only bears in the forests could have huge fish feasts. To catch so much was reasonable due to the fact previously described: when there are too many fish on the spawning ground they die at the spawning site and can poison their own offspring, which could in turn lead to a biological catastrophe, like the one that took place in the 80s. The mass catch could be justified for this reason. Nevertheless, unlike the events of 1996, when the similar situation of a mass salmonoid run took place, the Ministry of Fisheries, knowing that industrial capacities were not enough,

allowed the entire Kamchatka population to be engaged in fishing for its own consumption. I have to ask myself why similar measures were not taken by the Ministry this time, or at least, additional quotas were not allocated to the KMNS?

3.3.1. Quotas issues

Among the basic three laws on indigenous issues of the Russian Federation being already mentioned, the Federal law on the Animal World (1995) requires our attention. It guarantees the priority of rights for indigenous people to use natural resources (Novikova 2014: 62). Nevertheless, this federal law was amended in 2010 and, in article 48, the word “fishing” was eliminated and substituted with the general concept of “objects of the animal world”, which created confusion about Indigenous peoples’ rights to the prioritized use of fishing resources” (Tomaselli, Koch 2014: 6).

The indigenous population of the Kamchatka Krai thus enjoy a number of advantages, including free fishing quotas. Representatives of indigenous peoples can apply for the annual license for a certain amount of fish (quota) for food (not for selling). Next, we will look at how these rights function in practice.

I was able to agree a meeting in the administration with the specialist on indigenous relations, Antonina Gennadyevna Kaerkova with the help of A., who asked for me there. The specialist was waiting for me at five p.m. at her office and had even prepared some official data and statistical documents about fishing in the region for me. Therefore, with the help of *obshchina* I was welcomed in the administration very well and had a valuable opportunity to receive answers from an official representative of the *Raion* administration.

Antonina Gennadyevna said that, first of all, each indigenous representative should individually apply to the department of fishery for quotas. Since this year (2019), new rules have been introduced, and even for children it is necessary to fill in and sign a separate application forms, which bureaucratizes the process even more. Children, however, are given the same amount of kilograms in quotas as adults. The quotas application is possible until the 1st of September. Nevertheless, misunderstanding among the indigenous peoples occurs quite often, as they complain about having to write applications and send them each year. Many do not have the opportunity to travel to the city for the application. Even though, the administration informs the villagers through the local newspaper and through a special Whatsapp group about the deadlines and how the documents should be submitted. Unfortunately, there are always some people who apply two weeks or a week before a deadline and so some families lose their right for fishing for the whole year for that reason.

Zaharova (2018: 155) also pointed out that an incorrectly filled application becomes the basis for a quota refusal, and accordingly, the representative of indigenous minorities is deprived of the right for fishing; and there are also cases when quotas are denied for formal reasons, for example, in some regions, in 2018, they began to accept applications in typescript exclusively (Zaharova 2018: 155).

Antonina Gennadyevna says that the most acute problem exists for those applicants who live remotely on the West coast of Kamchatka in the micro-settlements (“*micro-poseleniya*” or “*rybalki*”) on the territory of the Bystrinsky *Raion*, who are certainly very far away from Esso. It is extremely important for them to receive quotas and to apply in time. They live in very remote inaccessible places, coming to Esso once a year for groceries. Then they go back to their place of traditional residence. Antonina Gennadyevna provided the list of such micro-settlements and there are only 32 people living in them in total. There are no roads to their settlements; and they are more or less accessible in winter by snow machines. Thus, when they come to Esso it is especially necessary for them to apply for individual quotas for the next fishing season.

In addition, despite the fact that the Aboriginal affairs specialist notes that a lot of work is being done to inform the indigenous population about quotas and the rules for submitting applications, local residents and community members mentioned to me that they often have difficulty filling in blanks for quotas.

For example, a native woman working at the library noted that even for her, who is constantly dealing with library forms, it was difficult to fill in and her son always helps to fill out a quota application.

During the conversation with D. from Milkovo Region, whose *obshchina* is engaged in dog sledging activities, he also mentioned that it is hard to get quotas, as officials don't explain the procedure to the local population. Some old people cannot figure out, how to make an application, but it's profitable for industrial fisheries, they'll get more fish (interview from 12.08).

It is also worth noting that indigenous peoples' quotas are dependent on the intensity of fish coming into rivers for spawning (TAC indicators) and the quantity varies every year. There are also differences in catch rates by species. Thus, in 2019, one representative of the indigenous minorities was allocated: 22 kilograms of char (*Goletz*) per person; 9 kilos of Chinook salmon (*Chawycha*); 30 kilos of Sockeye salmon (*Nerka*); 30 kilograms of Coho salmon (*Kizhuch*); and 30 kilos of Chum (*Keta*) salmon.

Thus, the size of the allowable catch in the quotas depends on the type of fish; and so only 9 kilograms per year is allocated for the Chinook salmon (king salmon – “*chavycha*”), the

largest of the salmon species, when one fish can weigh 20 kilograms or more. Therefore, people among KMNS find the quotas very small, saying when they find opportunity to fish over the quotas, especially for *chavycha*, they do it.

There are also special restrictions on fishing tools. At the moment, fishermen use industrial-made nets, with the condition that no more than one third of the river should be blocked with it.

Another issue is that the quota distribution refers to the fact that indigenous peoples sometimes cannot prove that all of their family belong to indigenous groups. For example, M. mentioned in a conversation about quotas: *“I am a Kamchadal, but was given no quotas this year, A. received the quotas, they think that it is enough when someone in the family receives a quota.”* (from a conversation with M., field diary from 08.08.2019). The friends of *obshchina* A. living in Anavgai have also received only 100 kilograms of quota per family and consider that it was too little. Thus, local residents do not always understand the principle behind why some family members are denied quotas when others receive them.

Antonina Gennadyevna noted that last year it was still possible to send an application by e-mail to the *Rosrybolovstvo* Department, but from this year (2019) only personal application or per post is possible. This year only 360 indigenous families were approved to receive the quotas in the Bystrinsky municipal Raion. For the whole Kamchatka Krai, the *Rosrybolovstvo* branch received about 4700 applications for quotas for KMNS. Interestingly, on the territory of the Bystrinskiy Raion, only individual quotas are issued and there are no joint quotas for *obshchinas* as in other Raions. The *obshchinas* of the Raion are also not provided with separate fishing grounds, as only one fishing ground is allocated for the whole *Raion*.

After the application for quotas is approved, each indigenous person is issued a limit card - a fishing license with his name on it. It must be shown to inspectors along with an identity document - a passport.

M. mentioned that inspectors are strict and ask indigenous peoples to have all the documents in the boat with them, but M. often left his passport and the fishing license on the shore in the car, as he was afraid to lose them or to make them wet. He was threatened with fines by local inspectors who were checking him and now has to have everything in the boat.

“They know that I am a local fisherman, but still require a passport every time!” “The fish inspectors’ patrols are checking the river on boats, and also they often check the nets and even car trunks. They check the journal where you write how much you fish and how much you have caught”. “Inspectors check us (KMNS) carefully, but they turn a blind eye to

representatives of business who mercilessly block rivers and fish even on passage days” (from the field diary 12.08.19).

There are also difficulties with the implementation of quotas for those who cannot fish for health or other reasons: they need to give a notarized power of attorney to a person who will perform fishing for them. And the power of attorney will have its value only if a relative of license owner performs fishing. Kinship must be confirmed by additional documents.

Antonina Gennadyevna told me that the power of attorney works only in cases where family members of a license owner go fishing under his license:

“For example, an applicant’s daughter or son can go fishing, if they prove through documents to the fish guard that they are relatives with a license owner, you see. Therefore, this is also of course a problem. Either personal presence on the fishing ground is needed when you cannot prove that these are your relatives who are fishing for you. So, according to the federal law, other individuals, even by power of attorney, when being not relatives, have no right to catch under other person’s license, and in this case a personal presence of a license owner is needed” (from the interview with Antonina Gennadyevna Kaerkova).

K., a local resident of the village of Esso and a friend of the obshchina, told me that it happens that in a village old people are left alone without relatives, as young people strive to leave the village and to get an education. Thus, there are elderly people in the village who are forced to be at the river during the time when someone is fishing for them under their licenses. But everyone in the village knows these people and villagers may share their fish with them and help them in every other way. But the fact is that an old, sick or disabled person must sit by the river and feed mosquitoes, in order to avoid a fine. K. considers this law not fair to the indigenous representatives, who may have health problems, or other serious reasons not to go to the river. This is especially so when fishing is prohibited on the river near Esso, and one has to drive along a bad road for 75 kilometers to a permitted fishing spot. Moreover, not everyone has means of transportation or knows how to drive a car.

Previously, a fish quota for dog food was allocated if the indigenous peoples had dog teams, and it comprised 300 kilograms of fish per year. This quota was abolished at the beginning of 2000 and indigenous peoples had to buy the remnants of production from fish factories to feed their dogs. Obshchina A. does not have many dogs; but it is an issue for another obshchina D. from the Milkovo village. I had a conversation with the head of that village. They are surviving by organizing sledge dog tours for tourists and those 300 kilos were a big help.

A.M. Pechen writes about the high impact of fishing on dog breeding, as salmon was historically one of the main sources of food for dogs. Dogs ate their fill only during the fishing

season. By spring, they were usually mostly hungry, and were given yukola and sour fish fermented underground in ground pits. One dog needs yearly about 150-200 Chum salmon (large) or 200-400 Pink salmon (1 Chum salmon = 2 Pink salmon) (A. M. Pechen 2019: 123).

A.M. Pechen notes that there is little significant change in the nutrition of dogs. The main food for dogs in Kamchatka is salmon. The sledge-dog farm with this food regime is extremely unprofitable both for the population of the region and for general state interests (ibid 2019: 124).

During the conversation with the head of obshchina D. from Milkovo (field notes from 12.08.19) we were discussing if the quotas allocated for KMNS were enough in his opinion.

D: I am myself not a KMNS, but my wife and children get the quotas, it sums up for three hundred kilograms of fish per family per year. If we had a traditional lifestyle, this would not be enough, of course. 300 kilos it is what we needed just to feed our dogs, for example, until this benefit have not been taken from us. But if you live in a village, grow something, buy other food, have a stable job and do not have sledge dogs, the quantity of fish should be at least sufficient.

Author: So, for a traditional lifestyle, do you think that is not enough?

D: Surely not! If you do not have a job to buy other food you won't survive with it. But, in the North of Kamchatka, on the coast, where fish is the only source of food and there is nothing besides fish, and KMNS need to eat fish all year round, to feed their dogs, of course, they need much more than that. But there, as I have heard, they're not being checked as attentively by inspectors as here, there isn't much of a market, they cannot sell it there, all they have caught they use by themselves. There are no fish processing plants; there is no place to give fish for sale. That it is, the problem is when an opportunity to sell fish appears, then greed appears and more control is needed".

D: "All people try to fish during the season, everyone is trying to feed their families. The way they can. Everyone wants to make money from fish, but most of all industrial companies. What indigenous people catch, is not as much, as fishing companies catch with their fishing vessels at the sea and in the mouths of the rivers on the coast. I needed fish to feed my dogs, we have to buy it now, additionally, we have refrigerators for storage, it is expensive. But if there were no dogs, the amount of fish in the quota would be enough for us, I think".

Apparently, D. considers quotas to be enough as he is having quite profitable tourist business and organizes snow machine tours, jeep tours and dog sledge tours around Kamchatka. Nevertheless, he wants the quotas for dog food back as has to spend a lot of money for dogs

food. His wife is a famous indigenous dogteam driver (*kajur*), who has often participated in the Beringija dog-sledge race.

I have nevertheless heard from other villagers that quotas are not enough, especially in the case of Chinook salmon, which has an allowance of 9 kilograms per year, when one fish can easily exceed the yearly norm set by the government.

“One hundred kilograms, remove the tails, fins, intestines? What will remain of this norm? Will you be able to eat it the whole year?”

There was also an opinion that by allocating 100 kilos per a person per year, it is no longer impossible to live only from fish - people have to grow and also buy additional food. Several people in the *obshchina* accused the current government of causing the situation with resource distribution, and told me that, even though it is prohibited to fish over quotas, many people do this, by hiding the extra catch in the forest and coming to it at night. However, often this does not save them from fishing inspectors and the fines are usually high.

“To catch a couple of tails and then having fines for which one has to work for several months,” a local villager says (not indigenous).

Therefore, to conclude, the representatives of the indigenous *obshchinas* consider the quota allocation by the government unfair both in terms of the allowed kilograms, which is not enough for subsistence, and the complicated quota-application process.

3.3.2. Official places for fishing

On the basis of article 7.2 of the order of the Federal Agency for Fisheries from 04.03.2009 No. 167 "On Approving the Procedure for the Activities of the Commission for the Regulation of the Production (catch) of Anadromous Fish", the Regulatory Commission determines the list of official fishing grounds for performing traditional fishing, taking into account the recommendations of specialized research organizations (North Eastern Federal Territorial Regulative Body for Fishing (branch of Rosrybolovstvo Federal Agency for Fisheries) [URL 29](#)). This year, 360 indigenous families in total were approved for receiving the quotas for fishing in the Bystrinsky municipal Raion (from interview with A.G.Kaerkova).

Interestingly, the *obshchinas* of the Raion are not provided with separate fishing grounds, as all the quotas were distributed according to individual applications and only one fishing ground was allocated for the whole Raion. This situation creates misunderstanding and conflicts on the local level. We can therefore say that the problem of the distribution of fishing sites in the Bystrinsky Raion for indigenous peoples is quite acute. The allocated fishing ground for indigenous peoples is 75 kilometers from the settlement of Esso, though the village and

stoibische are located on the river Bystraya. It creates a lot of difficulties for those who do not have a car. Thus, in order to get to the allocated fishing place, some people cooperate with their neighbors and go together. The road to the fishing ground is bad and after rain it becomes very eroded, which creates additional difficulties.

"We live on the river but have to travel for 100 kilometers to fish on a spot which is permitted for us to fish. I spend every day on the stoibische in summer - it is difficult to go fishing for several days to that distant place." (from the field diary, 08.08.19).

During International Indigenous People's Day, there was a celebration in the main square near the administration building. There was a cultural program on the stage and the majority of the village population was there. It was a good opportunity to speak to people, as in Esso they are rather friendly and open for conversations.

I had a short conversation with Y., a builder, who is now on a pension. He goes fishing too, and both his mother and father were from the Even peoples. His wife was Russian, and is dead.

I asked about the fish quotas and if that was enough fish for him. Y. answered that the quantity of 100 kilos is not really enough for a year, as he salts the fish, freezes it for himself and also gives salted fish to his sons, who live in Petropavlovsk-Kamchatskiy. He also worried about the remoteness of the fishing grounds from the village for the indigenous people, as his car is old and he tries not to go too far in it.

I was curious and asked if all the indigenous people are going to that official fishing spot or if there are ways to ignore it. Y. answered that many people think that the official fishing grounds are too small; and that locals are also trying to fish in other places, even though it is prohibited and then they can be fined by inspectors. *"The fines are big - when the fish is not abundant it does not make much sense to risk it and to fish close to Esso. You may have luck and may have not.."*

Another local villager, standing next to Y., heard us and became involved in the conversation as well. He added that, as the drive to the fishing spot is far and gasoline costs a lot, it is not very cheap to go fishing even when one has free quotas: *"It's almost a hundred kilometers of off-road driving. The car should be good, one has to pay for gas, and you also need a good boat. Where fishing is allowed, we were given only three kilometers. It is very difficult to be among the first there and to take a good place. When there is a long weekend and the weather is nice, everyone goes to the river, and then it begins: "This is my place! No! I arrived first!. And the fishermen are quarreling on the spot and also the inspectors are there ready to give fines for any extra catch. It is not at all easy now."*

Members of the *obshchina* A. consider that the distribution of fishing grounds is very unfair, since it does not take into account the opinion of the indigenous population, who just wants to fish on the river near Esso, without the need for additional time and material costs to get to the fishing site.

The specialist on indigenous issues, Antonina Gennadyevna, also told me that a total of 360 indigenous families were approved to receive quotas for fishing in the Bystrinsky municipal Raion. But, surprisingly, all these people received the same small piece of land for fishing. First of all, the fishing ground is too small for all the people (3 kilometers for both sides of the river); and, second, the spot is almost unreachable for those who don't have a car.

Antonina Gennadyevna also told me that fishermen often come to her and complain that the place is too crowded and they do not have a good spot to put in their nets; and so there is a big competition for spots:

Researcher: Where exactly is this spot situated?

AGK: The spot is seventy-five kilometers from Esso, on the Alach River, a tributary of the Kamchatka River. It is three kilometers long. This is three kilometers where 360 families should fish! Three hundred and sixty families! Imagine, only three kilometers on both shores!

Researcher: Very small!

AGK: The Northeastern Territorial Administration gave such a fishing spot for local residents of the Bystrinsky district...<...>

Researcher: And I was told there are conflicts between fishermen because of the fishing spots?

AGK: Of course they complain, of course they do, and as part of my work, fishermen come and complain that the fish-protection inspectors are pressing them, it is not allowed to catch on other rivers, on other tributaries of Kamchatka river, and only Alach is allowed for the Bystrinsky district. Therefore, there is a problem of course.

Researcher: I see

AGK: And fines are often issued. Unfortunately, this is what we have now. And social tension among the population is growing, that is, they come to the fishing spot for fish, yes, salmon, and there is a queue and they should stay there from morning to evening, wait for their spot, but many go to work also. And they only can come on Saturday to Sunday, imagine what Saturdays and Sundays are there! That is why those quotas that are given according to the orders of the SVTU (South Eastern Territorial Administration) - they are not used in full.

(from the interview with the specialist on indigenous issues A.G. Kaerkova, 16.08.19).

O., a local and a friend of the members of the *obshchina*, told me:

“There are some good spots, where you can put your net. If you put your net away from this spot, you will get nothing! And the man who has occupied the spot will get more fish. And imagine when all this piece of land is covered in nets, of course it is not effective. There are only three kilometers, when someone goes even a bit further than the territory, he will be fined, no one wants this.”

One of the *obshchina* members thought that these conflicts among fishermen were created on purpose to distract people from other acute problems.

“And the government gave only that small piece of land. Three kilometers on both sides of the river. Three days are “prohodnie dni” (passage days – to let the salmon fill the rivers), that is, you can’t fish during them - and on other days, fishermen come and practically fight for places, but the net can’t be put everywhere. People quarrel, start conflicts, I think this distracts from other problems. I mean the government distracts people from other problems. I don’t catch much, only for ourselves, for our family.”

According to current legislation, places are distributed by the regional authorities of the Federal Agency for Fishery. However, the opinion of the indigenous population is not taken into account and therefore the best fishing areas are given to businesses. Fishing provides an opportunity to feed families because in the village of Esso, where a lot of indigenous peoples live, there are almost no jobs and free and open access to convenient fishing areas near the village is one of the main issues that concern the indigenous population of the Bystrinsky Raion, as Antonina Gennadyevna said in her interview.

Concluding the interview, Antonina Gennadyevna noted: *“Our administration is working towards solving this problem. Work has already begun in this direction, there was a letter to the Ministry of Fisheries, to a regulation committee on anadromous species of fish stating that we need either to increase the fishing spot and should be provided with another place of fishing. Work is going in this direction ... we hope we can increase the fishing area.”*

Access to fishing for indigenous communities in the Bystrinsky Raion is thus considerably hampered. James Anaya also mentions that Kamchatka is a record holder (alongside the Buryatia region) in the number of reports regarding indigenous communities which took part in auction for fishing grounds and failed to receive them (Anaya 2010: 11). Sharakhmatova (2004) notes that these conditions, where the indigenous population has to compete with industrial entities were created with the help of the legal apparatus, which was often on the side of industrial fisheries rather than the indigenous population (Sharakhmatova 2014). Better licenses and better places are therefore often granted to commercial enterprises, whereas indigenous communities have to travel to their allocated fishing spots.

Moreover, Dmitry Berezhkov (2016) says that the new amendments to the Russian federal law on fishery in 2008 deprived the indigenous communities of their right to access the fishing grounds and required them to submit their bids as commercial tenders (Berezhkov 2016: 10). A lot of KMNS have thus lost their fishing grounds. Many of them were re-classified as industrial fishing grounds and leased to third parties through commercial tenders (ibid. 2016: 10).

3.3.3. Control by fish inspectors

The Ministry of Agriculture of the Russian Federation posted on the official portal of the agency (www.regulation.gov.ru) the calculation of fines for damage caused by illegal extraction of aquatic biological resources. The new system of fines was introduced - the coefficients for calculating environmental damage are determined for one fish specimen, regardless of its weight and size (Prosecutor General of the Kamchatka Krai [URL 30](#)). According to the official website of the prosecutor's office of the Kamchatka Krai (kamprok.ru), the Decree of the Government of the Russian Federation dated 03.11.2018 No. 1321 approved new coefficients for calculating environmental damage. So, for the Kamchatka Krai the rates are:

Sockeye salmon (Nerka) - from 1,250 rubles. (17,99 Euro) to 11 575 rub. (166.54 Euro);

Chinook salmon (Chawytcha) and Coho salmon (Kizhuch) - from 1,250 rubles. (17,99 Euro) to 10 635 rub. (153.03 Euro);

Chum salmon (Keta) - from 580 rubles. (8.35 Euro) to 2 009 rubles. (28.91 Euro);

Pink salmon (Gorbushe) - from 250 rubles. (3,60 Euro) to 961 rubles. (13.83 Euro);

Roe of salmon species (per 1 kg) - from 3,340 rubles. (48.06 Euro) to 27 455 rubles. (395, 03 Euro).

Moreover, for the illegal catch of aquatic biological resources during the periods prohibited for fishing (passage days) and (or) in areas prohibited for fishing, an additional 100% fee for an instance of the corresponding type will be charged ([ibid.](#)).

Article 256 of the Criminal Code of the Russian Federation also provides criminal liability for illegal catch of aquatic biological resources - from fines to two years in prison. The Ministry of Agriculture of Russia believes that such measures will minimize the damage caused to the rivers and seas from illegal fishing.

The local news agencies regularly have stories about Kamchatka residents who were caught by fisheries inspectors on the grounds of illegal fishing. A resident of the Yelizovo Raion of Kamchatka, for example, was punished for illegal fishing and he had to pay damages to the

state and pay the fines. The man had caught 157 specimens of fish of salmon species. The damage to the Russian Federation exceeded 130,000 rubles (1 783, 67 Euro). As a result, the court found the man guilty of an offense under Article 256 of the Criminal Code of the Russian Federation. Taking into account the compensation of the damage to the state, the court imposed on the man a fine of 20,000 rubles (300 Euro) ([URL 31](#)).

Given that the average salary in Esso is about 20,000 rubles, people pay fines for months. For local residents, such fines are unbearable high. *“To catch three extra tails and then work for six months to pay it off,”* complained one villager at the local museum.

There is also information in media that fish inspectors’ boats ram the rubber boats of KMNS, who fish at a place where fishing has been declared illegal ([URL 32](#)). Nevertheless, in the Bystrinsky Raion, at least, I heard nothing about the unfair activities of the inspectors; people mentioned only the high fines. However, local residents say that the inspectors are very strict on them, although they can sometimes be understanding when in a good mood.

“They are stricter with KMNS, since we are the most vulnerable. No inspectors especially control how far the fish industries are blocking the upper rivers and why there are so few fish.”

“Fines are nothing for industrial fisheries which fish in tons. But for ordinary people they create many problems.” (from the field diary, 12.08.19).

Others have also shared how villagers use different methods and tricks in order not to pay fines:

Researcher: And are fishing journals checked?

Anonymous1: Yes and no. You can write in the journal the amount you want. Well, the inspector will look at it, check the net and documents and leave. And the catch is hidden somewhere in the bushes deeper in the forest (from the field diary, 12.08.19).

Researcher: And how it is the situation on the rivers, how do they check how much you have caught?

Anonymous2: By inspectors? They go along the river by boats and check. Checking fishing licenses, journals and even car trunks, not only what we have in our nets. But locals are cunning: whoever catches the extra - they hide the catch in the bushes, and stay on the fishing site for two days, and at night the fish is taken out. If one can get more for feeding his family, why not?” (from the field diary, 09.08.19).

The theory of legal pluralism can be used to support the recognition of the customary law and is the basis for indigenous involvement in law making (Techera 2009: 224), as it is based on consideration of customary norms and values in addition to official law, especially in conflict resolution and court decisions. The theory of legal pluralism supports the idea that in their daily lives indigenous people continue to practice customary laws alongside the official one.

In the examples provided above, we have seen that the representatives of the indigenous obshchina find the governmental regulations of nature management unfair in many ways.

First, the amount of allocated quotas by the majority of my informants was considered to be too small in order to operate a subsistence economy based on fishing.

Second, the process of the application of individual subsistence quotas is very bureaucratized, especially when filling in forms each year for every member of the obshchina.

Third, the official fishing ground for subsistent fishing is the only one for the whole indigenous population of the Raion and all 360 families must fish there.

Fourth, the official fishing ground is located too far to get there on foot which creates a lot of difficulties for those who do not have a car.

Fifth, indigenous people are not allowed to sell a part of their catch, as the State considers it unlawful.

According to the theory of legal pluralism, in the situation where official regulations are imposed by force, considered to be "unfair" by the indigenous obshchinas and not effective for ensuring their subsistence, people may refer to customary laws in their daily life.

That is, in cases where people have to choose between customary or official legal orders in their everyday life, people may prefer customary norms as they reflect their worldview and values in a better way.

Nevertheless, where they are dealing with fish inspectors on a river, indigenous people have to choose the official law as it takes priority in most situations.

3.4. Problems of overfishing

Indigenous access to fishing is hampered when the resource becomes scarce and many actors are involved in a competition for it.

In Canada, the struggle around fishing was connected to the conflict of indigenous peoples with representatives of business. The canneries producers near the Babina lake claimed that the indigenous fishing tools which had been used for hundreds of years by the local people as a way of ensuring their subsistence economy were leading to overfishing (Harris 2001).

In Norway, the Saami indigenous peoples, who live on the banks of the Tana River which has become a popular tourist destination for sport fishing, claim that there is considerably less fish in the river, due to mass tourism and uncontrolled fishing licenses issued for the tributaries which were initially reserved by indigenous people only (Sicora 2018).

During my stay in Esso, the villagers complained that there were very few fish in the river. This situation is especially acute for the Kamchatka River (the Bystraya River is connected to it), the largest river on the peninsula, which passes through two districts of the region - Milkovsky and Ust-Kamchatsky - and flows into the Pacific Ocean. The situation with the lack of fish was so acute that the Commission for the Regulation of the Extraction (Catching) of Anadromous Fish has prohibited fishing in the Kamchatka basin until July 15 and in the areas of the Kamchatka River tributaries a ban was introduced until July 31, since there was almost a complete absence of Sockeye salmon in the upper Kamchatka River in July ([URL 33](#)).

However, the ban on fishing did not affect the indigenous peoples of Kamchatka. The Icha river, a tributary of the Kamchatka River, where the indigenous official fishing site of the Bystrinskiy Raion is located, is directly related to the situation on the Kamchatka River and therefore, of course, the drop in numbers of fish affected them greatly too.

M. mentioned that the last time he went fishing was in July but since there were only a few fish caught in the net he abandoned the idea and is waiting for a better run of salmon, because during the tourist season he is constantly needed at the stoibische too:

“Even until the beginning of August, everyone was forbidden to fish except for indigenous peoples, the passage days (prohodnye dni) were still set. All the same, the fish were not coming. From year to year, fewer and fewer catches. But last year according to the news, it was the biggest catch at the sea and what industries do! What a shame! They catch at the sea a lot and the fish cannot even reach the rivers!” (from the field diary, 09.08.19).

“And then we wonder why there are no fish - yes, industrialists (“promyshlenniki” - industrial organizations) block everything in the upper reaches, our governors and people in administration also have fish companies, of course, and no one controls them, they make profits as much as they want. And we (KMNS) do not have rights to add the quotas or to add extra catches, even if we ask. Industrialists can ask for more quotas, we - not. But a hundred kilograms of fish with tails with fins the head, and this is per person. Of course, this is not enough.” (from the field diary, 09.08.19).

Thus, the local fishermen see a problem in the uncontrolled catch of industrial companies, which can block the rivers or fish in excess of allowed quotas.

T. Thornton and N. Mamontova (2016: 153) also note the same problem in Alaska, where indigenous groups become easily marginalized when 95% of the fishing in Alaska is for commercial purposes.

Another informant recalls that 25-30 years ago the schools of fish going to spawn were so massive that the water was boiling from them. When fishing quotas were increased at the estuary and near the coast, fish became fewer (from the field diary 12.08.19).

Local residents are therefore convinced that the lack of fish is due to the record catches of salmon in the coastal parts which are well publicised in the news.

According to a media source, in 2019, the total catch during the spawning time amounted to about 377.5 thousand tons. The fishing companies have caught 372.2 thousand tons: about 257.5 thousand on the east coast and 114.7 thousand tons on the west coast. As for traditional indigenous fishing, only 4.7 thousand tons were caught, and 524 tons were caught by amateur fishermen ([URL 34](#)).

“Special thanks to the fishing industry, they are working so much that we can relax here. There is no fish because the officials in our administration and directors of fishing companies are blocking all the rivers and empty everything. Yes, they are getting all this fish like crazy, squeezing everything to its last breath. There are not as many fish as the industrial quotas they take,” say the fishermen.

After returning from the field, I sent an official letter to the public relations department of KamchatNIRO asking about the reasons for the sockeye’s bad run and also sent a request by registered letter to its director Nina Shpigalskaya, as I was advised to do by the secretary, but, unfortunately, I have not received any response.

Nevertheless, according to the news, an administrative-level meeting was held in Milkovo to discuss the reasons for the small number of fish coming to the Kamchatka River. The meeting concluded that one of the main reasons was the catch of fish for personal consumption and that inspectors should monitor the rivers more closely for violators ([URL 33](#)).

The inadequate run of fish into the rivers has also begun to prompt bears to go near people more often, and over the past year, cases of bears’ attacks on people have begun to be recorded more frequently. Zoologists have also discovered cases of cannibalism among bears which also occurs during the hungry years. During my stay at the camp from Saturday night to Sunday on 11th August, 2019, a bear came to the stoibische. At that time, tourists were sleeping in *Yarangas*, but, fortunately, no one was hurt, as the bear was attracted by the smells from the

remnants of the fish soup placed in the garage, which was to be fed to the dogs the next day. The bear tore several planks from the garage and turned over several garbage cans before the dogs frightened it and it went away.

Although the bear was scared away, it was in the forest near the village for some time, and when I needed to get through the forest from Esso to the stoibische and back, I felt very uncomfortable.

The population of bears on the peninsula is considered to be very large, about 20 thousand animals ([URL 35](#)).

Bears visit the settlements regularly in search of food and sometimes people are affected. It was decided, for example, to close a tourist route along the Hakitsin River (the South Kamchatka Sanctuary) in the summer of 2019 due to a dangerous situation for people, when insufficient numbers of fish coming up the river and the consequent lack of food for bears provoked conflict and aggression ([ibid.](#)).

An indigenous wood carver, Andrei Konstanttinovich Aducanov (AK), considers that the situation with the lack of fish was provoked by uncontrolled catching on the spawning grounds:

AK: "All of them have taken all the roe from here in the 90s already. Destroyed all spawning grounds, and that's it, now, what kind of fish can it be. It took five seconds to leave Kamchatka without fish. These spawning grounds can be taken, and that is it - in four years the fish will not enter the river. It spawns in the river and rolls into the ocean on the next year. Four years later it returns. But what return will there be if there are initially no fish?"

Researcher: And who is to blame for this in your opinion?

AK: Oh, here we need to consider everything together. Both industrial fisheries and local fishermen, a lot of things. Industrial fisheries, well, let's take Ust-Bolsheretsk, have you been there?

Researcher: No

AK: Well, in Ust-Bolsheretsk, fish are taken for billions of rubles. Let's take the city of Busan, South Korea, once it was a fishing village, now a city has grown on the site of this village. The city grew because of fish, which came mainly from Russia. And here in Russia a huge amount of fish is caught for a huge amount of money, look at this Ust-Bolsheretsk, it was built during the Soviet era, it's so gray, stunted, backward, it stays like that, well, they don't invest, the fact is that industrialists catch on our land, fish money is not invested in Kamchatka. Just to fill the pockets, that's the most annoying thing here. If they were fishing and investing, then God bless

them, let them fish, but when they just keep their money in offshore, do we really need such industrial fisheries? (from the interview with AK, 12.08.19)

On the 22nd of August I went to a meeting with the director of the Museum of Fish and Fish Eaters, which established by the famous Kamchatka journalist and researcher Sergei Ivanovich Vakhrin. He turned out to be a good friend of Andrei Konstantinovich Adukanov, who shared his contact details with me and previously was helping to decorate the museum with his beautiful wooden sculptures.

Sergei Ivanovich Vakhrin has been studying poaching in the Kamchatka Krai for a long time, and was one of the chief editors of the “North Pacific Journal”. This meeting was very helpful for my research, as Sergei Ivanovich not only gave up his time for a highly informative interview but also presented me with several books and journals about fishing that were kept in the museum. I asked him about his forecasts about fish for the future:

“I have been working at the fish protection authorities since 1984. To this day, I hear the same forecast that in future there will be no fish. Hopefully, we won’t lose our spawning grounds, as we did on Sakhalin. <...> Thank God, fish still get to the Kamchatka spawning grounds, they don’t finish it to the end. Therefore, I see a positive forecast, but I can’t say that everything will be fine either, because the feed base has its limitations. Our fish, its runs follow a sinusoid - rise - fall, rise - fall, like everything in nature. The number of hares increase - the next year they are gone, because there was an oversupply. The situation with bears went out of control - it leads to madness. What needs to be done is to shoot some, otherwise they will eat us. That is why everything in nature is relative. Therefore, the same thing is with fishing. It is a normal process; there will be a decrease, then an increase again. It is all adjustable.” (from the interview with S.I. Vakhrin, 22.08.19)

Sergei Ivanovich therefore does not see a reason for panicking about future fishing seasons, as natural processes will stabilize the situation. In any case spawning grounds are protected and people are kept away from destroying fish at the spawning grounds which would lead to a catastrophe.

Nevertheless, as indigenous peoples depend greatly on the resource, the topic of lack of fish in the rivers appeared very often in a daily conversations and the obshchina members worried that this situation might be permanent.

3.5. Poaching in the Kamchatka Krai. Reasons for poaching, types of poaching

Dronova & Spiridonov (2008: 4) suggest that the term "salmon poaching" implies the following: illegal and unrecorded commercial fishing (in excess of allocated quotas) in the seas and large rivers (industrial poaching); illegal fishing for the purpose of roe extraction at the approaches to spawning grounds (organized poaching); and fishing by the local people, without permission, for personal consumption (subsistence poaching).

All these types of poaching are of different nature and in the following chapters I would like to outline their distinctive features.

First of all, industrial poaching is focused on making a profit by exceeding the catch quotas allocated to industrial organizations, while criminal poaching does not have any right to catch fish, is subject to criminal liability and is mainly focused on getting roe in Kamchatka (Vakhrin 2018: 23).

Subsistence poaching stands apart, because it has a different nature, where fish is not a means of enrichment, but is caught for the purpose of its consumption. In my opinion, this type can be subdivided into groups, as follows: 1. excess of limits of fish quotas by indigenous peoples for the purpose of personal consumption; 2. fishing by other vulnerable social groups in the village, who do not have access to quotas, but catch fish for personal consumption as well.

Sergei Ivanovich Vakhrin in an interview told me that he sees poaching as the main threat to salmon stocks, as in Kamchatka there is no chemical and other production, except for enterprises engaged in gold mining; and fish have not yet experienced any anthropogenic impact other than poaching (from the interview on 22.08.19).

3.5.1. Industrial poaching

Sergei Ivanovich Vakhrin notes that industrial poaching makes up 99% of the total poaching seizure, while subsistence poaching takes a minimal amount. But these minor domestic violations are what the statistics of violations have been built upon up to now (Vakhrin, interview on 22.08.19) At the same time, industrial poaching is considered legal but only with some violations, even though the total damage from it can be measured by thousands of tons.

There are different types of fishing that can be attributed to industrial poaching (Bekyashev 2017). In some cases, the fish being caught is not delivered ashore, but is thrown overboard for various reasons - for example, because it is of the "wrong" type or it is not a commercial size (ibid. 2017). In other cases, the fish are unloaded illegally, presented as some kind of "other" species, or concealed from the control and calculation of quotas in other ways (ibid. 2017).

There is also a huge uncounted export of fish products which avoids the taxation system completely and which enriches the fishing companies ([URL 36](#)).

The situation is such that the Russian market is flooded with artificially grown foreign products, expensive and with the use of chemicals and dyes. At the same time, more than half of the Russian fish caught in the Far East goes to Asian countries. These are also only the legal amounts, as entering of false information on official documents is a common practice among industrial fisheries (Vaisman 2001: 69 -70) and estimates of the value of the overall illegal catch in the Russian Federation range from one to five billion US dollars each year (ibid 2001: 69-70). The Japanese market is attractive for Russian industrial fisheries, because it focuses on expensive products (A. Rodionov, 1996: 58). Given that all state organizations are privatized and fragmented into small joint-stock and private companies, each ship is the subject of a foreign economic union that can hide real catches. It turns out there is a statistical gap - more fish is sent for export than leaves Russia officially (ibid. 1996: 58).

Industrial black fishing causes significant damage to the Russian economy. For example, in 2010, actual deliveries of fish and seafood from Russia to Japan were 2.5 times higher than according to the data of the Federal Customs Service of Russia. In particular, the catches of Kamchatka crab were exceeded by almost seven times (Bekyashev 2017). In 2010, the damage from the illegal export of Russian fish and seafood to Japan amounted to approximately \$800 million (ibid. 2017). This leads to a large loss for the regional budgets in form of taxes, and as a result, to the economic backwardness of the region, which lives largely due to the subsidies from Moscow.

S.I. Vakhrin (2018: 32) believes that in Soviet times the fish-conservation authorities were a very powerful organization and that current fish-conservation powers are probably two or three times less effective. In the late 90s and early 2000s, a destructive restructuring reform was conducted, as a result of which there is neither effective personnel left in the fish-protection department nor logistical support, which has all led to corruption of the fish-protection officials by the criminal communities.

Thus, Vakhrin believes that poaching has created a “legal framework for absolute impunity” (Vakhrin, 2018, 45). Moreover, industrial poachers generally pay little or no attention to fines because the profits from illegal activities usually exceed the fines many times over (Vaisman 2001: 62).

Unfortunately, amending and strengthening the existing legislation would not be enough, as, for many reasons, the entire system of control including logistics, taxation, and other factors should be changed (Dronova & Spiridonov 2008: 38). Specialists note some legislation

gaps in the sphere of export customs regulation, therefore, fish is caught and sold without entering Russian territorial waters (Vaisman 2001: vii). The only effective strategy, according to Dronova and Spiridonov (2008: 38) would be to ship all harvested aquatic resources to Russian ports. Nowadays it is much easier for Russian Industrial Fisheries to ship raw fish directly to a foreign port or transfer it on the open sea. The entire export volume from Kamchatka, according to statistics, is estimated at \$962.8 million in 2018 ([URL37](#)). Nevertheless, the amount of black export schemes cannot be counted, which leads to a lack of a corresponding contribution to the Kamchatka Krai budget.

3.5.2. Organized poaching

The interest in caviar as a business began in 1920, when salt became available, and people started to salt and to smoke salmon and roe (Kasten 2012: 70). It meant that marine products could be transported anywhere with this conservation technique. Fish roe has started to be stored in big amounts and transported to the towns (ibid. 2012: 80).

Vakhrin (2018: 20) considers that the caviar business has become the goal of poaching because it is the most profitable one. It originated in 1970, when limits for salmon catch with the subsequent sale of caviar started to be allocated for the state-owned enterprises - *gospromkhozy* (regional enterprises with commercial rights) (Vakhrin 2018: 20). Soon, the volume of orders for red caviar exceeded the limits for red fish allocated to state farms. After that, a loophole was found which is still used now - state farms began to buy caviar from the fishermen. This has marked the birth of Kamchatka fish mafia – when local authorities, businesses and law enforcement agencies have merged into united big structures (ibid. 2018: 20).

I discussed the poaching issue with the members of obshchina, too (field diary from 08.08.19):

- Poachers are those who want to get rich on it, to get cash. Esso is connected by roads, there are opportunities to sell. There are several people who come and buy roe, come for the season, by big jeeps; they can give for roe 700 rubles for a kilo, and that's a lot of money, if you think. And, after all, people want to buy a car and take their family on vacation, there is no alternative for good money. But you should not think that everybody does it! Poaching is against the Koryak tradition. We have always used fish completely; even the skin of fish can be sewn and made for waterproof clothing. There has always been a very careful attitude to nature. But there are

always those who don't think and just want to stuff their pockets. Koryaks, Evens and Russians, greed has no nationality.

Researcher: What do you think about how the situation might be improved?

- It is imperative to get rid of those roe buyers, if there is no possibility of selling it, and then there will be no temptation. It is stolen, from nature, from our people, from our children. I hope in four years there will be still fish; it is less and less now already.

Interestingly, the indigenous informant considered that poachers are only those who kill fish just for roe and are interested in big profits. Getting fish over the limits imposed by the State for one's own consumption or fishing in the river in the "wrong" spot from the point of view of the government is not considered "poaching" by the indigenous peoples of the obshchina. Here we can trace the case of legal pluralism, where two legal orders may come into conflict.

So, from the point of view of the state legislative system, poaching is unauthorized fishing in forbidden places and/or during a forbidden period and/or in prohibited quantities or performed by using "the wrong" tools or in a prohibited way. Thus, from the point of view of official law, any violations of the set rules are considered as poaching. Therefore, the state law does not distinguish "poaching" for someone's subsistence and poaching for quick profit; and from the point of view of the official law, an indigenous person fishing near a village in a "forbidden" place is the same poacher and a criminal in the same way as a member of a criminal gang that processes dozens of kilograms of fish roe overnight for sale.

At the same time, according to the customary law of indigenous peoples, one of the main rules of indigenous traditional economic activity is the rule of respect for nature. A barbaric attitude towards fish for caviar is condemned by many of my informants from the representatives of the indigenous obshchinas, since it contradicts their ethical principles.

The *obshchina* is against the technique of the poachers, who take the roe and leave hundreds of fish bodies to rot in the forest, which harms the ecosystem and also attracts a lot of bears to these fish dumps.

Nevertheless, fishing for subsistence purposes is an everyday activity for indigenous people and I argue that even when it does not fully correspond to the rules set by the official legal regime it may be a part of their customary daily practices.

The road connections to the main cities, Petropavlovsk-Kamchatskiy and Elizovo, makes it easier for criminal poaching groups to transport the illegal roe and get money from it:

Anonymous 3: It is a constant problem, especially, with the good transport connection to Petropavlovsk, fish dumps appear here and there, everyone wants caviar, to sell it, to deliver to the city, and they throw the fish, take caviar and throw away! The problem is that they are fishing uncontrollably; our Russian person is like "I want to get rich, preferably, today, preferably, at six o'clock". Everything that can be extracted from the river is taken. In our country, if someone received a license for fish, they can resell it, they add their people into the brigade.

Researcher: Is this legal to sell the license?

Anonymous 3: As a matter of fact, it is not. Poachers, there are so many of them, especially, on the Kamchatka River and along the route to Esso, as the city is close and easy to sell and drive away unnoticed. They catch, hide it in the bushes and take it out at night so not to be caught by inspectors. You will not put an inspector everywhere; they patrol rivers, some they catch (from the interview on 12.08.19).

Thus, the Kamchatka River becomes a source of income during summer for various social groups.

Some of illegal fishers use nets covering the whole river thus blocking it completely; or throw a fishing line with a massive treble hook (flipper – “zhivoderka”) far into the water. They reel it in quickly and the sharp hooks catch the fish. This type of fishing is also prohibited, as the fish is painfully injured. The wounds are deep, and if it manages to get rid of the hook, then it will most likely die before it reaches the spawning ground. This method of fishing is the most invisible to fish protection services, since fish can be quietly pulled out and gutted in the nearest bushes. Injured males are usually released into the water, but these fish also die quickly (field diary, 12.08.19).

Erich Kasten underlines that after *perestroika* and the free-market economy, a Western lifestyle became attractive to indigenous youths as salmon caviar could be exchanged for good money (Kasten 2012: 80). Moreover, collectivization and forced resettlement started the process of social, political, and personal alienation, as indigenous peoples have continued to harvest fish, but among different social conditions (Koester 2012: 51). The concept of alienation was developed by Karl Marx and describes the position of workers embedded in the capitalist economy, when objects of nature are mixing with labour (a deer is killed, or a salmon is caught) – and becoming a commodity, thus, the workers are alienated from the products they make (ibid. 2012: 51). When fishermen started to receive money in fishing kolkhozes, salmon became goods. We can say that these processes fostered an abrupt shift in the indigenous lifestyle.

It should be also noted that the extraction of roe by local residents and selling it to the representatives of the local fish mafia is one of the few ways to make good money when the average salary in the village does not exceed 25,000 rubles (300-350 euros). One may also collect berries and mushrooms at 100 rubles /kilo for local entrepreneurs (1.40 Euro); but it is more difficult due to bears and mosquitoes in the forest. Someone goes to the city to earn money, whoever has the opportunity, but finding a job in the city can be problematic too.

“During the fishing season, virtually every Kamchatka settlement turns into a poachers’ camp which is mostly oriented towards roe extraction, discarding the fish carcasses.” (Dronova & Spiridonov 2008: 36).

In 1998, when the authorities opened up unlimited access to the harvesting of roe and fish, this measure was aimed not only at preserving spawning grounds from the repetition of the catastrophe of 1983, when spawning grounds were littered with tons of rotting fish, but also in order to reduce the burden of the economic and social crisis on the population, in a situation, when many people were left without a job and only the river could feed them (Vakhrin 2018: 27). After 1998, a license for salmon catch must be obtained from the state authorities; and thus a big corruptive merging of administration and businesses appeared (ibid. 2018 28). Nowadays, the retail price of 1 kilogram of caviar in Kamchatka is around \$50.

Erich Kasten (2012: 85) writes about a serious dilemma appearing on the peninsula - indigenous peoples are losing their traditional sustainable attitude to nature through involvement in poaching and making money from it; and at the same time the quotas allocated for indigenous peoples now are not enough to feed them fully in a traditional way. He also underlines that poaching is largely controlled by well-organized syndicates outside of Kamchatka and is often associated with the local authorities (Kasten 2012: 85).

3.5.3. Subsistence poaching / life-subsistence activities

Sergey Vakhrin (2018: 16) believes that the impetus for development of *subsistence poaching, or life-subsistence activities* was the situation in 1950-1970, when the USSR government decided to ban salmon fishing for personal consumption for all residents of Kamchatka (with the exception for indigenous population), in order to somehow restore the salmon population, disrupted by disastrous Japanese drift-fishing in the international waters of the Pacific Ocean. Thus, the poaching of that period became a kind of “civil opposition” to the system (ibid. 2018: 16).

As was already mentioned, when the Soviet government came to Kamchatka, the Soviet ethnographers excluded Kamchadals from the list of the indigenous population of Kamchatka, taking away their right to fish. However, later, a study conducted by the Kamchatrybvod Fish Protection Department in the 1980s showed that the bulk of the subsistence poachers were descendants of those Kamchadals who were registered as Russians in 1926 (ibid. 2018: 18-19).

One of the villagers recalls that in the 90s they were not getting salaries for half of a year, and “*there were hungry times*”. “*How would have people even survived in Kamchatka without rivers and fish?*” (field diary 08.08.2019).

Therefore, according to the theory of legal pluralism, even if the catch for one’s subsistence implies breaking some of the state norms, like fishing on the “wrong” spot or catching a “wrong” type of fish, people may refer to their customary practices during life-subsistence activities. Therefore, from the customary point of view, indigenous fishing on the river is the part of their mundane activities and is not considered as something illegal or criminal. Nevertheless, when fishing inspectors or other authorities notice that fishing is performed not according the official legal regulations, a subsistence fisherman, in most cases, is fined.

In the situation where the official fishing grounds for indigenous peoples are not within walking distance from the village, people are tempted to fish near to the village, especially those who do not have the means of transportation to get to the spot. Moreover, according to the informants, when people have an opportunity to fish over the quotas for their subsistence, they will do it, as they consider that the distributed quotas not enough to live on.

Indigenous people are therefore feeling almost entitled to act according to their customary (daily) practices other than official regulations. They consider the latter to be ineffective in helping them to perform their subsistence practices successfully.

For example, I asked an indigenous fisherman what he should do if he catches a Chinook salmon that is too big and does not fit the limit. Would he would throw it back into the river? He answered, “*I should. In theory. But it is the tastiest fish...*”.

The norm of Chawycha (Chinook) Salmon imposed by the government for indigenous subsistence comprises only 9 kilograms per year, which is surely not enough from the indigenous point of view. Thus, fishing reaching over this norm of 9 kilos of Chinook salmon and other salmon species for personal consumption and for feeding dogs is perceived normal and justified according to indigenous customary law, where the norm is when it is enough fish to feed own family and also animals.

Therefore, from the point of view of indigenous customary law, fishing for one’s subsistence over the quotas is not poaching at all, but a *life-subsistence activity*. Therefore, later I

will refer to this term other than naming it plainly as subsistence poaching, as it may be wrong from the customary perspective.

As we have already seen, the legal configurations in the Kamchatka Krai are rather diverse due to its multicultural composition and the colonization history. Moreover, states are not the only mechanisms of law-production - communities take part in this process too (Benda-Beckmann & Turner 2018). Therefore, customary laws, especially, in nature management sphere, still play a big role in the lives of indigenous peoples of Kamchatka. Even in the situation, when the indigenous customary laws are in subordinate position to the formal legal system and legally are not valid in case of any contradiction to the formal law, in their daily lives people continue to practice customary laws alongside the state one, irrespective of their status within the state legal system (ibid. 2018).

Salmon plays an important role in terms of nutrition in the lives of the indigenous peoples of Kamchatka; and, moreover, it bears significant cultural and symbolic importance for the people we are considering. Fishing is an integral part of indigenous life and a necessary subsistence activity. Empirical research has shown that fishing has become entangled with both legal systems and normative orders; and indigenous peoples practice customary laws alongside the official ones, thus creating “overlapping spaces of authority” (Benda-Beckmann & Turner 2018), which leads in the end to different interpretations of the dominant legal system.

Erika J. Techera (2009: 226) notes that if the official legal mechanisms are accepted in a society, they will be effective; but if the formal laws make a strong customary opposition, they will not work.

Research in the field has found support for this statement. Even after enforcing a strict system of fines, people are finding a way to fish the way they used to, relying on their customary habits and necessities.

According to the theory of legal pluralism, people can choose from among more than one co-existing set of rules (Benda-Beckmann & Turner 2018). In the Kamchatka examples, we can observe that two legal orders in fishery management contradict and people choose the legal order which is the closest to their culture and reflects their free spirit – the customary one. Moreover, the top-down implementation of laws and its western understanding is not always appropriate to all cultures and may contradict with customary laws.

Interestingly, in the context of natural-resource management in the Kamchatka peninsula, the official state-based laws tend to be not very effective for ensuring indigenous subsistence. Therefore, the preference of customary law can be explained by the fact that even

despite years of colonization and political changes, deeply integrated cultural beliefs cannot be changed on command, especially in remote areas like Esso.

Benda-Beckmann & Turner (2018) consider that sometimes the borders between state and other-than-state law can be barely recognizable. Therefore, some activities may be considered illegal within both customary and state legal orders.

For example, when we look at the action of gutting of dozens of kilograms of fish for roe and throwing fish bodies away, it is illegal from the point of view of both legal orders. From the point of view of official legislation, people performing this action are criminals.

Moreover, according to the interviews, from the point of view of the customary practices of the indigenous peoples, this activity is also prohibited and punishable, at least from the point of view of indigenous nature management, when the river and nature forces will revenge for disrespect for its resources and will not bring fish in the future. Also, when a person catches fish more than necessary, one is at risk of leaving the neighbors upstream without a catch - which is also a part of customary law and judged negatively by the indigenous communities. Therefore, customary laws reflect society's understanding of law and their moral principles.

However, people who are fishing for their life-subsistence may justify their actions in terms of the unfair and insufficient distribution of quotas; the ambiguous mechanism for determining who is indigenous and who is not; and who is entitled to receive the social benefits. Therefore, fishing by avoiding the state law to achieve the goal of life-subsistence is common and socially approved.

My informants said about poachers: "*Poachers are those who want to get rich on it, to get cash*". In my opinion, this phrase is fundamental in indigenous thinking, as to get rich from caviar means to overuse a resource, to be disrespectful to Nature.

Moreover, Indigenous customary laws have been providing the rules of nature management that have been providing their subsistence for a long time, so they are known as effective and working. The state regulations are thus known as "unfair" and are rejected on the village level.

Thus, Indigenous peoples justify *their life-subsistence activities* (or poaching from the official legislation position) in terms of unfair state regulations that impede their access to resources (Kasten 2012: 86) and therefore act according to their customary considerations. State-enforced legal orders stand in strong opposition to the principles of customary law, which are considered by indigenous people as more appropriate because of being closest to their culture and beliefs.

3.6. Question of rights of selling the products of subsistent activities

Modern realities are pushing indigenous representatives to be a part of a market system in order to ensure their successful economic subsistence. The question of rights of selling the products of subsistent activities is not an easy one, and world legal practices show numerous tensions in this sphere.

Thornton and Mamontova (2016: 156) note that hunter-gatherer economies involve exchange or trade and that therefore the boundaries between subsistence and commercial transactions may not be distinct. According to the research, informal and quasi-legal economies have emerged in both Alaska and Siberia, especially in the salmon fisheries, to maintain hunter-gatherer livelihoods where cash or employment is limited (ibid. 2016).

In Russia, indigenous *obshchinas* are not allowed to sell the products of their subsistence fishing. The quota for indigenous people's subsistence implies only using the fish for personal consumption, without the right of selling the resource to anyone else. Turaev (2017: 183) writes that the Russian government considers the sale of fish by indigenous representatives as a discrepancy of the traditional way of their life.

Therefore, *obshchinas* are limited to "traditional" types of their activities, refer to non-profit organizations, and can sell only services (for example, museum activities) or products of labour (for example, souvenirs and clothes made of natural materials) (Novikova, 2008: 158). Otherwise, their access to commercial fishing quotas and commercial markets is almost completely restricted (Thornton & Mamontova 2016:158). This means that indigenous *obshchinas* lack the opportunity to sell their fish harvests legally, as it is almost impossible to meet the technical, financial and bureaucratic criteria for commercial fishing activities (ibid. 2016: 158).

The UN report on indigenous issues in the Russian Federation ([URL 3](#)) states that indigenous *obshchinas* are regarded as competitors by private businesses, especially in the fishing industry, some of which are well connected to the local administrations and make considerable efforts to push indigenous *obshchinas* out of business (page 19).

However, customary trade and barter for salmon products in indigenous communities has a long history (Thornton & Mamontova 2016). Thus, when an *obshchina* member sells the fish he has caught through the governmental subsistence quotas allocation, he will be a poacher from the point of view of the state. Nevertheless, from the customary perspective, this act may be regarded as an exchange of goods, like reindeer Koryaks exchanging reindeer meat for *yukola* with the coastal Koryaks. Therefore, this action may be justified in the light of the customary norms. Through selling fish, a person receives the means to sustain himself; and money is also

now a necessary resource for the indigenous obshchinas, since indigeneity has overcome considerable changes and become involved in the market relations.

E. Kasten (2012) underlines that in the current reality, when indigenous peoples are living in villages alongside other parts of the population, no “pure” indigenous subsistence is possible - they need to go shopping and pay their bills like any other person. Therefore, in a situation with lack of jobs, opening up more opportunities to sell the catch could help the indigenous peoples to improve their financial situation.

Moreover, according to my informants, the amount of subsistence quotas cannot be enough to have a traditional way of life without having any other means of getting income. My point is that the entire population of Kamchatka peninsula will benefit from the sale of fish by indigenous peoples when the prices for fish products in the local market are artificially inflated by representatives of the industrial fisheries and many business representatives are focused on marine products export rather than satisfying the needs of the internal market. Moreover, this measure will help to improve the socio-economic position of the KMNS.

3.7. Summary and results of data analysis

Salmon fishing is one of the basic needs of the indigenous population of Kamchatka due to its prominent nutritional, cultural, economic and symbolic significance. Due to the traditional system of managing nature practiced by the Kamchatka based on wise customary laws which have been developed over hundreds of years, the indigenous people have found a harmonious unity with the nature: they have taken the optimal amount of resources from the environment; had specific knowledge of how to use these resources wisely without overuse; and have fished only in amounts necessary for conducting their traditional subsistent activities.

In the context of fishing rights for the indigenous peoples of the Russian North, Siberia and the Far East, it is necessary to consider traditional fishing in terms of how it relates to the way in which nature is managed; and how this can be retained in modern times.

There is a question of how to apply this rich historical experience of nature management to modern conditions, where fishing has turned into a profitable business and many actors have become interested in the resource. Due to the increased fishing pressure for salmon fishing in the waters near the Kamchatka coasts, fewer fish began to enter the Kamchatka rivers, which resulted in competition for the better fishing grounds. At the same time, the indigenous population is often offered the most disadvantageous fishing grounds, located far from their places of residence. Moreover, according to the obshchina representatives, quotas for traditional

fishing are allocated according to the residual principle, after quotas for industrial fishing organizations and quotas for scientific needs.

Unfortunately, the quotas allocated to the indigenous peoples of Kamchatka in order to preserve their traditional way of life imply only fishing for food, so the indigenous people cannot and do not have the legal right to sell some of their catch. In the modern realities of the Russian rural settlements which are characterized by a limited job market and lack of sources of income, legal permission for indigenous people to sell fish could be a way to make the KMNS more self-efficient, empowering them to earn income and to allow them to afford necessary food, clothing and fishing tools.

In any case, nowadays, the indigenous people would not be able to compete with the industrial fisheries in selling fish, since the indigenous peoples carry out their fishing on a much smaller scale. Nevertheless, if the indigenous population were able to sell fresh fish to the local market, the whole Kamchatka population would benefit from it, since citizens would be provided with fresh and affordable fish and the indigenous peoples could have, at least, some additional income.

Currently, the market for marine products in Kamchatka represents a paradox: on the one hand, the fishery-management system in Kamchatka is very export-oriented, which leads to a situation where products are becoming less and less accessible to domestic consumers. This factor is intensified by poor logistics, inadequate tax politics and others. On the other hand, by prohibiting the sale of fish by KMNS in the current conditions of unemployment and an uncertain economic situation, indigenous peoples are forced to look for other sources of income which are often not wholly legal.

After fishing became a big business, KMNS representatives also suffered from speculation in fish resources, being deprived of official jobs, with some of them aiming for roe extraction with the chance of receiving big fines and, of course, working without any labor and social guarantees.

For indigenous *obshchinas*, it has become almost impossible to be involved in the distribution of commercial quotas for financial and bureaucratic reasons.

The overuse of the salmon resource, or overfishing, has become a serious problem for the preservation of the biological diversity and economic security of the peninsula. Nevertheless, salmon remains the main source of income for the Kamchatkan population.

As Kamchatka represents a classic post-colonial territory, we can acknowledge the presence of legal pluralism, where two competing legal orders are taking place. Therefore, obtaining fish over the limits imposed by the State for personal consumption or fishing in the

river in the “wrong” spot from the point of view of the government are not considered as “poaching” by the indigenous peoples of the obshchina. In their daily life, people may refer to their customary norms, which sometimes come into opposition with official legislation. Here we can trace the case of legal pluralism, when two legal orders come into a conflict.

Empirical research has discovered that representatives of the indigenous obshchina find the governmental regulations of nature management unfair in many ways.

First, the amount of allocated quotas by the majority of my informants was considered to be too small in order to perform subsistence economy based on fishing.

Second, the process of individual subsistence quotas application is very bureaucratized, especially filling in forms each year for every member of the obshchina.

Third, the official fishing ground for subsistence fishing is only one for the whole indigenous population of the Raion and all 360 families must perform fishing on that territory.

Fourth, the official fishing ground is located too far to get there on foot which creates a lot of difficulties for those who do not have a car.

Fifth, indigenous people are not allowed to sell a part of their catch, as the State considers it unlawful.

According to the legal pluralism theory, in the situation where official regulations are imposed by force, considered to be "unfair" by the indigenous obshchinas and not effective for ensuring their subsistence, people may refer to customary laws in their daily life.

That is, in cases where people have to choose which law to follow - customary or official legal orders – in relation to their everyday lives, people may refer to customary norms, as they reflect the indigenous worldview and their values in a better way. However, in cases of encounters with officials (fishing inspectors, governmental representatives), the customary law takes a subordinate position.

Nevertheless, for some issues both legal frames may have a similar approach – fishing aiming only at roe extraction is considered to be an illegal activity. The indigenous population takes part in such activities alongside other residents of the village and in the current field conditions it was very difficult to determine what percentage of the indigenous population is involved in the illegal sale of roe to representatives of the local fish mafia. Nevertheless, representatives of the obshchina being studied assured me that, in fact, not all of the KMNS are involved in it, and in fact only a small number, as they often feel sorry for the resource due to

their ethical principles and the principles underpinning their traditional indigenous nature management and worldview.

However, the state believes that fishing for personal consumption leads to an uncontrolled process, since it is impossible to trace how much fish is caught when hundreds of people are fishing on the rivers.

From the point of view of indigenous customary law, fishing for one's subsistence over the quotas is not poaching at all, but a life-supporting activity. Legal configurations in the Kamchatka Krai are rather diverse due to its multicultural composition and history of colonization. The theory of legal pluralism justifies the fact of the immediate coexistence of two legal systems on one territory: the state or "official" legal order; and the customary one, which was practiced before colonization and has partially retained its power, especially in questions of nature management.

Even though the customary laws are in subordinate position to the formal legal system and legally are not valid in case of any contradiction to the formal law, in their daily lives people continue to practice customary laws alongside the state one, irrespective of their status within the state legal system (ibid. 2018), which leads in the end to different interpretations of the dominant legal system.

The empirical research has shown that fishing has become entangled within both legal systems and normative orders and the official legal mechanisms of nature management (i.e. quotas, the allocation of fishing grounds and fines) are considered as ineffective and "unfair" by the obshchina representatives. Thus, the formal laws are strongly opposed by the customary opposition, and in some cases in their daily lives people refer to their customary norms. Therefore, even though a strict system of fines has been introduced, people are finding a way to fish according to their customary practices.

The preference of customary law can be explained by the fact that even despite years of colonization and political changes, deeply integrated cultural beliefs cannot be changed on command, especially in remote areas like Esso.

Benda-Beckmann & Turner (2018) consider, that sometimes, the borders between state and other-than-state law can be barely recognizable. Some activities may therefore be considered illegal within both customary and state legal orders. Customary laws therefore reflect society's understanding of law and their moral principles.

However, people who are fishing for their life-subsistence justify their actions by unfair and insufficient governmental regulations. Fishing and avoiding the state law for the goal of life-subsistence in the village is therefore common and approved by customary law.

According to the indigenous customary law, the norm for an indigenous community is when fish is enough to feed one's own family and animals; and if the indigenous representatives feel they need more fish in order to ensure their subsistence - both for food and economic reasons - they catch in excess of the state restrictions.

Unfortunately, nature-management regulations are having a direct impact on the difficult socio-economic situation of the indigenous peoples. As there are not enough jobs in this rural environment, prices are rising; and if people do not have legal sources to sustain their economies, they will still try to fish in excess of the state norm. They are then caught by the fish protection authorities, which is the start of a vicious circle.

Currently, quotas for traditional economic activities of KMNS are allocated only for the purpose of consumption, not taking into account modern socio-economic factors that indigenous people are affected by. The allocated quotas are not enough to lead a traditional lifestyle; and modern indigenous peoples living in the village need to pay bills and buy food and clothing. Thus, the official selling of fresh fish can improve the economic situation of indigenous people considerably. My point is that the entire population of Kamchatka peninsula would benefit from the sale of fish by the indigenous populations in a climate where the prices for fish products in the local market are artificially inflated by representatives of the industrial fisheries.

The marginal position of indigenous peoples in general and their impotence in the face of the State law has led to a situation where indigenous representatives have begun to feel uneasy about their indigenous status due to the stereotype of inferiority and backwardness of the aborigines which is imposed by society. Laws, which cannot ensure full protection of KMNS and are, sometimes, even hindering the development of indigenous peoples, make them see their indigenous status as inferior to Russian nationality.

For example, a person (a representative of the younger generation) who took part in a local dance group in the village became very embarrassed when I asked him about traditional indigenous dances. He answered that it was nothing special and was already very outdated and that he had already given up the course. Antonina Gennadyevna Kaerkova, a specialist in indigenous issues in the Bystrinskiy Raion, also mentioned in an interview that people were embarrassed about their indigenous identity; and that this tendency is especially traceable within young people, who strive to leave the village and find a job in the cities. We can therefore conclude that indigenous peoples feel themselves in a subordinate position, being dependent and marginalized.

In addition, Oleg Zaporotskiy, an indigenous activist and fighter for indigenous rights in the Kamchatka Krai, talked in an interview given to the Kamchat-Inform news media agency

about the year 1997, the 300th anniversary of the accession of Kamchatka to Russia. Among the indigenous population there was an opinion that government should admit that it was not a simple accession of the peninsula to the Russian territory but a full-scale colonization. Some indigenous people decided to refuse to performing on the town squares that day in order to make their voices heard; and many other indigenous peoples have strongly supported the initiative. Nevertheless, the government finally forced them to conform and they entertained the public both in Kamchatka and in Moscow ([URL 38](#)).

Thus, even after colonization, changes in political regimes and considerable changes in their lifestyle, people are reluctant to refer to the “official” laws the area of nature management, thinking of the system as an alien one, imposed by force and inimical to them. Moreover, the indigenous representatives consider the quotas system ineffective and unfair. Customary practices are standing in opposition to the formal law, however, even without official recognition from the government, on the local village level, and they perform their function in nature management. The popularity of the customary laws over the official legal system can be explained by the former’s deep connection to indigenous cultural norms, which the dominant legal system cannot reach.

III Conclusion

Salmon is much more than a food product for the indigenous peoples of Kamchatka and its meaning is embedded into various discourses, including specific cultural, symbolic and economic facets of indigenous life. Indigenous subsistence and the survival of indigenous cultures depends heavily on this resource. Indigenous peoples have been living on their lands for centuries and have elaborated a system of comprehensive knowledge about their environment, creating customary laws that regulate their social life and nature management.

The theory of legal pluralism implies the coexistence of several regulatory systems, and customary practices play an important role in regulating the life aspects of indigenous communities, especially in cases where those aspects are uncovered by the current state legislation (Povoroznyuk 2003). Anthropological research explores the relationship of local normative orders and that of the state; and access to natural resources under conditions of legal pluralism, where competing legal orders shape the socio-economic structure of the society under study, may therefore be challenging for anthropology.

First of all, the Kamchatka peninsula is a space where customary laws were practiced for centuries before Russian colonization. In a situation where "official" regulations have been imposed by force; are considered to be "unfair" by the indigenous obshchinas; and are not effective enough for ensuring indigenous subsistence, people still refer to customary laws in their daily management of nature. The customary legal order is close to the indigenous worldview as it reflects their culture and moral aspirations.

Prior to the colonization of the Kamchatka peninsula, indigenous peoples had freedom of access to resources and formed their own subsistence economy, a big part of which was based on salmon. Indigenous customary laws were formed over hundreds of years and included close interaction with the surrounding environment. The subsistence economy of the indigenous peoples was thus in harmonious balance with nature. Customary laws helped indigenous peoples to sustain that fragile balance, as they were aimed at both an efficient use of the resource (the use of all parts of the fish), and a respectful attitude to the environment and to the people living in other settlements upstream (i.e. do not catch more than is necessary for one's own consumption and for feeding sled dogs; and do not catch too much so that other people upstream also have the fish), thus making a major contribution to ecological balance on the peninsula (Novikova 2014).

The ethnographic material shows that indigenous people may refer to customary laws in particular in the area of nature management and where practices in everyday life are concerned.

However, in most cases, the official law has priority, especially in situations where one is dealing with authorities and fish inspectors.

The theory of legal pluralism can be used to support the recognition of the customary law (Techera 2009: 224), as it is based on a consideration of customary norms and values in addition to official law, especially in conflict resolution and court decisions.

The customary laws of post-colonial societies are closely bound up with morality and culture (Techera 2009: 220). They are connected with religious beliefs and reflect the indigenous worldview; their relation to nature; and to people living around them. Some local customary-law principles retained their importance even in the absence of state recognition. It was intended that customary laws would be integrated into the dominant legal system (ibid. 2009: 220); but in the Kamchatka peninsula, as a post-colonial territory, a tendency to stratified dualism was retained. Scholars have noted that in urbanized regions legislation is better monitored; and therefore at village level customary laws and practices are quite common (ibid. 2009: 220).

The system of nature management imposed by the government (quotas, state allowed fishing ground, restrictions of who and how should perform fishing) is considered as unfair from the point of view of the local population, and is in opposition to customary practices. Fishing over quotas or in an “improper” place from the perspective of the state law is considered as a subsistence activity which is justified by the need for survival. Moreover, from the point of view of indigenous customary law, fishing for one’s subsistence is not poaching at all but a life-subsistence activity. Therefore, life-subsistence fishing which goes beyond the state restrictions is justified by customary legal order.

Benda-Beckmann & Turner (2018) consider that sometimes the borders between state and other-than-state law can be barely recognizable. Some activities can therefore be considered illegal within both customary and state legal orders. Fishing aimed only at roe extraction is prohibited and punishable by both legal systems. From the point of view of indigenous nature management, the river and natural forces will take revenge for the disrespect shown to its resources and will not bring fish in the future.

The salmon plays an important role in the life of indigenous peoples as it is inextricably linked with indigenous nature-management rules, their rituals and practices that form the basis of indigenous customary law. In this way, salmon is a valuable part of the culture of the indigenous peoples of the Kamchatka Krai; and the continuation of traditional subsistence practices linked to this resource contributes to the continuation of indigenous culture on the Kamchatka peninsula.

In the modern conditions of the Russian Federation legal system, since resource management falls under the jurisdiction of the state, indigenous peoples must act according to

the regulatory mechanisms of the government, which sets its own salmon consumption norms for the indigenous peoples. In the current situation of a market economy, the salmon business has become very profitable and many market participants are involved in the process of resource extraction and in the constant struggle for the right to own it. Competition is especially strong when the same administrative organ (Rosrybolovstvo) allocates quotas both for industrial fishing companies and for indigenous populations.

The empirical findings make it clear that Russian Federation fish-management regulatory mechanisms are affecting the socio-economic position of indigenous people fundamentally. First of all, the indigenous peoples of Kamchatka have experienced many economic and political reforms which have aggravated the problems of their access to the resource which serves as the basis of their subsistence. The possibility for the indigenous population to earn money and to ensure their living is constrained by the limited quotas; the fact that only one spot is permitted for fishing; the ambiguous governmental mechanism regarding who may be considered indigenous; the diminished quotas for sledge dogs; and the ban on selling the catch. All these place the indigenous peoples of Kamchatka on the edge of economic extinction.

However, the problem of access to fishing for indigenous communities is not unique worldwide. Indigenous people, deprived of their lands everywhere in the world through colonization, depend greatly on their resource base and their lands. The involvement of indigenous peoples in fisheries management thus remains a challenge for various governments, especially with such valuable and common pooled resource like salmon, which is desirable for various actors. In practice, many indigenous people still struggle for legal recognition of their rights in fisheries management and for achieving equal opportunity to fish, as this right is tightly connected to their well-being (Capistrano 2010: 1).

In the context of the Russian federation, the participation of indigenous peoples in the distribution of fishing quotas is also very limited, as the indigenous peoples of Kamchatka are not able to enlarge the number of quotas or to ask for additional ones in the situation where fishing goes well. Moreover, the biggest quota goes to industrial fisheries, which sell most of the catch abroad; and the indigenous peoples have no right to sell a part of their catch to the local market.

Thomas Thornton and Nadezda Mamontova (2016: 151) state that the legal systems of both Alaska and Siberia towards indigenous peoples show “legal stagnation” in questions of indigenous rights and mark that it fostered creation of informal, quasi-legal or extra-legal economies (ibid. 2016: 151).

In addition, Japan, the country which is geographically very close to Kamchatka, still as unsettled issues regarding indigenous fishing. The Ainu people have considerable difficulties with fishing due to restrictions imposed by the Japanese government, including the prohibition of fishing for ritual purposes including traditional fishing at night, which has a specific sacred meaning. Moreover, since 2005 the Regulations on the Hokkaido island have allowed the Ainu to catch salmon for performing their rituals only if they get special permission from the authorities for that (Hossain et al. 2018: 62). Therefore, even though the Ainu were officially recognized as Indigenous people of Japan in 2008, their legal position in Japan is still far from meeting international standards.

The Kamchadal indigenous group was limited in their rights for a long time as well, because of the fact that soviet ethnographers have excluded the Kamchadals from the list of indigenous peoples due to their ethnic impurity. This group was the most underestimated ethnic minority of Kamchatka, as for a long time (till 1991) they were excluded from the list of indigenous people because of their mixed ancestry of Itelmen with Russians and Cossacks. They were therefore for a long time cut off from benefits like resources and territories (Hancock 2001: 2). Even after their recognition as indigenous, the process of claiming rights for the resource and proving the indigenous roots are a hard task for indigenous peoples due to the lack of set and effective mechanism of recognition.

Overfishing is also a world-wide problem. During my field research my informants told me that there are very few fish in the river this year and blamed industrial fisheries for overusing the resource in the ocean and near the river estuaries, letting just a limited amount of fish through to spawn.

Correspondingly, Karolina Sikora (2018) writes about the Norwegian Sami people and their rights claims for salmon fishing on the Tana River, which is one of the world's largest river systems for Atlantic salmon. The Tana Agreement signed in 2017 regulates the fishery management including the quotas and fishing techniques. The Sami people claim that their rights to the fish resource are considerably violated as some tributaries which were reserved only for indigenous peoples are now opened for tourism fishing licenses and indigenous peoples have no control over how many licenses are issued yearly (Sikora 2018: 70). This leads to a situation where fish becomes a scarce resource, which is a big issue for small nations living from fishing.

Thaissa Sobreiro (2015), when describing the situation with indigenous fishing in Brazil, notes that there are various types of fishing in Barcelos (subsistence, commercial, ornamental (for aquarium), sports fishing) and all the actors involved (including the indigenous population) are competing for the resource. Barcelos is the main sports fishing destination in the

state and the local indigenous communities complain about sports fishing motorboats disturbing fishing, overfishing and garbage abandoned on beaches along the river. Moreover, in their opinion, the catch-and-release sport fishing harms the fish and it dies. Indigenous communities try to charge sports fishing companies for access to their fishing areas, but this does not work well and many companies refuse to pay. Moreover, indigenous claims to traditional territories have not yet been satisfied. Sobreiro considers that there is an urgent need for ecological and political management models to be created to address these issues.

We may therefore conclude that in order to gain equality for indigenous peoples in terms of their problem-free access to fishing, considerable work in policy-making should be done, as policies play a huge role in indigenous access and distribution of the resource (Capistrano 2010: 49). Nevertheless, research highlights disparities between the policy rhetoric and its actual practice where the poor and powerless usually find it difficult to deal with the law (ibid. 2010: 49). Moreover, policies generally reflect the dominant perspectives of the elite and powerful in society (Capistrano 2010: 85), so involvement of independent researchers (including anthropologists) for policy assessments is crucial.

The participation of indigenous peoples in nature management is another important step towards indigenous equality. It requires involvement of indigenous people in various management and decision-making aspects – assessment, planning, implementation, monitoring and evaluation, from biological, social, cultural and economic perspectives (Capistrano 2010: 80). However, according to the examples provided above, there is still much to be done in this direction.

The policy of the Soviet government has led to a significant russification of indigenous peoples: forced Christianization; a policy of concentration of the local population in the created villages; the creation of boarding schools for indigenous children with compulsory study of Russian; and the organization of kolkhozes and sovkhoses, where the indigenous population worked for the benefit of the new Soviet society.

At the same time, since the management of natural resources falls under the jurisdiction of the state, the authorities applied restrictive measures on local people accessing resources. Fishing for all categories of citizens except for indigenous peoples has been banned since 1958. Nevertheless, not many people could prove their indigenous status and were totally excluded from the legal possibility to fish for their subsistence.

After the fall of the Soviet Union and the transition to the market economy during Perestroika, indigenous peoples found themselves in a particularly vulnerable position, as they could not find their new roles in a changing political environment (Anaya 2010: 6).

In conditions of strict competition for the resources, the indigenous population is pressed, starting from the unequal distribution of fishing spots, which are located far from their places of residence, to the quota amounts, which are not enough to continue traditional subsistence economy. Moreover, there are also various legal mechanisms that impede problem-free access to the resource (for example, a complicated procedure for applying for quotas which excludes filing an application via the Internet; increased bureaucracy for obtaining quotas; and the need for indigenous peoples to apply for quotas every year).

Access to fishing for indigenous communities in the Bystrinsky Raion is thus considerably hampered. Researchers on indigenous issues note that these particular conditions, where the indigenous population has to compete with industrial entities, have been created with the help of a legal apparatus often playing on the side of industrial fisheries, rather than the indigenous population (Sharakhmatova 2014). The empirical work has also shown that the quotas for indigenous peoples of Kamchatka are distributed according to the residual principle, following industrial fisheries quotas and quotas for scientific needs. Moreover, indigenous people cannot change the quota amounts, request additional quotas or sell the fish they catch.

Moreover, it is worth to note that salmon is sometimes the only source of income for the residents of the Far East. But for indigenous peoples, fish acquires also a cultural significance, as salmon is a part of their traditional way of living and an important part of traditional subsistence activities. Fish quotas, in theory, should not limit the right of indigenous inhabitants of the peninsula to conduct traditional fishing. Nevertheless, as it is an extremely highly profitable resource, a huge number of interests are concentrated around it, including businesses and representatives of organized criminal structures. Indigenous peoples are therefore being squeezed from both sides.

Soviet collectivization, a market economy, and life in a Russian-type village has influenced the way of life of indigenous people. Reindeer husbandry is in decline; and indigenous village residents are sedentary and engaged in agriculture in their small domestic gardens. Many villagers are working in the social sector: the school, bank, and administrative buildings. Nevertheless, the range of available jobs is very limited. In current conditions of unemployment and an uncertain economic situation, the KMNS representatives are forced to look for other sources of income which are not always legal.

Nevertheless, fishing for one's own subsistence is justified by the customary practice, even though the customary laws are in subordinate position to the formal legal system. In the post-colonial setting people still practice customary laws alongside the state one, which leads in the end to different interpretations of the dominant legal system. Deeply integrated cultural

beliefs which find their reflection in the customary law cannot disappear on command, especially in remote areas.

The empirical research has shown that fishing has become entangled within both legal systems and normative orders and the official legal mechanisms of nature management (quotas, allocation of fishing grounds, restrictions considering who is indigenous and who is not) is considered as ineffective and “unfair” by the indigenous informants. Thus, the formal laws, having a strong customary opposition, do not work in practice as effectively as was intended.

We can therefore say that the modern indigenous population of the Kamchatka Krai is vastly stratified:

- Some indigenous peoples (as an example, the representatives of the obshchina, where I have conducted my research) honor the customs and traditions of their indigenous culture, even trying to preserve their religious beliefs. Indigenous peoples of that category want to take care of nature: they are hurt when their native forests are cut down or they see huge piles of rotten fish left by organized poachers); and they call nature their home and people who come in big jeeps for organized poaching thieves (“*they rob us*”).

- Another category of indigenous peoples is involved in breaking both the official and customary legal orders, getting involved in mass roe extraction and selling it on the black market (although during my research it was very difficult to say if they were many in number). As I was told by my obshchina hosts, there are fewer such people than I may think and not only indigenous peoples are involved, as “*greed has no nationality*”. Therefore, another part of the population, and among them the indigenous population is clearly also present, is fishing not for the sake of a resource as such, but for profit, joining one-day organizations, whose goal is to get the maximum amount of roe in the shortest possible time and not to be caught by the fish inspectors. Nevertheless, I have the strong opinion that many people would not be involved in such activities if social and economic conditions were enabling them to earn money in other, legal ways.

The members of the obshchina believe that the quotas allocated by the government are not enough and unable to provide fish in an amount sufficient for traditional subsistence economy. The insufficient norms established by the state, abolition of fish quotas for sled dogs, the difficult economic situation in the region (for example, prices getting higher and

unemployment in villages) make indigenous people break the state law involuntarily, when indigenous population is forced to fight for their survival and to feed themselves from the rivers.

Moreover, the complex quota application system deprives people, considering themselves indigenous, of quotas sometimes, which leads to the loss of a legal opportunity to engage in traditional fishing and they have to be engaged in “illegal” life subsistence as well.

At the same time, some part of society, at least, people from the community where I was living, do not trust the state and call the laws unequal, nourishing only those people from big businesses and criminality, who come to profit from natural resources.

The representatives of the obshchina consider that the quotas set by the government for indigenous fishing are not enough to continue their traditional way of life. Even the current amount of quotas is difficult to receive and, moreover, not everyone in the obshchina was able to receive the quotas this year. Therefore, fishing above the imposed quotas for personal consumption is considered to be normal and justified in customary terms among the indigenous population. One fisherman interviewed said on this occasion *"whoever catches above the norm, he catches, especially, those who are not caught by inspectors"*. Thus, fishing among the indigenous population in excess of the limits established by the state, in order to feed their families, is a part of their customary system, which stands in opposition to the official law.

Indigenous representatives have also invented various techniques of how not to be caught by the fish inspectors – including having the catch in the bushes and taking it at night; writing wrong numbers of fish caught in their journals for the inspectors; and fishing at night - as in situations with state authorities, the official law is the priority in most cases.

The fishing industry of the Kamchatka Krai is moving towards an export-oriented scheme, and the main part of the salmon fishing is carried out in the coastal zones and in mouths of the rivers, which has led to a situation where fewer salmon are entering the rivers. Since salmon is one of the most economically profitable businesses in the region, indigenous peoples have to fight for the right to own resources.

Unfortunately, the socio-economic situation in the village leaves much to desire. There are not enough jobs, prices are rising, and if people do not have the resources to sustain their economies effectively, they will be forced to fish in excess of the state norm. They are then caught by the fish-protection authorities, all of which becomes a vicious circle.

Currently, quotas for the traditional economic activities of KMNS are allocated only for the purpose of fish consumption, not taking into account the modern socio-economic factors that indigenous people are subject to. Those allocated quotas are not enough to lead a traditional lifestyle; and modern indigenous peoples living in the village need to pay bills and buy food and

clothing. I argue that the entire population of the Kamchatka peninsula will benefit from the sale of fish by the indigenous peoples, when prices for fish products in the local market are artificially inflated by representatives of the industrial fisheries and many business representatives are focused on marine products export rather than satisfying the needs of the internal market. Moreover, this measure will help to improve the socio-economic position of the KMNS.

O. Povoroznyuk considers that the laws on indigenous peoples and the rights listed in the constitution of the Russian Federation are of declarative character (Povoroznyuk 2003) and do not protect indigenous peoples' rights the way they should in the theory. In addition, such important international decrees as the ILO convention and of the UN Declaration on indigenous peoples rights have not been adopted by the Russian Federation and are still only advisory in nature. It is explained by their inappropriate nature to the national legal system (Novikova 2014).

All this makes the socio-economic position of the indigenous people unstable in the light of the realities of modern Russia. The new Russian Constitution amendments of 2020 offered by V.V.Putin (in case, they will be accepted) will leave little space for international treaties, as one of the numerous amendments (400) implies prioritization of the Russian Constitution over all international treaties ([URL 39](#)).

Also, the official definition of indigenous peoples adopted on the territory of the Russian Federation has been heavily criticized, since it includes limitations in the number of the population (50 000) who can be considered indigenous (Garipov, 2019). This limitation may create asymmetrical legislative protection for those communities which may be similar to indigenous groups in their lifestyle but who nevertheless do not correspond to the limitations in population size.

In these difficult conditions, the problem of the economic survival of indigenous peoples has become very acute. The empirical data has shown indigenous peoples' distrust in the authorities and governmental regulations. Indigenous peoples therefore try to ensure their subsistence without much hope that government will provide them with a source of stable income.

I would like to list here the empirical findings which have shown the following problems related to the distribution of resources among the indigenous population and which affect their socio-economic position:

- High bureaucratization of quotas application process: the complexity of the forms for quotas application; individual principle of granting fishing rights through individually submitted applications; application for quotas is needed every year; no opportunity to fill in the application online; from 2020, every indigenous child will also have an individual application form for quotas
- Indigenous quotas are provided according to residual principle after quotas for industrial fisheries and scientific needs
- KMNS cannot ask the ministry of fisheries to distribute additional quotas for them during successful fishing seasons
- The amount of quotas is not enough for life subsistence, especially, quotas for Chinook salmon (9 kilograms per year)
- Prohibitions on selling catch by obshchinas and indigenous individuals
- Total absence of fish quotas for feeding of sledge dogs
- High fines for fishing exceeding the state quotas or for fishing outside the permitted fishing ground
- Unfair distribution of fishing grounds which have been placed far from indigenous residence
- The problem of clear legal procedure regarding determination of who can claim indigenous rights provokes conflicts related to the lack of documentary evidence when citizens of the Russian Federation cannot prove they belong to KMNS

Among the issues with distribution of marine resources for KMNS, my informants have shared their opinions on possible solutions and ways out.

For example, in order to get rid of illegal roe extraction for the black market, the community members have offered to eliminate those people who come to the village each season to buy roe from the local population, as then people will be less tempted to harvest roe when there is no market for it in the village.

The villagers would also prefer to have the big fishing grounds near Esso to perform subsistent fishing, as not all people have cars and have to ask neighbors for a ride to an official fishing ground.

Moreover, many KMNS representatives have named the governmental quotas for traditional fishing insufficient for their needs.

Sergei Ivanovich Vakhrin, director of the Museum of Fish and Fish Eaters, considers that access to fish should be open for all permanent residents of the Kamchatka peninsula, within

reasonable limits, of course, and in a controlled manner. I find this point reasonable, as other disadvantaged sectors of society may sometimes be in more marginalized positions, when only indigenous people have the official right for their life-subsistence fishing. Moreover, mixed marriages are quite common among KMNS and the governmental system prohibits fishing for family members living in the same community and leading the same lifestyle. Open access to fish for personal use will also help to fight poaching, S.I. Vakhrin considers, as people will be personally interested in the protected spawning areas and the possibilities of new salmon developing.

It is also necessary to differentiate fines and to adapt the system of punishment, as nowadays a representative of an organized roe-extraction brigade is fined according to the same principle as a person who has caught a pair of fish tails for the purpose of personal consumption.

The legal system of the Russian Federation is thus designed in such a way that everyone can be beyond the state law and breaking the law is sometimes the only way to survive. In this way, people can feel themselves entitled to break the law in order to lead a decent life and justify their activities by unfair state regulations, acting according their customary principles instead.

It is therefore necessary to raise the standard of living for KMNS and, as a first step, to allow them to sell their catch. At present, according to current legislation, representatives of the indigenous minorities are *persona non grata* in the marine-produce business, even though they could potentially fill the local market with fresh fish and satisfy the need for fish among the Kamchatka residents. Changes are therefore needed on the federal and regional levels in order to develop an appropriate regulatory framework that meets the modern requirements of KMNS; and the right to sell fish could contribute to their relative economic independence.

It is also necessary to allow KMNS to be involved in the process of quota allocation and distribution, at least at an advisory level. They need to be given the opportunity to choose their fishing sites; and indigenous *obshchinas* should have their own fishing sites. Moreover, the historical accounts about the role of salmon in indigenous peoples' lives should be considered in determining the catch limits for indigenous peoples.

It is also necessary to create the technical capability for sending applications for quotas in electronic form to those who prefer this method; and provide more reasonable and easier access for commercial quotas to those *obshchinas* who would like to be involved in the commercial fishery business.

Finally, such important international treaties as the ILO Convention of Indigenous Peoples and the UN Declaration on the Rights of Indigenous Peoples should be adopted by the

Russian Federation in order to ensure protection of Russian indigenous peoples according to international standards and requirements.

Although the indigenous peoples of the Kamchatka Krai are enjoying some social and economic benefits, they are still among the most marginalized people in the region. At the same time, there are other people who consider themselves native as they were also born in Kamchatka and who also claim access to fish which is mostly accessible only to fisheries businesses and other organisations involved in fishing. This is a dilemma that could be examined in future researches.

IV. Glossary and Abbreviations

Balagan – a summer warehouse on stilts (so that bears could not get to supplies)

Gospromkhoz – “*Gosudarstvennoe promyshlennoe khozyaystvo*”, an agency charged with organizing natural resource use along Soviet lines. In Kamchatka, this included overseeing hunting and fishing brigades that were organized as cooperatives (Hancock 2001).

KamchatNIRO – Kamchatka Research Institute of Fisheries and Oceanography

KMNS – Indigenous peoples of the North, Siberia and the Far East of the Russian Federation, living in the northern regions of Russia, Siberia and the Russian Far East in the territories of the traditional settlement of their ancestors, preserving the traditional way of living, with a numerical restriction set by the government of no more than 50 thousand people (<https://www.kamgov.ru>)

Kolkhoz – Collective farm

Oblast' / Krai – Equivalent to a state or province (Hancock 2001)

Obshchina – a form of indigenous self-organization united by kin and (or) territorial-neighborly principle. Obshchina is a subject of mandatory state registration and acquires the rights of a legal entity, has its constituent documents, where the name, place of its registration and list of its activities are enumerated (Novikova 2008).

Raion – County or region

Raskulachivanie – a process of wealth dispossession from wealthy people (“*kulak*” - fist) in the Soviet times (Dekulakization)

Rosrybolovstvo – State Committee of Fisheries

Sovkhoz – State Farm, larger than a collective farm, often the product of a consolidation of collective farms (Hancock 2001)

The days of passage (“*prokhodnye dni*”) – the necessary preventive measure (a ban on fishing on certain days) aimed at ensuring that enough salmon is filling the spawning grounds. During the field practice, the days of passage were set by *Rosrybolovstvo* for three days from Monday to Wednesday. Moreover, until the end of July 2019, there was a general ban on salmon fishing on the Kamchatka River and its estuaries due to the record small run of fish (with the exception of fishing by the indigenous peoples).

TTP – the special territories of traditional nature management of federal, regional and local significance ensured by “The federal law on Territories of Traditional Natural Use of indigenous peoples of the North, Siberia and the Far East of the Russian Federation (2001) (URL 41)

Yaranga – the traditional Koryak dwelling made of deer skins

Yukola – the traditional food of indigenous peoples: dried halves of fish in the open air

V. Bibliography

Anaya S. James 2005 The emergence of customary international law concerning the rights of indigenous peoples. In Rene Kuppe & Richard Potz (eds). 2005 Law and Anthropology. International yearbook for legal anthropology. Volume 12. Martinus Nijhoff Publishers Leiden / Boston

Anaya, S. James 2010. Report of the Special Rapporteur on the situation of human rights and fundamental freedoms of Indigenous peoples. Addendum: Situation of Indigenous peoples in the Russian Federation (Fifteenth Session of the Human Rights Committee. Retrieved from http://unsr.jamesanaya.org/docs/countries/2010_report_russia_en.pdf

Aylwin, José. January 2008. Globalization and Indigenous Peoples' Rights: An Analysis from a Latin American Perspective. Research Report for Aboriginal Peoples Research and Knowledge Network (DIALOG) and Institut national de la recherche scientifique (INRS). Montréal.

Barnard, Alan 2006. Kalahari revisionism, Vienna and the “indigenous peoples” debate in Social Anthropology. Volume 14, Issue 01, February 2006, pp 1 – 16

Bekyashev, Damir Kamilievich 27 December 2017. Trade measures as a means of combating illegal fishing (legal aspects). FISHERIES Bridges, Volume 10 / 8 <https://www.ictsd.org/bridges-news/>

Benda-Beckmann, von Keebet & Turner, Bertram 2018. Legal pluralism, social theory, and the state. The Journal of Legal Pluralism and Unofficial Law Volume 50, 2018 - Issue 3 <https://www.tandfonline.com/doi/full/10.1080/07329113.2018.1532674?af=R&>

Belyaeva M. E. 2019. Salmon culture: the rites and rituals of the indigenous peoples of Kamchatka, in The Pacific Salmon in the world of human relationships: economic, social, environmental, historical, ethnic and cultural aspects. The abstracts from the scientific and practical workshop, Petropavlovsk-Kamchatsky and Elizovo, May 21–22 2019

Berezhkov Dmitry 2016. In the Country of Volcanoes. Russia. Indigenous People Journal. SAMUDRA report #74 August 2016

Bernard H. Russell 2006. Research Methods in Anthropology Fourth Edition Qualitative and Quantitative Approaches, Altamira Press, Lanham • New York • Toronto • Oxford

Capistrano, Robert Charles G. 2010. Reclaiming the ancestral waters of indigenous peoples in the Philippines: The Tagbanua experience with fishing rights and indigenous rights Marine Policy, Vol.34(3), pp. 453-460

Chemchieva, Arzhana P. 2015. Development of indigenous tourism in Russia. Kemerovo State University Journal <https://cyberleninka.ru/article/n/razvitie-indigennogo-turizma-v-rossii/viewer>

Cunningham, Chris & Stanley, Fiona 2003. Indigenous by definition, experience, or world view. Links between people, their land, and culture need to be acknowledged. In BMJ 2003 Aug 23; 327(7412): 403–404

Daes, A. Erica-Irene. 25 May 2004. The impact of globalization on Indigenous Intellectual Property and Cultures. Lecture at Museum of Sydney, Sydney Australia. Link to the resource: <https://www.humanrights.gov.au/about/news/speeches/impact-globalization-indigenous-intellectual-property-and-cultures>

Davis, Anthony & Jentoft, Svein 2001. The challenge and the promise of indigenous peoples' fishing rights—from dependency to agency. Marine Policy, Vol.25(3), pp.223-237

Davis, James 2012 Medieval Market Morality : Life, Law and Ethics in the English Marketplace, 1200–1500. Cambridge University Press

Dove, Michael R. 2006 Indigenous People and Environmental Politics in Annual Review of Anthropology, Vol. 35 (2006), pp. 191-208

Dronova, Natalia A., & Spiridonov, Vassily A. 2008. Illegal, Unreported, and Unregulated: Pacific Salmon Fishing in Kamchatka. Moscow, RF: TRAFFIC/ WWF/Moore Foundation.

Ween, Gro B. & Heather, Anne 2018. How salmon found its way home. In *Domestication Gone Wild: Politics and Practices of Multispecies Relations*. ed. / Heather Swanson; Marianne Lien; Gro Ween. Duke University Press, 2018. p.

Dunbar-Ortiz, Roxanne & Dorrough, Dalee Sambo & Alfredsson, Gudmundur & Swebston, Lee & Wille, Peter. 2015 *Indigenous peoples' rights in international law: emergence and application book in honor of Asbjørn Eide at Eighty*. Gáldu & Iwgla, Kautokeino & Copenhagen, 2/2015

Eide, Asbjørn 2000. Working Paper on the Relationship and distinction between the Rights of Persons belonging to minorities and those of Indigenous Peoples. In *Indigenous peoples' rights in international law: emergence and application book in honor of Asbjørn Eide at Eighty*. Editors Roxanne Dunbar-Ortiz, Dalee Sambo Dorrough, Gudmundur Alfredsson, Lee Swebston, and Petter Wille. 2015. Gáldu & Iwgla, Kautokeino & Copenhagen, 2/2015

Fassin, Didier 2009 *Moral Economies Revisited* *Annales. Histoire, Sciences Sociales* 2009/6 (64th Year)

Funk, D.A. & Poddubikov V.V. & Artsemovich S.A. 2018. "Resource curse" with anthracytic outline: indigenous and extracting Kuzbass companies in situation of conflict". *Siberian historical research*. 2018. № 2

Garipov, Ruslan 2010. Public policy in the field of enforcement of indigenous small peoples: history and modernity. *Russian legal journal*. 3/2010

Garipov, Ruslan 2012 *Indigenous peoples in Russia: guarantees of rights and freedoms in the Russian legal journal* 6 / 2012 / Garipov Ruslan 2012 *Korennyye malochislennyye narody v Rossii: garantii prav i svobod*. Zhurnal Rossiiskogo Prava 2012 nomer 6 <http://ruslangaripov.com/wp-content/uploads/2015/08/R-Garipov.-korennyye-malochislennyye-narody-v-rossii-garantii-prav-i-svobod.pdf>

Garipov, Ruslan 2019 *Indigenous Peoples' Protection in International Law; Indigenous Peoples' Rights Protection in Russia and the US*. Wilson Center, 11 October 2019 <https://www.wilsoncenter.org/blog-post/ruslan-garipov-indigenous-peoples-protection-international-law-indigenous-peoples-rights>

Gerkey, Drew 2011. Abandoning Fish: The Vulnerability of Salmon as a Cultural Resource in a Post-Soviet Commons *Anthropology of work Review* Volume XXXII, Number 2

Gerkey, Drew 2016. The Emergence of Institutions in a Post-Soviet Commons: Salmon Fishing and Reindeer Herding in Kamchatka, Russia in *Human organization* 75(4):336-345

Goodale, Mark 2017. *Anthropology and Law: A Critical Introduction*. NY Press

Grinyuk, Vladimir A. & Shulatov, Yaroslav A. & Lozhkina, Anastasia S. 2019. Soviet-Japanese relations in 1920: from hostility to co-existence in *A History of Russo-Japanese Relations: Over Two Centuries of Cooperation and Competition*. Edited by Streltsov Dmitry V. & Shimotomai Nabuo. BRILL Leiden Boston 2019

Gupta, Akhil 1998. *Postcolonial Developments: Agriculture in the Making of Modern India*. Durham, NC: Duke Univ. Press

Hancock, Nelson C. 2001 *Ethnicity and State Measures: Social and Political Constructions of Kamchadal Identity, 1700–2000*, Ph.D. diss., Columbia University.
<https://anthropology.columbia.edu/content/ethnicity-and-state-measures-kamchadal-identity>
<https://arctic-consult.com/wp-content/uploads/2018/05/2018-05-d0bfd180d0bed182d0bed0bad0bed0bb-d0b7d0b0d181d0b5d0b4d0b0d0bdd0b8d18f-d0bad0bed0bcd0b8d181d181d0b8d0b8-d0bfd0be-d180d0b5d0b3d183.pdf>

Hancock, Nelson C. 2003 *Regimes of Classification and the Paradox of Kamchadal Heritage* *Journal Polar Geography* Volume 27, Issue 2

Harris, Douglas C. 2001. *Law and colonialism. The Legal Capture of Salmon in British Columbia*. University of Toronto Press Incorporated. Toronto Buffalo London.

Hossain, Kamrul & Maruyama, Hiroshi & Charbonneau, Leni 2018 *Indigenous People's Right to Traditional Fishing: International Human Rights Framework and Domestic Regulations in Japan. A Brief Assessment of Recent "Illegal" Fishing Case by an Ainu in Monbetsu Region in Hokkaido*. *Current development in Arctic Law* volume 6 2008 University of Lapland, Rovaniemi

Jochelson, Waldemar 1928 (2000) Archaeological Investigations in Kamchatka. In the North Pacific Journal 2 (10) 2000

Kasten, Erich 2012. Koryak Salmon Fishery: Remembrances of the Past, Perspectives of the Future. In Keystone Nations, ed. James F. Brooks, 2012 School for Advanced Research Press

Kersey, Harry A 2003 The Maori Fisheries Allocation Model of 2003: Distributive Justice or a Violation of Treaty Rights? Maritime Studies, Jan/Feb 2003, Issue 128, p.1-8

Koester, David 2012 Shades of Deep Salmon: Fish, Fishing and the Itelmen Cultural History. in Keystone Nations, ed. James F. Brooks 2012 School for Advanced Research Press

Krasnov, S. Y. 2003 The modern theory and practice of legal custom and customary law in the Russian Federation (interdisciplinary aspect) (article one). Legal Concept Journal 2003. / Krasnov S. Y. 2003 Sovremennaya teoria I praktika pravovogo obychaya i obychnogo prava v RF (mejotraslevoi aspect) (statia 1).

Kuper, Adam 2003. The return of the native. Current Anthropology, June 2003

Li, Tania Murray 2010. Indigeneity, Capitalism, and the Management of Dispossession. Current Anthropology Volume 51, Number 3, June 2010

Malkki, L.H., 1992 National Geographic: the rooting of peoples and the territorialization of national identity among scholars and refugees. Cultural Anthropology, 7(1): 24-44.

Mayring, Philipp 2014. Qualitative content analysis: theoretical foundation, basic procedures and software solution. Klagenfurt.

Murashko, O.A. 2017. A decade of artificial opposition to industrial and traditional fisheries. Two points of view. by Arctic consult on 09.01.2018 • (0) <https://arctic-consult.com/archives/7581>

Nader, Laura 1965. The Anthropological Study of Law in *American Anthropologist* New Series, Vol. 67, No. 6, Part 2: The Ethnography of Law (Dec., 1965), pp. 3-32

Nakhshina, Maria 2016. Constraints on community participation in salmon fisheries management in Northwest Russia. *Marine Policy* 74 (2016) 309–315.

Niezen, Ronald 2003. *The Origins of Indigenism : Human Rights and the Politics of Identity*. University of California Press, Berkeley, Los Angeles, London

Nikitina, A.Y. 2007. Kamchatka: nature and people. KamGU named after Vitus Bering. Petropavlovsk-Kamchatskiy. / Nikitina, A.Y. 2007. Kamchatka: priroda I lyudi. KamGU imeni Vitusa Beringa, Petropavlovsk-Kamchatskiy

Novikova, N.I. 2008 *People of the North: rights to resources and expert assessment*. Strategiya, Moscow, Russian Academy of Sciences N. N. Miklukho-Maklay Institute of Ethnology and Anthropology

Novikova, N.I. 2014. *Hunters and Oil workers. Study of legal anthropology*. Moscow. Nauka. Institute of Ethnology and Anthropology Miklukho-Maklay RAS / Novikova N.I. 2014. *Ohotniki i neftyanniki. Issledovanie po yuridicheskoi antropologii*. Moscow Nauka. Institut Etnologii i Antropologii Miklukho-Maklay RAN.

Novikova, N.I. 2016. Oil, gas, indigenous peoples: who will write the rules? *Journal of Ugric Studies* №3 (26), 2016 / Novikova N.I. 2016. Neft', gas, korennyye narody: kto napyschet pravila? *Vestnik Ugrovedenia* №3 (26), 2016

Pechen, A.M. 2019. Salmon –the main food for racing dogs in the Northeast of Russia. *The Pacific Salmon in the world of human relationships: economic, social, environmental, historical, ethnic and cultural aspects*. The abstracts from the scientific and practical workshop, Petropavlovsk-Kamchatsky and Elizovo, May 21–22 2019

Pivneva E.A. 2019 “How much does the fish tail weight?": ethnicity and bureaucracy in traditional fishing of the north of the Ob River *Anthropology Bulletin*, 2019. No. 2 (46) / E.A. Pivneva “Skolko vesit ribiy hvost?” etnichnost' I byurokratiya v traditsionnom rybolovstve na Obskom Severe. *Vestnik Antropologii* 2019 № 2 (46)

Polishchuk-Molodozhenya T.R. 2017. Legal problems of defining the status of the Northern indigenous peoples in Russia (on the example of the Murmansk region). The journal Works of the Kola Science Center RAS 2017

Postnikova, Margarita 2019. "Understanding remoteness" seminar paper, University of Vienna

Povoroznyuk, Olga A. 2003 Nature management of the Kalar evenkes: state regulation and traditional regulatory system / Povoroznyuk Olga A. 2003. Prirodopolzovanie kalarskih evenkov: gosudarstvennoye regulirovanie I traditsionnaya normativnaya systema

Roach, David & Andrea Egan 2008 The Equivocal Definition of Indigeneity and Ambivalent Government Policy toward Self-Determination in New Zealand's Health and Foreign Policy Apparatus. *Junctures*, 11, Dec 2008

Rodionov, A. 1996 . Trade Disputes A New Phenomenon in Russian-Japanese Trade. *The North Pacific Journal* №1 / 96 / Rodionov A. 1996. Spory po togovym sdelkam. Novoye yavlenie v Rossiisko-Japonskoi Torgovle.

Rouland, Norbert 1994. Legal anthropology. Athlone Press, Great Britain, London.

Sarivaara, Erika & Maatta, Kaarina & Uusiautti, Satu 2013. Who is indigenous? Definitions of indigeneity. *European Scientific Journal* December 2013 /SPECIAL/ edition vol.1 ISSN:1857 – 7881(Print)e - ISSN1857- 7431

Scott, James C. 1976. The Moral Economy of the Peasant. Rebellion and subsistence in Southeast Asia. New Haven and London, Yale University Press

Sharakhmatova 2014 The current situation of indigenous peoples and traditional fishing in the Kamchatka River Valley: problems and solutions (1900 to the present). The paper given at the Permanent Forum on Indigenous Issues, United Nations Headquarters, New York
http://www.siberian-studies.org/publications/PDF/sharakhmatova2004_E.pdf

Sikora, Karolina 2018. The Sami People's Right to Culture in the Context of the Tana Fishery Agreement in in current development in Arctic Law volume 6 2018 University of Lapland, Rovaniemi

Sivakov Dmitriy O. 2017. Legal regulation of fishing in Russia and the foreign states: general and special. Journal of Foreign Legislation and Comparative Law No. 5 2017 / Sivakov Dmitriy Olegovich 2017 Pravovoe Regulirovanie Rybolovstva v Rossii I Zarubezhnyh gosudarstvah: obshchee I osobennoe. Jurnal zarubezhnogo zakonodatelstva I sravnitel'nogo pravovedeniya № 5 — 2017

Sobreiro, Thaissa 2014. Urban-Rural Livelihoods, Fishing Conflicts and Indigenous Movements in the Middle Rio Negro Region of the Brazilian Amazon. Journal of the society for Latin American Studies. Special Section Article. 07 August 2014 <https://doi.org/10.1111/blar.12259>

Sokolovsky, S.V. 2016 The policy of recognition of indigenous peoples in international law and in the legislation of the Russian Federation. Institute of Ethnology and Anthropology RAS. Moscow. Research on applied and emergency ethnology No. 250 / Sokolovsky, S.V. "Politika priznaniya korennykh narodov v mezhdunarodnom prave I zakonodatelstve Rossiiskoi Federazii". Moskva. Institut Etnologii I Antropologii RAN.

Stammler, Florian and Forbes, Bruce C. 2006. oil and gas development in Western Siberia and Timan-Pechora in Indigenous Affairs 2-3 /

Steller 2011 (1774) Description of Kamchatka Land. Holding company "New Book", 2011. - 576 p. - (B-ka "New Book". Series "Kamchatka in the descriptions of travelers"). http://az.lib.ru/s/steller_g_w/text_1774_opisanie_zemli_kamchatki.shtml

Storozhev, Sergei 1996. What does the capital think? Northern pacific journal No. 1, 1996/ Storozhev, Sergei 1996 «Chto u stolitsy na ume?» Severnaya Pazifika №1 / 96

Sushkova Y.N. 2017 Customary law principles of relations between the Russian and Mordovian peoples. Bulletin of Moscow University. Series 11. Legal relations. / Sushkova Y.N. 2017. Obychno-pravovye nachala vsaimotnosheniy russkogo I mordovskogo narodov. Vestnik Moskovskogo Universiteta. Seria 11. Pravo.

Taiaiake, Alfred & Jeff Corntassel 2005. Being Indigenous: Resurgences against Contemporary Colonialism. Blackwell Publishing, 9600 Garsington Road, Oxford OX4 2DQ, UK and 350 Main Street, Malden, MA 02148, USA

Erika J. Techera 2009 Legal foundations for the recognition of customary law in the postcolonial South Pacific. In Law and Anthropology: current legal issues volume. Eds. Michael Freeman and David Napier. Oxford University Press.

Thompson E. P. 1971. "The moral economy of the English crowd in the eighteenth century" Past & Present, No. 50 (Feb., 1971), pp. 76-136, Oxford University Press on behalf of The Past and Present Society <https://www.jstor.org/stable/650244>

Thornton, Tomas & Mamontova, Nadezda 2016 Hunter-Gatherers and Fishing Rights in Alaska and Siberia: Contemporary Governmentality, Subsistence, and Sustainable Enterprises. in Hunter-gatherers in a Changing World. eds. Reyes-García, Victoria, Pyhälä, Aili. Springer Publishing.

Tomaselli, Alexandra & Anna Koch 2014. Implementation of Indigenous Rights in Russia: Shortcomings and Recent Developments. International Indigenous Policy Journal. Volume 5, Issue 4. Article 3.

Turaev, V.A. 2017. Traditional Fisheries as the Object of Interests among businesses and authorities. Russia and the Pacific Journal <https://cyberleninka.ru/article/n/traditsionnoe-rybolovstvo-kak-konflikt-interesov-aborigennyh-soobschestv-biznesa-i-vlasti> / Turaev V.A. traditsionnoe-rybolovstvo kak konflikt interesov aborigennyh soobschestv biznesa I vlasti. Rossia i ATR Journal

Unknown author 1. 1996. History of Kamchatka fisheries. The North Pacific Journal 1 1996 pp. 33-38

Vaisman, Alexey 2001. Trawling in the mist: industrial fisheries in the Russian part of the Bering Sea. TRAFFIC Europe, Russia Office WWF Russia Programme Office P O Box 3 109240 Moscow, Russian Federation

Vakhrin, Sergei 2011 The time has shown that fish war with Japan is not yet over. Fish and seafood Journal. Vremya pokazalo chto rybnaya voyna s Yaponiey ne zakonchilas'. Fish and seafood Journal 2011 http://www.fish-seafood.ru/news/detail.php_ID=41279.html

Vakhrin, Sergei 2018. Mass poaching in Kamchatka salmon spawning rivers. History, current status, potential solutions. Petropavlovsk-Kamchatskiy.

Vanderlinden, Jacques 1989. Return to legal pluralism. The Journal of Legal Pluralism number 28

Wilson, Emma 2012. The Oil Company, the Fish and the Nivkhi: The cultural value of Sakhalin Salmon in Keystone Nations, editor James F. Brooks 2012 School for Advanced Research Press

Zaharova T.A. 2018 Legal regulation of traditional fishery of indigenous peoples in Canada and the Russian Federation (comparative legal research) Law Journal "Gaps in the Russian law". Law journal pp 152-158 / Zaharova T.A. 2018 Pravovoye Regulirovanie traditsionnogo rybolovstva korennykh narodov v Kanade I Rossiiskoi Federatsii (sravnitelno pravovoye issledovanie). Probely v Rossiiskom Zakonodatelstve. Yuridicheskiy Jurnal.

Zavalishin, Andrei 2000 Ethno-social problems of the indigenous peoples of the Russian Far East on the threshold of the third millennium, The North Pacific Journal 2 (10) 2000 / Zavalishin, Andrei 2000 Etnosozialnir problem korennykh narodov Dalnego Vostoka na poroge tret'ego tysyacheletiya. Severnaya Pazifika 2 (10) 2000

Internet resources

URL 1 Website of the Kamchatka Krai Administration <https://www.kamgov.ru>

URL 2 Information for the indigenous peoples of the North, Siberia and the Far East living in the Kamchatka Krai (Krai administration website) <https://www.kamgov.ru/agpublic/konkurs-kmns?page=2>

URL 3 IWGIA Report 2018
https://www.iwgia.org/images/publications//0695_HumanRights_report_18_Russia.pdf

URL 4 the Cambridge Dictionary website

<https://dictionary.cambridge.org/dictionary/english/indigenous>

URL 5 the Oxford Dictionary website <https://www.lexico.com/definition/indigenous>

URL 6 IWGIA - International Work Group for Indigenous Affairs Website

<https://www.iwgia.org/en/news-alerts/archive?view=article&id=340:a-working-definition-by-jose-martinez-cobo&catid=143>

URL 7 United Nations Website <https://www.un.org/development/desa/indigenouspeoples/unpfii-sessions-2.html>

URL 8 UN Permanent Forum on Indigenous Issues factsheet

https://www.un.org/esa/socdev/unpfii/documents/5session_factsheet1.pdf

URL 9 UN Department of Economic and Social Affairs (DESA)

<https://www.un.org/development/desa/indigenouspeoples/about-us.html>

URL 10 Indigenous Foundations Website, British Columbia University

<https://indigenousfoundations.arts.ubc.ca>

URL 11 Indigenous Foundations, British Columbia University, the ILO Convention

https://indigenousfoundations.arts.ubc.ca/ilo_convention_169/

URL 12 The United Nations Website <https://www.un.org>

URL 13 Kamchatka News Agency “Kam24”

<https://www.kam24.ru/news/main/20180122/55874.html>

URL 14 National Geographic Website

www.nationalgeographic.com/magazine/2009/08/kamchatka-salmon/

URL 15_Arctic Development Portal Website <https://goarctic.ru/live/obychnoe-pravo-u-korennnykh-malochislennykh-narodov-severa/>

URL 16 InforMEA drift-net fishing definition <https://www.informea.org/en/terms/drift-net-fishing>

URL 17 Primamedia News Agency <https://primamedia.ru/news/445882>

URL 18 Sakhalin News Agency <https://sakhalin.info/news/103913>

URL 19 Ria Rating Agency of Russia Today
<https://riarating.ru/infografika/20190604/630126280.html>

URL 20 Official Website of the Kamchatka Krai administration, Socio-Economic Development of the Region <https://www.kamgov.ru/socio-economic-situation>

URL 21 Electronic newspaper “Novaya Gazeta” <https://books.google.at/books?id>

URL 22_Kamchatka News Agency “Kam24”
<https://kam24.ru/news/main/20191008/70974.html#sthash.RyOzgJqg.dpuf>

URL 23_ Center for Support of Indigenous Peoples of the North / Training Center of Indigenous Peoples of the North (CSIPN / RITC) Website <http://www.csipn.ru/glavnaya/novosti-regionov/2439#.XfDd-JMzbIX>

URL 24_The report of Special council on indigenous issues in the Kamchatka Krai 2017
<http://www.prava41.ru/rus/files/doklad-ukmn-2017-.pdf>

URL 25_International Work Group for Indigenous Affairs (IWGIA) Report 2014
https://www.iwgia.org/images/publications//0695_HumanRights_report_18_Russia.pdf

URL 26 Federal Fishing Agency website <http://www.fish.gov.ru/component/tags/tag/kvoty>

URL 27 BusinessFM.ru <https://www.bfm.ru/news/394244>

URL 28 News portal Mir24.tv <https://mir24.tv/articles/16326485/bogaty-krai-kto-i-zachem-vybrasyvaet-cennuyu-rybu-na-dalnem-vostoke>

URL 29 North-Eastern Territorial Department of the Federal Fishing Agency <https://xn--b1a3aee.xn--plai/>

URL 30 Prosecutor General of the Russian Federation, Kamchatka Krai Branch
<http://kamprok.ru/32038-2/>

URL 31 News Agency Kam24
<https://www.kam24.ru/news/main/20180818/62372.html#sthash.siviC8JP.dpuf>

URL 32 News Agency Kam24
<https://kam24.ru/news/main/20180808/62014.html#sthash.JRdiRyjJ.dpuf>

URL 33 News Portal KamTime.ru <http://kamtime.ru/node/4475>

URL 34 News Agency Kam24
<https://www.kam24.ru/news/main/20190923/70690.html#sthash.DVF5bGsu.dpuf>

URL 35 “Rossiiskaya Gazeta” News Agency <https://rg.ru/2019/08/12/reg-dfo/golodnye-medvedi-perekryli-turisticheskuiu-tropu-na-kamchatke.html>

URL 36 “Novaya Gazeta” 2014 <https://books.google.at/books?id=>

URL37 Information Agency “Pacific Herald” / “Tihookeanskiy Vestnik”
<http://fishkamchatka.ru/articles/kamchatka/29319>

URL 38 Kamchatinfo agency <https://kamchatinfo.com/epicentre/detail/29460/>

URL 39 Russian State Duma Website <http://duma.gov.ru/news/47985/>

URL 40 the Federal law “On Non-Profit Organizations” of January 12, 1996
http://www.consultant.ru/document/cons_doc_LAW_8824/

URL 41 The federal law on Territories of Traditional Natural Use of indigenous peoples of the North, Siberia and the Far East of the Russian Federation (2001) <http://base.garant.ru/12122856/>

URL 42 the Federal law on the Animal World (1995)
http://www.consultant.ru/document/cons_doc_LAW_6542/

URL 43 National Geographic Website
www.nationalgeographic.com/magazine/2009/08/kamchatka-salmon/

URL 44 the Federal Law “On Fisheries and the Conservation of Aquatic Biological Resources” (December 20, 2004) http://www.consultant.ru/document/cons_doc_LAW_50799/

URL 45 Kamchatka Administration Website. Kamchatka in numbers
<https://www.kamgov.ru/overview>

URL 46 Ministry of Fisheries <https://www.kamgov.ru/minfish/%D0%98%D0%BD>

VI. Appendix

6.1. Abstract English

The primal focus of this thesis is the rights for fishing of indigenous populations in the Kamchatka Krai, the Russian Far East. The work is written within the frame of legal anthropology aiming to investigate the governmental restrictive measures in fishery management sphere and how they impact the indigenous population's socio-economic position. Moreover, the thesis goal is to investigate, what role the indigenous peoples of the Kamchatka Krai are taking in distribution and managing of the natural resources.

By investigating this specific field, a brief history and current trends of the fishing industry of the Kamchatka peninsula are analyzed, moreover, it is clarified, what actors are involved in the process of fishing quota distribution and fishery management process; what customary laws regarding nature management have been practiced by indigenous communities; what role salmon plays in the life of indigenous peoples, and also, the notion of poaching, the norm and legality are investigated in different legal practices placed within the legal pluralism scheme.

Furthermore, the analysis of current policies and the impact of legal frameworks help to gain an impression about the situation with indigenous rights in the context of resource distribution in the analyzed geographic area.

The ethnographic study involved qualitative methods deriving from social and cultural anthropology. The qualitative content analysis, participant observation, and interviewing were major research strategies. Policy documents and media research results were used to embed empirical findings. The thesis offers new insights on fishery management as a contested field and depicts the current position of indigenous people in its regulation and distribution.

6.2. Abstract German

Das Hauptaugenmerk dieser Arbeit liegt auf den Fischereirechten indigener Bevölkerungsgruppen in der Region Kamtschatka im russischen Fernen Osten. Die Arbeit wurde im Rahmen der Rechtsanthropologie verfasst, um die staatlichen restriktiven Maßnahmen im Bereich des Fischereimanagements und ihre Auswirkungen auf die indigene Bevölkerung zu untersuchen. Darüber hinaus soll untersucht werden, welche Rolle die indigenen Bevölkerungen der Region Kamtschatka bei der Verteilung und Bewirtschaftung der natürlichen Ressourcen spielen.

Für die Untersuchung dieses Bereichs werden überblicksmäßig die Geschichte und aktuelle Trends der Fischereiindustrie auf der Halbinsel Kamtschatka analysiert. Außerdem, wird dargestellt, welche Akteure im Prozess der Verteilung der Fangquoten und des Fischereimanagements teilnehmen. Es wird analysiert, wie Gewohnheitsrecht in Bezug auf das Naturmanagement von indigenen Gemeinschaften praktiziert wurde und welche Rolle Lachs im Leben indigener Bevölkerung spielt. Auch der Begriff der Wilderei und das normative Recht werden anhand verschiedener Rechtspraktiken untersucht, die in das Rechtspluralismus-System aufgenommen.

Darüber hinaus tragen die Analyse der aktuellen Politik und die Auswirkungen der rechtlichen Rahmenbedingungen dazu bei, einen Eindruck von der Situation der Rechte der Ureinwohner im Zusammenhang mit der Verteilung der Ressourcen in dem analysierten geografischen Gebiet zu gewinnen.

Die ethnografische Studie umfasst qualitative Methoden aus der Sozial- und Kulturanthropologie. Die qualitative Inhaltsanalyse, teilnehmende Beobachtung sowie Interviews waren die wichtigen Forschungsstrategien. Politische Leitlinien und Medienanalyse wurden verwendet, um empirische Ergebnisse einzubetten. Die Arbeit soll neue Perspektiven in das Fischereimanagement als umstrittenes Feld bieten und die aktuelle Situation der indigenen Bevölkerung im Zusammenhang mit Regulierung und Verteilung des Fischereimanagements darstellen.

6.3. Interview Guidelines with Representatives of the Obshchina

How did you get the idea to revive a *stoibische* (kinship ground)?

How did you organize it, was it difficult?

How does tourism influence you?

Do you still speak Koryak?

Does younger generation want to learn native language?

How are you retaining the culture and traditions?

You have reindeer. What has changed in reindeer breeding from the Soviet times?

Collectivization and boarding schools for indigenous children. What do you think about it?

What problems exist in Esso?

What is the job situation in the village now?

Are many people leaving the village?

How is it to live in such a remote place? What does it mean for you to be here?

What role does salmon play in your life?

What is the situation with fishing on the rivers? Can you go fishing near *stoibische*?

Who goes fishing in *obshchina*? How often? Do you get *obshchina* collective quotas for fish?

Is quota enough? What quantity would be satisfying?

Is it easy to receive quota? What should one do in order to get it?

What problems are connected to indigenous fishing?

What is the main problem with indigenous fishing for you?

How do fish inspectors control the rivers?

Are fines for illegal fishing high?

Bears in the village. How many bears are usually coming annually, are they aggressive? If this year is normal – I have heard, the rivers are lacking fish this year and bears have become more aggressive and coming to people more? Is that true?

What is the reason that it is not enough fish in the river in your opinion?

Prohodnie dni (days to let the fish pass to the spawning ground, not allowed to go fishing from Monday till Wednesday weekly). Do you know how strictly it is followed?

How is the situation with poaching? Are many people involved?

How situation with poaching may be improved?

Interview Guidelines local villagers, fishers

How often do you go fishing?

Where do you go fishing?

Is fishing good there? How much fish have you already caught this year?

What problems exist with indigenous fishing?

What is the main problem with fishing for you?

Is the main problem that you cannot fish near the village or something else?

Why there are conflicts on the river between fishers? Do they occur often?

Is it difficult to apply for quotas?

What is the quota amount per person this year? How much quotas are allowed according to the type of fish?

What do you think about quotas? Is it enough? What quantity would be satisfying?

And I also have heard, that one should personally be at the fishing site, when another person is fishing for him under his licence, according to the new law. What do you think of it? Can one use power of attorney?

How people without a car get to the fishing ground?

Are traditional fishing tools still used? Which exactly? What tools do you use?

What about people exceeding the quota limits? Are there many of them?

How do inspectors control the rivers and your catch? How it is checked how much you have caught?

What are the rules of fishing that inspectors also check?

Do they check journals?

Are the fines for illegal catch high?

Do people always drive to that remote official fishing spot in 100 km from the village or there are ways to break the rules?

Prohodnie dni (days to let the fish pass to the spawning ground, not allowed to go fishing from Monday till Wednesday weekly). Do you know how strictly it is followed?

What role do fishing and salmon play in your life?

Poaching? Are many people engaged? What do you think of it?

And the reasons why there is less fish, what do you think, why do this happen?

What do you think how can the situation with fishing be improved?

Interview Guidelines adviser to the Indigenous Minorities of the North in the Administration of the Bystrinsky Municipal District

I am interested in fishing rights of the indigenous peoples of Kamchatka in modern conditions and in general I am interested in what benefits are now provided to the indigenous population, and how they are being informed about them.

How are they informed about their rights and regulations, when something changes for example?

How do people apply for quotas?

And how many applications from here were sent, what is the percentage of refuse? On what ground?

Are there less quotas for children?

People exceed the limits of quotas. What fines are applied and how it affects next quotas application?

If the situation with catching over quotas with king salmon happens, which is really common.

What should a fisher do in this case, let the fish go back to the river?

And I was also informed that those who live in Esso should go fishing a hundred kilometers from Esso? Is it true? Why?

There are conflicts between fishermen, because of the fishing spots scarcity. How the problem is addressed?

I was told that fish is not coming; there is no fish in the rivers. With what processes is it connected?

Do industrial fisheries on the shore also have passing days when fishing is prohibited for everyone?

How are quotas for *obshchinas* distributed? Two tons always or it varies according to the number of people?

And now one needs a personal presence on fishing spot according to the law. If, for example, an old native woman has a license, but is not in a physical condition already to go fishing, does not have a car and a boat; is it possible with power of attorney to ask someone to catch fish for her?

And, maybe, you have some ideas how to improve the situation with Indigenous people here?

Not necessarily for fish, but in general?

Interview Guidelines director of the museum of Fish and Fish eaters

I am writing a work about fishing, indigenous populations fishing rights and wanted to talk to you about salmon and current problems with it.

In the media we can see that industrial fisheries companies of Kamchatka are breaking records for salmon catch in the sea and exporting tons of fish abroad.

But, as I was on the field research, I was told there that there was a big problem, that the fish does not enter the rivers, what are the reasons of it in your opinion?

Could you name me what, in your opinion, are the main problems with the Kamchatka salmon?

Drift catch is now, finally, prohibited, what else should be fixed?

Do industrial fishing organizations also have passing days for fish?

What is the scale of poaching in Kamchatka in your opinion?

And what way out of the situation with poaching do you see? To put inspectors everywhere is impossible.

Maybe there should be some other regulatory mechanisms or increase the standard of living of the population so that they do not see the main source of income in fish?

There is an opinion that with such a catch as now, after four years spawning grounds will be devastated. What is your forecast for the future?

How did you get the idea to create the museum?

6.5. Photo elicitation

1. In one of yarangas on the stoibishche



2. Traditional beadwork made by A.



3. Fishing on the river



4. Balagan



5. Andrei Konstantinovich Adukanov at work, finishing the deer head sculpture
6. One of his works made of moose horns

