

# PAPERS FROM THE MOSCOW CONFERENCE I

## SMALL NATIONS OF THE RUSSIAN NORTH AND THEIR RIGHTS AS INDIGENOUS PEOPLES: SOME OBSERVATIONS AND PRELIMINARY HYPOTHESES

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Claims by indigenous minorities to lands that they have traditionally used and occupied - an issue that has been dormant for centuries - is emerging as a significant public issue in all regions of the world. A number of factors have contributed to this, including an increased politicization of the leadership elite of indigenous minorities and a greater awareness of similar developments in other jurisdictions of the world.<sup>1</sup>

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<sup>1</sup> In its preparatory work that led to the adoption of ILO Convention 169 - the *Indigenous and Tribal Peoples Convention* - the International Labour Convention noted that there had been a profound change in recent years in public attitudes and awareness of minority cultures in many areas of the world (ILO Report, 1988; 29). Governments in Europe, North America and elsewhere have shown an increasing responsiveness to the demands of minorities and have adopted policies that recognize their legitimacy. More importantly, minority groups have taken the initiative themselves by demanding that their national governments take action to correct historic injustices and establish a more structured relationship between the leadership of a minority and the institutions of the state.

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This paper examines the applicability of a control-consociationalism typology as an analytical tool for studying how the political and administrative structures within the Russian Federation have responded to claims by indigenous minorities in northern Russia to their historic rights and whether public administration in Russia is willing to balance the claims to some form of self-determination, as enunciated by these minorities, with the interests of the majority. The typology can be used to trace four centuries of control by the state of these indigenous minorities and to examine institutions that have been created by the state to deal with these minorities. The impact of international conventions on indigenous rights will be considered, particularly as these may effect developments within the Russian Federation.

Aboriginal land ownership and use can be used as a test case since this is widely seen to be a fundamental issue for defining what constitutes 'aboriginal' or 'indigenous' peoples as it has come to be understood in the sociological and legal meaning of these terms. It is the demand for control over lands within their respective homeland regions - a claim to some form of aboriginal title - that would set apart indigenous minorities such as those of northern Russia which are the subject of this paper, as well as the Sami of Finland, Sweden and Norway, from other minorities in Western Europe and can be appropriately compared with demands enunciated by aboriginal minorities elsewhere in the world (Allardt, 1979).

### Development of a Control-Consociationalism Typology

This analysis will utilize two recent theoretical models dealing with comparative political systems - the consociationalism and control models - to examine how political institutions in the Russian Federation have responded to the often conflicting demands that exist within a pluralist society and to demonstrate how these models can be jointly used to examine the emerging politicization of the culture of its northern indigenous minorities.

Consociationalism democracy, a term first proposed by Arend Lijphart (1977), denotes a model of democracy that seeks to resolve political differences by techniques of consensus rather than majority rule. The term consociationalism has been applied to certain political societies (e.g., the Netherlands, Switzerland, Belgium, Austria) that exhibit simultaneously both high social fragmentation and obvious political stability. One of the distinguishing features of a consociationalism democracy is the ability of the leaders of competing subcultures within a pluralist society to avoid the dangers of intergroup conflict through a continual striving for both cooperation among the respective subcultures and a degree of commitment to the unity of the country. Lijphart stated that consociationalism democracy could be attempted in virtually any society irrespective of the degree of societal pluralism it exhibits and suggested that consociationalism could, for instance, be used effectively

to remedy racial, ethnic, linguistic or religious-communal conflicts (Lijphart, 1977; 53). On the other hand, the control model, as developed by Ian Lustick (1979), operates in settings where the conditions for successful consociationalism politics may be absent, particularly in situations where a majority dominates and reduces another segment of the national population to a position of subordination.<sup>2</sup> The control model can explain political stability in certain ‘deeply divided’ societies and, furthermore, it can be utilized to examine situations in many other parts of the world where distinct ethnic, racial, or religious minorities face a dominant host society that may also be a repressive one.

In developing a typology of regimes, Kenneth D. McRae (1990; 102) has suggested that the consociationalism and control models can occupy places in a unified typology of political regimes. McRae specifically points out that the control model can be applied to analyze the situation of aboriginal peoples in many areas of the world - a situation that can be characterized as one of dependency on and control by, the dominant culture. The key problem for a minority in such a situation, therefore, is to be able to convert a relationship of intergroup domination to one based on equality. An overall objective of the indigenous peoples has been to secure recognition from the state for the legitimacy of their claims to aboriginal rights and, from this, to be able to participate with political decision-makers and administrators in some form of consociationalism arrangement for resolving problems through consensus.

In order to make a comparative analysis of the general types of responsiveness and commitment prevailing among public agencies with respect to indigenous rights, based on the afore-mentioned definitions of control and consociationalism, it would be necessary to develop a typology that incorporates the variables of responsiveness and commitment within a civil service to the demands of aboriginal minorities. Because observed responsiveness and commitment are the main determinants for demonstrating that a public administration is listening to the actual demands and grievances of its aboriginal clientele, such an analytical typology could provide a realistic description of the present balance between the control exhibited by a state bureaucracy and efforts at achieving a new balance based on consociationalism. Two additional variables for operationalizing a Control-Consociationalism Typology with respect to the situation of indigenous minorities are:

(a) The effectiveness of the leadership elites of indigenous minorities in espousing the legitimacy of their demands within the context of their respective polity. Such a

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<sup>2</sup> Lustick (1980) has written a major study on the situation of the Palestinians within the state of Israel: Lustick, Ian (1980), *Arabs in the Jewish State. Israel's Control of a National Minority*, Austin: University of Texas Press.

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leadership must be effective in defining its role in history and in establishing a continuous dialogue with the state based, primarily, on a political agenda of its own devising.

(b) The existence of a pluralist ideology within the state that would enable politicians and civil servants to listen to the claims of these groups. The state must be prepared to recognize the legitimacy of the historical position of an indigenous people with the state - at least within certain regions of the state.

If these elements are absent, there would little chance for any kind of consensus-type of arrangement between the state and its indigenous minorities; one result could be confrontation.

Figure 1 (opposite) represents a control-consociationalism typology, as first proposed by McRae (1990), that has been revised in order to utilize the variables of the effectiveness of an indigenous leadership elite and responsiveness by the state administration (Sillanpää, 1997).

Cell I represents the status of the indigenous rights situation in many jurisdictions of the world as it has existed for centuries. The response of the State has been to treat any special indigenous rights these minorities might feel they enjoy as a total non-issue. A control-type public administration would be reluctant to accept indigenous rights and could even reject these outright. On many occasions, the State would trivialize such demands or dismiss them as being outside a legitimate national administrative framework. Administrative remnants of a Cell I-type control principle continue to exist but a more modern and pragmatic response by governments to such demands is to insist - firmly - that the state has a responsibility to treat all citizens equally.

Cell II represents the situation of an ineffective indigenous leadership elite and a possible consociationalism response by the state. That is, the state is prepared to acknowledge that some form of aboriginal rights may have existed - and may, in fact, continue to exist - but exhibits no inclination to take steps to deal with this situation in a holistic manner. The state administration would tend to respond to indigenous needs more by treating their clientele as members of a generally disadvantaged social group, rather than as a minority with special legal rights and identity. While it might, under a Cell II situation, exhibit sensitivity towards indigenous needs, a public administration would be reluctant to accept indigenous rights as one of its primary objectives if this compromises the professional standards of the civil service.

*Figure 1. Effectiveness of Indigenous Leadership Elite and Responsiveness of State in Control-Consociationalism Typology*

		<i>Responsiveness of State</i>	
		Control	Consociationalism
<i>Effectiveness of Indigenous Leadership Elite</i>		I	II
	Ineffective	Reluctance to accept Indigenous rights - often outright rejection; Indigenous rights undermined with argument of 'every citizen equal; no special rights'.	Reluctance to accept Indigenous rights but not hostile opposition; Public administration would tend to treat their clientele as general 'needy groups'.
		III	IV
Effective	Understanding but uncommitted attitude to Indigenous rights so long as these are integral part of state administration, e.g. language & curriculum.	Firm acceptance of Indigenous rights; commitment to concept of aboriginal land title and even to the idea of self-government.	

Cell III highlights the situation in which an indigenous leadership elite, categorized as effective in the way it articulates indigenous rights issues, is confronted by a state administration based on the control model. While a public administration, operating under the control model of Cell III, may have undertaken a special commitment to learn about the historical conditions surrounding indigenous rights, it would continue to retain an uncommitted attitude towards such rights and the concept of aboriginal self-determination. Such a bureaucracy would only establish new structures related to indigenous rights if these could become an integral part of the existing state administration. For example, educational authorities may be prepared to establish a new agency to promote the teaching of indigenous languages as part of the school curriculum since ultimate control for this agency would continue to lie within the existing educational authority structure. Any proposal to deal with usufructuary rights or ownership of lands that indigenous minorities have used for traditional

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activities could encounter resistance from entrenched interests.

Cell IV outlines a balance between an effective indigenous leadership elite and a state administration based on consociationalism principles. This could lead to a mutually constructive relationship that is able to address a wide range of substantive issues that a minority has enunciated as comprising its political action agenda. The response by the state to proposals from indigenous minorities would be within the context of an acceptance of the principles of indigenous rights, including a recognition of some form of indigenous land title and the concept of aboriginal self-determination. The concept of aboriginal land title could be accepted by the state even to the point of a strong commitment to having this issue resolved wherever it remains unclarified. The attainment of such a balance between an indigenous leadership and a state administration could eventually result in a pragmatic administration within the public bureaucracy dedicated to indigenous rights and a framework for some form of self-determination.

### Case Study of Nordic Sami Using a Control-Consociationalism Typology

A control-consociationalism typology was used to determine the comparative status of Sami rights as an indigenous people within the state administrative structures of Finland, Sweden and Norway (Sillanpää, 1994). This study of the Nordic Sami examined histories and official documentation pertaining to these minorities and conducted in-depth interviews with indigenous representatives and key officials through a series of field trips. The questions were open-ended to ensure flexibility, yet structured so as to provide a consistency and to ensure that comparisons can be made. The typology outlined in Figure 1 was used to analyze political and administrative responses derived from the documentation and interviews as to:

- (1) recognition of the these small distinct minorities as indigenous (aboriginal) peoples;
- (2) acknowledgment of land title and traditional forms of livelihood as integral components of indigenous rights; and
- (3) indigenous land title as the fundamental issue to their identity as a people.

Cell I: (Confluence of an ineffective Sami leadership and a state administration that would insist that all citizens be treated equally.) Aboriginal land title would be a non-issue since the state administration does not accept the concept and would even exhibit hostility that anyone would want to raise such an issue, since this would be interpreted as challenging the ultimate jurisdiction of the state. Interviews for this study confirmed that the Sami will not be satisfied with the argument that entitles them only to the same basic civil rights as everybody else in society. As an

aboriginal minority residing within their very own homeland, the Sami believe they have a right to special programs to preserve and develop their unique minority culture - that they possess a right to be able to choose and enjoy a Sami way of life, to the fullest extent that this is possible. That state administrators insist on equal rights, while precluding any appreciation of the intrinsic value of their collective rights as a minority, has been interpreted by the Sami as an indication of continued control of their culture by the state. Sami representatives believe that the end result of acceptance of the equality premise would be the virtual disappearance of all vestiges of Sami culture and their complete assimilation into the majority society.

Cell II: an ineffective Sami leadership elite and a possible consociationalism response by the state, represents a situation where the state is prepared to acknowledge that some form of aboriginal rights may have existed - and may, in fact, continue to exist - but exhibits no inclination to take steps to deal with this situation in a holistic manner. The state administration would tend to respond to indigenous needs more by treating their clientele as members of a generally disadvantaged social group, rather than as a minority with special legal rights and identity. A conference held in 1959 between Nordic parliamentarians and the Nordic Sami Council is, perhaps, a classic example of a Cell II-type situation of vague consociationalism. The record of the proceedings (*The Lapps Today II*, 1969; 114-15) summarized an extensive list of topics of concern to the Sami people was endorsed, at least tacitly, by Nordic politicians.<sup>3</sup> Yet, apart from a neat listing of the items of concern at this conference - most of which remain objectives for Sami political mobilization efforts to this day - no action originated at the official level.

Cell III: highlights the situation in which a Sami leadership elite, categorized as effective in the way it articulates indigenous rights issues, is confronted by a state administration based on the control model. While the state may exhibit an understanding of indigenous rights, it retains an uncommitted attitude towards how these rights should be adapted within its institutions; such rights would be tolerated only so long as these can be integrated within these institutions. Any proposal to deal with usufructuary rights or ownership of lands the Sami have used for traditional activities could encounter resistance from entrenched interests. In Norway and Sweden, the ancient right of Sami peoples to derive a traditional form of livelihood from the lands they had historically occupied, were restricted only to the occupation of reindeer husbandry, which has been strictly regulated by the respective states for more than a century. Those Sami not engaged in reindeer husbandry, more than 90 per cent, enjoy no legally recognized rights to any form of traditional livelihood.

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<sup>3</sup> Among the subjects summarized were reindeer husbandry, farming, forestry, fishing, hunting, mining, industry, water regulation, tourism, and the creation of a Lapp Fund.

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Cell IV: The response by the state to proposals from indigenous minorities would be within the context of an acceptance of the principles of indigenous rights. The concept of aboriginal land title could be accepted by the state even to the point of a strong commitment to having this issue resolved wherever it remains unclarified. The attainment of a balance between the leadership of an indigenous minority and a state administration over a wide range of substantive issues that comprise a political action agenda as enunciated by that minority could eventually result in the establishment of both a pragmatic administration within the public bureaucracy dedicated to indigenous rights and a framework for some form of self-determination.

The political and administrative responses to the Sami land title issue varies considerably over the three countries. This same typology was further utilized to analyze the effectiveness of Sami elites in the three Nordic countries and the responsiveness of State administrations focusing on the aboriginal land title issue. This title would include the right to carry out a traditional livelihood on these lands such as hunting, fishing and reindeer herding, as well as berry-picking and timber cutting for personal use. The analysis focused on reforms that have been proposed or are currently being investigated by government-appointed committees in Sweden, Norway and Finland. Valid comparisons are not easy since the Sami land title issue was at different stages of development in each country and, in fact, many national authorities have not accepted this as a legitimate issue. The development of a common Nordic solution on this matter will probably be more difficult than Nordic co-operation on other questions, such as social welfare, labour, pensions and health, and could take many years to resolve.

Using the typology outlined in Figure 1, one can see there have been significant variations ranging between a total administrative control over the Sami minority, such as each of the three states has exercised for generations, to the development of newly established elements of a consociationalism relationship between the state and its aboriginal minority. The extent of these shifts varies within each state. For a minority, such as the Sami, it is essential that they be able to move from a situation of intergroup domination to one of balanced equality; that is, there must be a transition from the lands and traditional livelihood of the Sami being totally controlled by a national administrative structure operating exclusively in the interests of the majority to one where the state recognizes the legitimacy of their claims to aboriginal rights and their right to participate with political decision-makers and administrators in some form of self-determination arrangement based on a consociationalism administrative structure.

The aboriginal land ownership and use issue revealed major political-economic tensions inherent in existing administrative structures that deal with indigenous rights in Finland, Sweden and Norway and the orientations and attitudes of civil servants

and experts to these tensions and conflicts. The Sami have a clear concept of territory that compares with aboriginal inhabitants in other parts of the world and continues to involve deriving a traditional form of livelihood from hunting, fishing and reindeer husbandry over lands and waters they have occupied since time immemorial. The documentation and the interviews demonstrated that land title is a fundamental issue for Sami rights activists and represents the penultimate step in their political mobilization. The control-consociationalism typology, furthermore, identified clear differences in responses by the states to Sami demands.

Events taking place within the three countries indicate that Sami land title, based on aboriginal title, has become a significant issue. The Sami have clearly positioned themselves on this issue and have achieved a considerable degree of recognition and acceptance from the three Nordic states as to the legitimacy of their demands. With Sami representative institutions gaining in legitimacy and confidence and the likelihood of new international conventions being adopted that will address the concerns of indigenous minorities in more specific terms, the Sami land title issue can be expected to increase in importance. The concerted efforts of politicians and administrators at both the national and local levels would be required to develop a new framework. The control-consociationalism typology, situated as it is within the context of the political history of the Sami minority, can be a useful analytical tool in the conceptualization of such a framework.

The question remains as to whether this typology can be applied to analyze the situation of indigenous minorities in other jurisdiction in the Arctic region.

### Applicability of Typology to Small Nations of Northern Russia: Observations and Hypotheses

The control-consociationalism typology would be useful for studying, on a collective and comparative basis, the ‘Small Nations’ of the Russian North, focusing on their traditional culture and means of livelihood and their rights as indigenous minorities in this region.. These twenty-six officially recognized indigenous minorities of the northern and Arctic regions of the Russian Federation number approximately one hundred and ninety thousand according to the 1989 Census (cited in Vakhtin, 1992; 8). Their traditional homelands extend over the Arctic and sub-Arctic territory from the Kola Peninsula in the west to the Bering Strait in the east - a region of tundra, taiga and vast forests covering about two-thirds of the land mass of Russia and containing huge reserves of oil, gas, minerals, timber and hydro-electric potential.

These indigenous minorities have practised a subsistence lifestyle over centuries through fishing, hunting, trapping and reindeer husbandry. Since the end of the Second World War, huge industrial enclaves and development projects have been

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established throughout the Arctic region. Vast land areas have been turned into wasteland, according to testimony presented by these indigenous minorities, and water systems polluted (IWGIA:67, 1990). Little consideration has been given as to the impact of these activities on the ecology of the north and on the traditional livelihood of these indigenous inhabitants. A number of these twenty-six minorities have no written language and for some, their language is on the point of extinction.

The indigenous minorities of northern Russia have only begun to mobilize politically within the last ten years - much later than aboriginal minorities in other jurisdictions of the Arctic region. In March 1990, delegates and observers representing the twenty-six minorities met for two days in Moscow with senior political leaders of the USSR (including then President Mikhail Gorbachov) and established the Association of the Small Peoples of the North of the Soviet Union; this was later renamed the Association of Indigenous Peoples of the North, Siberia and the Far East of the Russian Federation (Russian acronym of APON). In March 1997, this Association held its third such congress in Moscow at which it elected Sergei N. Kharyuchi as its President. In 1991, this Association, along with the Sami Council and the Inuit Circumpolar Conference (ICC), had signed, as observers, the Declaration of the Arctic Environmental Protection Strategy (AEPS) in Rovaniemi. The Association, as part of the Indigenous Peoples Secretariat, has participated in subsequent AEPS meetings held in Nuuk, Greenland in 1993, Inuvik, Northwest Territories, Canada, in 1996 and Alta, Norway in 1997. On September 19, 1996, the five Nordic countries, Canada, the United States and the Russian Federation established the Arctic Council - an intergovernmental organization that will focus on developing co-operation on a wide range of issues in the Arctic region, including those identified under the AEPS. The three afore-mentioned Arctic indigenous organizations are permanent participants of this intergovernmental process.

The application of a control-consociationalism typology would be a useful analytical tool for determining both the control that the Russian state has exercised for hundreds of years over the cultural identity of these indigenous minorities (and which it continues to exercise) and the determination by these people to seek a consociationalism-type of co-existence with authorities whereby they would have a role in decision-making in matters of direct concern to their way of life.

Some hypotheses could be suggested based on this typology:

1. Much of any such analysis would focus on Cells I and III - the so-called Control cells. These represent more than four hundred years of Russian history and administrative control in the North and are comparable to situations in North America, Latin America, Australia and northern Scandinavia.. The control situation with respect to indigenous minorities - particularly as outlined with Cell III - continues in these other jurisdictions and there would be every indication that this

will also remain the case in Russia for the foreseeable future.

2. Real dialogue on matters pertaining to indigenous rights in northern Russia could be expected to take place in a continuum between Cell II (weak indigenous organization and some form of benevolent recognition on the part of the state) and Cell III (somewhat effective indigenous organization confronting strong control by the state). The key variable for any form of real dialogue would be how effective these various northern minorities become in espousing their rights.

3. Traditional livelihood based on indigenous land use and occupancy can be expected to be the main challenge to the current administrative practices of the Russian state. Much of the cultural identity of these northern indigenous minorities is derived from their traditional use of lands they have occupied since time immemorial. This pattern can be seen in other jurisdictions of the Arctic region. As the various northern minorities began to mobilize politically in the 1990's, the land use and occupancy issue has manifested itself at all conferences and meetings (IWGIA:67, 1990; Aipin, 1996). The rights of the northern minorities as indigenous peoples represents a test of whether the Russian Federation is willing and able to accommodate the legitimate cultural demands of very small minorities which have, historically, occupied and used large tracts of lands within the state.

One could expect that many of the officials working for state administrations within the Russian Federation recognize that collective minority rights are a part of human rights and that these indigenous minorities are, therefore, deserving of special attention. The concept of an historic form of indigenous title to lands and waters within their traditional homeland region, based on their being an aboriginal people, has come to be gradually recognized by authorities but one can expect, based on studies in other jurisdictions, that this would be a more controversial subject and its underlying premises have not been fully accepted by decision-makers. Many authorities feel that title should be based on traditional use rather than ownership and, furthermore, want to limit these to certain usufructuary rights, such as reindeer husbandry.

4. International conventions on civil and minority rights and an increased mobilization by indigenous peoples throughout the world can be expected to become a significant catalyst for positive change for the indigenous minorities of northern Russia. These northern indigenous minorities have taken a number of significant strides within the past decade, first by establishing a national association to represent their interests collectively and then by affiliating themselves with such international aboriginal organizations as the Inuit Circumpolar Conference and the Sami Council. Participation with fellow indigenous groups on common issues of concern at the international level can be expected to increase their influence at the national and regional levels in Russia.

## Conclusion

Indigenous peoples in many regions of the world have begun to emerge as a social and political force on the world stage after centuries of colonization, exploitation, and assimilation. For this United Nations International Decade of the World's Indigenous People, one can see that the Control-Consociationalism Typology, as outlined in this paper, can be a useful analytical tool for social scientists in examining this global trend.

Consociationalism has never claimed to be one of the more dynamic "isms" of modern political thought, such as capitalism, socialism, Marxism, fascism. While many of these "isms" can be characterized as ideological and confrontational, consociationalism tries to examine situations as they currently exist, particularly how the general situation of a pluralist society can be improved for all of the groups that occupy a common geographic space. At a minimum, consociationalism stresses a tolerance for other social groups within a country - particularly those which can be seen to be in a minority situation. At other times, it strives to lift the level of social dialogue by promoting an appreciation by one ethnic group for the values of another.

While consociationalism does not aspire to be a dynamic social movement, nor does it wish to be seen as a passive or static one. Tolerance, an appreciation of other cultures within society, moral justice with respect to possible mistakes in the past - all of these can be useful tools for public administrators and proponents of economic development as enunciated under the principles of sustainable development. An administrative approach that recognizes the realities of the control-consociationalism typology can be applied to the situation of small aboriginal minorities throughout the world. It can be an especially useful tool for analyzing the situation of the indigenous minorities of northern Russia.

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