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## Case studies of northern indigenous people and extractive industry

### Sakha Republic (Yakutia)

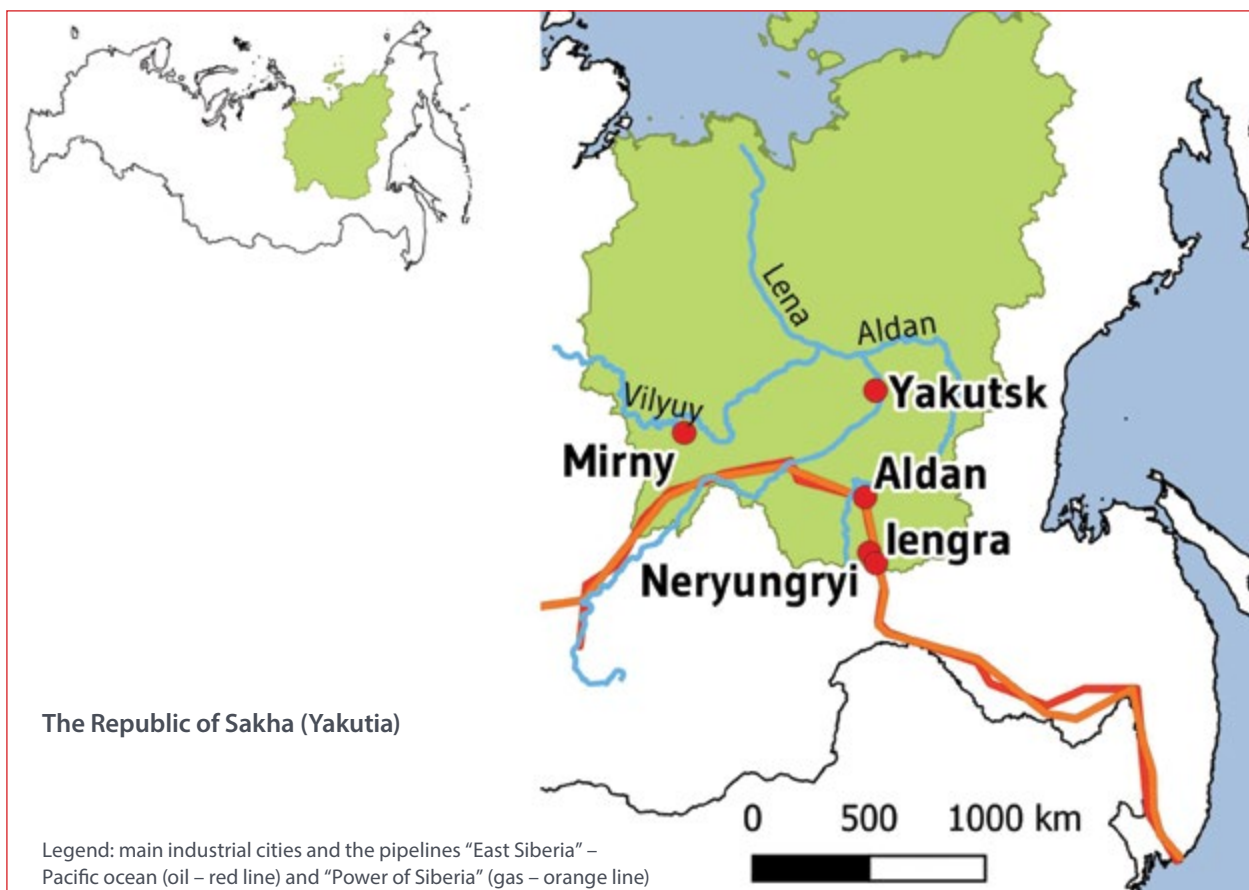
#### Location

The Sakha Republic (Yakutiya) [also spelled Yakutia] is Russia's largest administrative unit, located in the northeastern part of Siberia (also part of the Russian Far East), with a northern coastline on the Arctic Ocean and Laptev Sea and a southern border with the Amur region. With three million square kilometres Sakha is almost the size of India, but has a population of slightly under one million, making it one of the world's least densely populated areas, at 0.31 people per square kilometre. About one third of the population lives in the regional capital, Yakutsk, which is one of Russia's regional boom towns.

Sakha contains the world's coldest inhabited places (winter temperatures in Verkhoyansk and Oymyakon can reach around minus 71 Celsius, minus 96

Fahrenheit), while the summers can be extremely hot and humid, the further away one goes from the Arctic Ocean coast. Sakha also contains the world's thickest layer of permafrost, and in many places the soil thaws in summer to a depth of less than one metre.

The road network is very sparse, and the Baikal-Amur Magistral/Mainline (BAM) and the Trans-Siberian railroad just touch Sakha's south. The River Lena flows through Sakha from north of Lake Baikal to the Arctic Ocean, and is crucial as a navigable route in summer and a frozen ice-road in winter. Outside the central region around Yakutsk itself, and a few other bigger towns, there are still hardly any paved roads. Considering the huge distances and the absence of railways and roads, aviation is in many places the lifeline and only connection to the outside world.



## Indigenous peoples

The population of Sakha is about half Russian and half Asian. Among the Asian population, the dominant group are the Sakha people, who could be considered indigenous by international standards, but not by Russian legal standards, where the term applies only to ethnic groups with fewer than 50,000 members. Therefore, the officially recognised indigenous people in Sakha are Evenki, Eveny, Dolgan, Yukaghir and Chukchi. The Sakha people count for 48% of the population, and consider themselves the defining group for the entire region. They are dominant in the Republican government, in almost all local administrations and municipalities, as well as in healthcare, culture, research, education and agriculture. Not being marginalised in their own area makes them very different from other indigenous peoples in the Arctic. Sakha are considered to have migrated from Central Asia northwards to what is today Sakha, during the Middle Ages in the era of Chinggis (Genghis) Khan. Russians (a term which often includes other Europeans such as Ukrainians, Estonians, etc.) are concentrated in industrial settlements, particularly those connected with extractive industries.

## Indigenous livelihood

As elsewhere in the Arctic, the livelihoods of indigenous people in Sakha are based on human use of animals. All of the indigenous peoples used to be hunter-gatherers, using reindeer for transport. Reindeer herding as a meat-producing industry developed with Russian colonisation in the seventeenth century, was intensified during Soviet times, and is still fundamental to the lives of Evenki, Eveny and Dolgan. The Sakha imported cattle breeding and horse herding to the Arctic, with special breeds adapted to stay outside in temperatures down to minus sixty degrees or more. The horses can feed from grass under the snow all through the cold winter and do not need any additional feeding as long as they do not carry people or pull loads. The cattle can drink water from ice-holes throughout the winter and often feed on hay outdoors, while spending the nights in cowsheds of a special architecture, which warms up enough for the cattle to survive just from their own breathing air and their body temperature. Most reindeer herding is done in the Eveny and Evenki style, which means that reindeer are used both for riding and for pulling sledges. Female reindeer are still milked and reindeer-milk products form an important part of indigenous northern cuisine. This makes Sakha a region unique in the Arctic for its species diversity in pastoralism, especially considering that Sakha is the coldest inhabited place on earth. Thus the indigenous peoples of Sakha and their animals

are among the hardest, even by Arctic standards. However, they operate at small margins of survival and are very vulnerable to disturbance and pollution.

## Extractive industries

Sakha has an impressive list of mining and hydrocarbon resources, and is said to contain all the elements in Mendeleev's periodic table (Vitebsky 1990). Particularly important is diamond extraction, which counts for almost all of Russia's diamonds and a quarter of the world's entire diamond production (Tichotsky 2000). Most of the diamond mining is in western Sakha around the towns of Mirny and Nyrba, and also further north in Udachny. Coal mining is another big industry. Around 10% of the world's reserves are located in Sakha, concentrated in the south, with giant deposits around the town of Nergyungryi – an industrial town especially built for coal extraction. Sakha contains 20% of Russia's gold reserves, spread over the towns of Aldan in the south, Ust'-Nera in the east, and Deputatski in the north. In addition, the Elkon group of deposits contains the world's biggest uranium resource, with more than half a million tonnes. In comparison, Sakha's oil and gas resources are rather small, but are gradually becoming connected to the Russian-wide pipeline grid, through the "Power of Siberia" gas pipeline and the Eastern Siberia Pacific Ocean (ESPO) pipeline. In this project we conducted fieldwork mostly in southern Sakha, where industrial development is currently most rapid and most highly prioritised by the regional government. Sakha has attempted to position the region as a kind of special economic zone, in which large-scale industrial investment projects receive government support (<http://www.sy-corp.ru/project/123.htm>).

## Companies involved

As the extractive industries are diverse, so are the companies. Almost all the companies are Russian – some controlled by the state, others private.

The biggest company is Alrosa, a diamond extraction company controlled by the federal Russian government. When Alrosa was controlled by the Sakha regional government in the 1990s, the revenue flow to the region financed the political post-Soviet emancipation of the Sakha people, who went as far as adopting a constitution (in 1992, see section 8 below) that claimed regional Republican ownership of the natural resources before the Russian constitution was even adopted.

The coal industry is mainly run by the Russian company Yakutugol', which belongs today to Michil, a private conglomerate. The other coal company is Kolmar, which is active in the same region. This

is owned by oligarch Gennadii Timchenko, who also owns the port of Nakhodka and the Sukhodol company, which is constructing an export terminal to improve capacity for shipping coal.

The gold industry is highly diverse and unpredictable. Some companies work only in summer. The most famous companies in the gold industry are the post-Soviet successors of AldanZoloto and IndigirkaZoloto. However, many smaller companies run smaller gold extraction operations, which are often managed out of headquarters in Moscow, and which are not at all embedded locally. In both south Sakha (Aldan region) and east Sakha (Oymyakon region), there is much local discontent due to the fact that even local authorities have no idea which companies have licences to extract gold on their land, and on what terms.

Oil is so far quantitatively an insignificant resource in Sakha, but regionally it is associated with high hopes for the future. This hope is connected to the presence of the ESPO pipeline, which runs through south Sakha and lowers potential transportation costs of oil to the Pacific Ocean, if deposits were to become developed. The main company active in the region is SurgutNeftegaz from the Khanty-Mansi region, which is Russia's only big oil company with headquarters in Siberia.

Gas is so far being extracted mainly for the domestic Sakha market. Gazprom has a near-monopoly position in the Russian gas market, and is the only gas company in Sakha. Parallel with the ESPO pipeline, Gazprom is currently building the "Power of Siberia" gas pipeline. This would connect the sizeable gas resources of the Chayandinskoe deposit to foreign Asian markets. Both pipelines have a controversial history with a negatively perceived social impact and a poor track record on corporate social responsibility among the indigenous population in south Sakha. Many believe that the construction is advancing in violation of current legislation of the Sakha Republic. On the other hand, at a recent meeting, Gazprom chief Aleksei Miller has expressed increased interest in taking account of societies and cultures of indigenous peoples in the area. It remains to be seen how this will translate into real action.

## Indigenous and civil society organisations

Sakha, with its geographical remoteness from Moscow, has a strong civil society of its own which is different from that in the centre of the country. One important voice of that civil society is the newspaper Yakutsk Vecherniy, which started as a sort of tabloid newspaper but has since developed into a strong

voice of independent investigative journalism. Some of this was connected to the controversy around the Lena river-crossing of the ESPO pipeline. This project gave rise to a significant environmentalist movement in Sakha. First and foremost was the coalition of NGOs that united to lobby for the protection of the Lena River with their campaign 'Let's save the Lena!' (*Sokhranim Lenu!*). Another successful example of civil society movement in Sakha is the Eygey Centre for Ecological Education (Evseeva 2013), which raised environmental awareness and worked with remote village communities, also in connection to the industrial development of south Sakha. In relation to industrial development, indigenous people's associations have been a prominent civil society voice that has helped to strengthen the rights of indigenous peoples, including the right to a healthy environment. For example, the association lobbied with the regional parliament Il Tumen and contributed to drafting several important regional laws, such as on indigenous communities (Rodovye obshchiny 1992), on reindeer herding (1997), on specially protected areas (2011), and on hunting (2006). The activities of such organisations and of the people behind them have also been instrumental in shaping one of Russia's most advanced examples of environmental and indigenous rights legislation, including Russia's only law on anthropological expert review (*etnologicheskaya ekspertiza*) (Etnologicheskaya Ekspertiza 2010; Novikova and Wilson 2017). Most recently, the 'Sir' (land, in Sakha) movement<sup>1</sup> was successful in promoting changes to a new Russian initiative to increase new settlement in the Russian Far East (Far Eastern Hectare 2016). As a result, indigenous lands within the Sakha Republic cannot now be reallocated to outsiders.

## History of interaction between indigenous people and extractive industry

Sakha has immense geographical dimensions and is very diverse in terms of environment, industrial activity, and indigenous and local livelihoods. This paper focuses mainly on south Sakha with its multiple, industrial projects of mining, oil and gas pipelines, and hydroelectric power projects. All of these are happening on territory where Evenki reindeer herders still use the forest for herding, hunting, and fishing. Diamond extraction, which is the mainstay of the economy in Sakha, is a more monopolised and state-run economy than the other extractive industries. The federal state-controlled diamond company Alrosa has agreements with Sakha on the socio-economic development of the entire region (Stammiller and Ivanova 2016b). However, the authors of this case study have not

1. Republic social movement 'SIR' (Land) (Республиканское общественное движение 'СИР' (Земля)). <http://dnevniky.ykt.ru/ivanshamaev/1021333>

done fieldwork with indigenous people in diamond extraction areas, and therefore we focus on coal, pipelines, and associated development in south Sakha. This particular field site and our narrative will reveal a number of particular features of Sakha that make it different from other regions within and outside the Russian Arctic (see section 8 below).

As in most other regions, the main story about indigenous people and the extractive industry is connected to the question of land rights and compensation for damage by industry to indigenous land. Large-scale industry came to Sakha in Soviet times, that is, long before international instruments and ethical guidelines were thought of. Relations between people in the forest, villagers, and industry were built according to a Soviet equivalent of what is currently called corporate social responsibility, in which the company (actually an entity of the state since there were no private companies) was responsible for the wellbeing not only of its own workers but also of the entire population of the region where they worked. The two biggest companies in Sakha, Alrosa (diamonds) and Yakutugol' (coal) built their own single-industry towns, with the entire necessary infrastructure. These towns today have also become important hubs for indigenous people who lived or still live in the forest around the sites of extraction. On the other hand, in Soviet times the residents of the forest did not have any decision-making power over the alienation of their land for industrial development, as they had no land rights.

This situation changed after the end of the Soviet Union, and Sakha with its advanced regional legislation is today at the forefront of indigenous land rights protection in Russia. As early as 1992, indigenous communities across Sakha started forming their own registered indigenous clan communities (*obshchina, rodovye obshchiny* 1992). However, very few also managed to register land in 'ownership and permanent continuous use' (*sobstvennost', vladenie i postoyannoe pol'zovanie*). In the Neryungri region most communities received land titles 'for perpetual use' (*bessrochnoe pol'zovanie*), on the basis of a 1994 decree by the head of Neryungri municipality 'On the transfer of land to perpetual use' (*o peredache zemli v bessrochnoe pol'zovanie*, number 196-R), or 'lifelong inheritable property' (*pozhitzennoe nasleduemo vladenie*). This municipal decree was based on a law on indigenous clan communities that existed only in Sakha. The 1992 law specified, in Articles 8-10, the

right of indigenous peoples to receive land titles on the basis of inheritance or perpetual use, and the municipal decree was based on this. This law was subsequently changed, even in Sakha, and section III ('on land of the communities') was completely deleted. In the new law (Rodovye obshchiny 2003), all that section III mentions is that indigenous communities can obtain land only in compliance with federal and regional law. In effect, this means the law was in accordance with changes to the Land Code (2001) that came out in the twenty first century. As a consequence, the categories of land rights that most people had obtained at the level of federal legislation (according to the Land Code 2001, Articles 20 and 21 and the Civil Code 1994, Article 267) were scrapped, so that all indigenous land users right across the Russian North are theoretically forced to re-register their rights to ownership (*sobstvennost'*) or leasehold (*arenda*) of land. For this reason there is considerable confusion today on what the actual land rights situation among indigenous land users is.

As long as land is not a contested resource this lack of clarity can just be ignored (see Stammler and Ivanova 2016a for a similar situation in Kamchatka). However, in south Sakha industry is advancing rapidly into indigenous territory. Herders and hunters were first exposed to the hastily built ESPO pipeline (Ivanova 2007, Fondahl and Sirina 2006). Then more recently, a giant new coal deposit was opened (Elga deposit), a hydroelectric power station was planned (Kankunskaya GES), an iron ore mine projected (Timir), as well as several road, rail, and electric line constructions. Thus, the pressure on indigenous land accumulated from various sides, and indigenous people had to defend their interests against multiple industrial companies, a myriad of subcontractors, and the authorities who are pro-industry oriented. In addition to that, in 2016 the Russian Federation passed the above-mentioned law (Far Eastern Hectare 2016), under which any citizen of Russia could claim land in the Russian Far East that is not registered or occupied on paper. Thus, any hunting and herding grounds in south Sakha where indigenous users had not done all the paperwork were under threat of being given out to strangers.

As a reaction to this cumulative pressure, today almost all indigenous communities (*obshchina*) have re-registered their land documents. This was done partially on the initiative of a union of indigenous communities in south Sakha<sup>2</sup>, devoted mainly to the land rights question. Moreover, the Sakha government funded the survey and cadastral

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2. Union of communities of indigenous small-numbered peoples of the North of South Yakutiya (Союз общин КМНС Южной Якутии).

registration of indigenous communities' territories, which according to current Russian legislation was the pre-condition for re-registering them as "Territories of Traditional Nature Use" (*territorii traditsionnogo prirodopol'zovaniya* (TTP), TTP 2006) for indigenous peoples. Therefore today south Sakha (alongside the Khanty-Mansi Autonomous Okrug, KMAO) has Russia's best-regulated indigenous land rights. The Sakha authorities moreover lobbied successfully for indigenous territories of traditional nature use to be excluded from falling under the law of the Far Eastern Hectare (2016), so that the danger of indigenous people losing control of their land to incomers was avoided. Merit for these adjustments also goes partially to the civil society organisation 'Sir'.

On the other hand, this advanced legal protection of indigenous access to land does not yet mean that relations to industry are regulated well. Unlike the KMAO, there is no standard according to which industry should consult and agree with indigenous peoples on the terms and conditions of their co-existence. Therefore indigenous interviewees during our fieldwork in south Sakha spoke at length about their problems in tracing all the different forms of industrial activity on their land, and the difficulties of agreeing on terms and conditions of company presence with each and every subcontractor (Evseeva 2013, Stammler & Ivanova 2016b).

Since no international companies are active in this area, the main international guidelines and documents are not mandatory, and activities take place in accordance with various levels of federal and local Russian law. However, elements of international law find their way into regional law, for example the advanced and enlightened Sakha law on anthropological impact assessment (Etnologicheskaya Ekspertiza 2010, Novikova and Wilson 2017). Under this law, damage compensation and consultation with indigenous land users on the consequences of industrial development on their land are made mandatory throughout the territory of Sakha. However, the duty to consult does not yet mean that indigenous consent to industrial development is mandatory in Sakha. In fact, it is not. The lack of coordination among indigenous actors and the strategy of industry to communicate with indigenous land users separately at the individual level leads to increased inequality among indigenous peoples. We found traces of envy and resentment among indigenous informants who felt that their neighbours had made a better deal with industry for compensation over loss of their land.

## Distinctive features and lessons of the case

The story of relations between indigenous people and industry in Sakha must be read against the background of a number of particularities that make the region stand out from other regions, both in Russia and in the Arctic in general.

The impact and burden of extractive industries falls mostly on the republic's small indigenous groups, who in south Sakha are Evenki. Inevitably, their voice in regional government is small and they must rely on support from the larger Sakha people, though this relationship is not without tension. The Sakha Republic (Yakutiya) is populated by a large population of Sakha (Yakut) people, who have a strong sense of leadership and stewardship on their own land. Though the Sakha are not considered indigenous according to Russian law because they number more than 50,000, they are indigenous according to many international standards. Counting for almost half of the population of the republic, the Sakha enjoy the status of what in the Russian Federation is called a titular nation (i.e. the region is named after them). This status gives them quasi-statehood, similar to other non-Russian ethnic groups elsewhere within the Russian Federation such as the Komi, Tatar, Bashkir, Chechen, and Kalmyk. Many of Russia's titular nations have their own republics under the umbrella of the Russian Federation, a situation which gives them far more control over their own land and life than could be enjoyed by smaller indigenous minority groups. When considering governance in the encounter between industry and indigenous peoples, this particularity must not be under-estimated (Stammler and Ivanova 2016c). Within the limit of what the federal Russian state allows, their status as titular nation and the political control in their own republic gives the Sakha significant opportunities to pass their own legislation.

This is one reason why Sakha has Russia's most advanced regional legislation on industrialisation and land use. Sakha has been at the forefront of passing legal acts even before the Russian Federation passes corresponding laws for all of Russia. In particular, Sakha adopted:

- a constitution of its own before the Russian Federation (Constitution April 1992);
- Russia's first law on indigenous communities (Rodovye obshchiny 1992);
- Russia's first law on reindeer herding where herders get a state salary for continuing a herding lifestyle (Reindeer herding 1997) regardless of reindeer meat production;

- Russia's first and only law on the anthropological impact assessment (Etnologicheskaya ekspertiza 2010).

Several of these laws had to be later changed or adapted, in line with federal laws that came afterwards. It seems probable that the federal authorities paid particular attention to changing these laws because of Sakha aspirations for sovereignty and a distinctive Sakha form of internal nationalism (Argounova 2007). However, this nationalism is directed more towards relations with Russians, rather than with indigenous minorities. In northern Sakha, where such minorities are more prominent, there is widespread resentment against a perceived Sakha domination; but in the south, where industrial development has brought

large populations of Russians, our informants are more satisfied with the way the Sakha have used their independent agency to lead the way in advanced governance for indigenous peoples and extractive industries.

Our research and case study of south Sakha has shown that this advanced governance does not rely on the mainstream international laws, conventions and guidelines in this field, or even refer to them, although some elements can be found in relevant regulatory documents. On the other hand, the situation of indigenous livelihoods in south Sakha looks more satisfactory on paper than it is in the lived experience of indigenous land users themselves. As in so many cases in Russia and beyond, problems remain in the control and actual implementation of good or best practices.

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## Acronyms and abbreviations

BAM	Baikal-Amur Magistral/Mainline
ESPO	Eastern Siberia Pacific Ocean
KMAO	Khanty-Mansi Autonomous Okrug
KMNS	Коренные малочисленные народы Севера (Small-numbered indigenous peoples of the North)
TTP	Территории традиционного природопользования (Territories of traditional nature use)

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