

Article

# Ethnological Expertise in Yakutia: The Local Experience of Assessing the Impact of Industrial Activities on the Northern Indigenous Peoples

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**Abstract:** Indigenous small-numbered peoples of the North traditionally live on the territory of the Sakha Republic (Yakutia). Growing industrial activities on their traditional natural resource management territories (hereinafter TNRMT) raise issues of assessing the impact on traditional indigenous livelihood. Ethnological expertise was introduced in Yakutia in 2010 as the way to solve these problems. This article addresses issues of the practical application of the ethnological expertise in the complex environment of the Russian Arctic. More specifically, the local experience of implementation of the Sakha Republic (Yakutia) is examined in the article. The research was conducted with the use of analytical, social, statistical, and legal methods. The necessity of development of the ethnological expertise institute is explained, along with the legal basis for regulating relationships among governmental bodies, business, and northern indigenous peoples. Both of those factors are necessary for sustainable development of the Russian Arctic.

**Keywords:** Arctic; ethnological expertise; indigenous small-numbered peoples; business impact assessment on indigenous small-numbered peoples; traditional natural resource management territories

## 1. Introduction

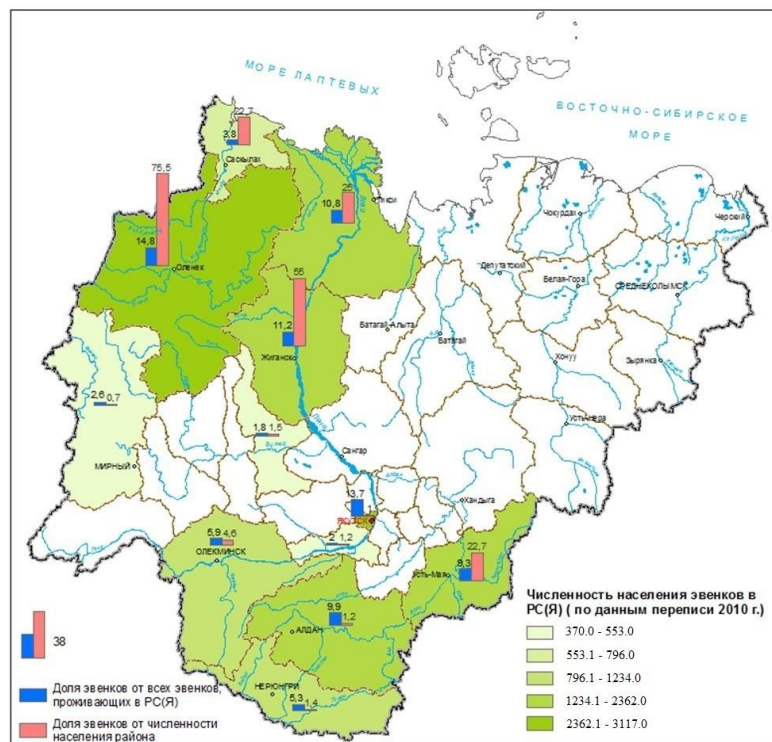
The need to improve the legislation on relationships between government, businesses, and indigenous small-numbered peoples of the North, Siberia, and the Far East of the Russian Federation (hereinafter indigenous peoples) is dictated by the industrial development of the Arctic [1].

Indigenous peoples of Yakutia include Evens, Evenks, Chukchi, Dolgans, and Yukagirs. Most of them live in the Arctic regions with harsh climate conditions, where the temperature in winter reaches minus 60 degrees Celsius. They have been living on this territory for many years, before any other nations came to this land. Their traditional activities include reindeer herding, hunting, and fishing. The population of these four small-numbered indigenous peoples is presented in the following maps (Figures 1–3).

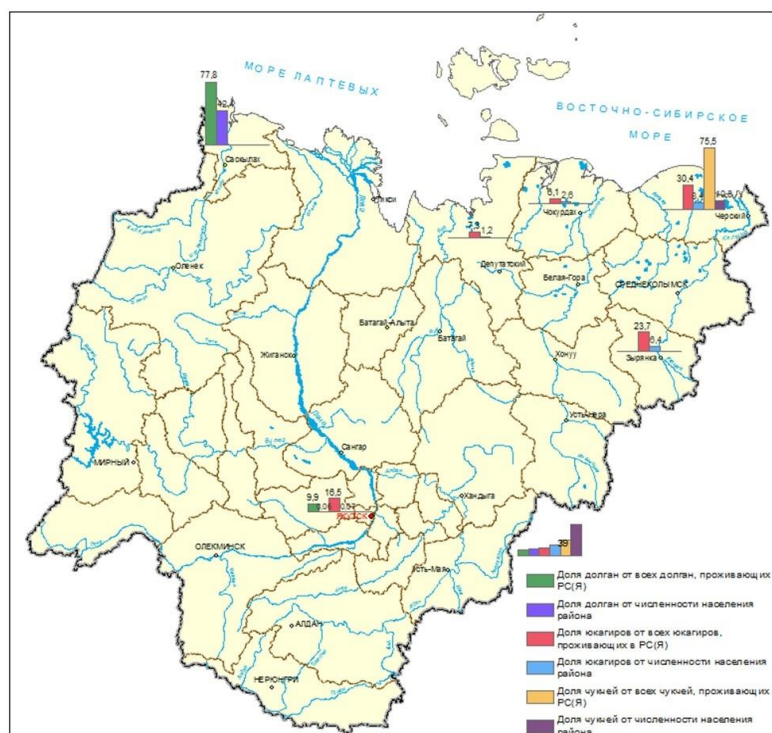
In the modern period indigenous life has been greatly influenced by the industrial development within their territories. Coupled with climate change, this influence is becoming more powerful and has an increasingly negative impact on the traditional way of life of indigenous peoples. Intense natural resource development often contradicts the traditional life of Northern indigenous peoples. It is accompanied by the alienation of land used by indigenous communities, as well as with the degradation of the Arctic environment, which ultimately affects the quality of life of indigenous peoples, whose life is directly related to the quality of the environment and the access to land, water, and wildlife resources [2].

Western and Russian researchers [3–18] provide different solutions to the above-mentioned problem, such as improvement of legal protection of the rights of indigenous peoples and implementing

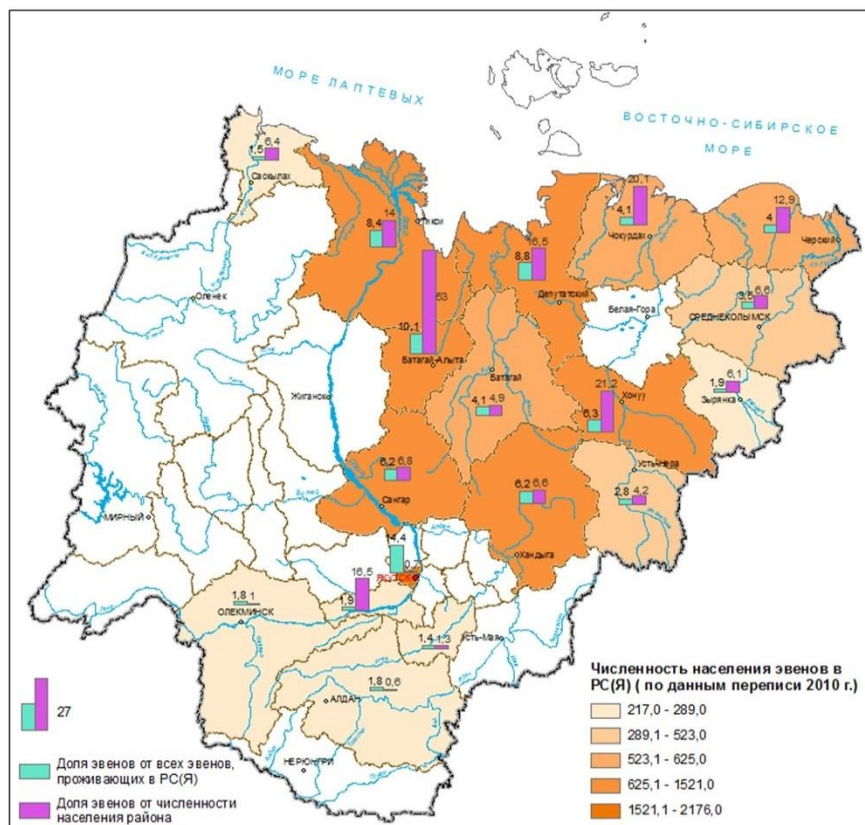
corporate social responsibility [3,4], getting free prior and informed consent (FPIC) [10], getting compensation for losses [3], and equitable benefit sharing from extraction of natural resources [10–15].



**Figure 1.** Areas of highest concentration of Evenks in the Sakha Republic (Yakutia), according to the 2010 All-Russian Census [19].



**Figure 2.** Areas of highest concentration of Chukchi, Dolgans, and Yukagirs in the Sakha Republic (Yakutia), according to the 2010 All-Russian Census [19].



**Figure 3.** Areas of highest concentration of Evens in the Sakha Republic (Yakutia), according to the 2010 All-Russian Census [19].

The international practice of social impact assessment (hereinafter SIA) shows various standards of the procedure and scientific methods of assessing losses, as well as several methods of social rehabilitation of aboriginal (in the context of this paper terms “indigenous” and “aboriginal” are used as synonyms) groups on the traditional natural resource management territories (hereinafter TNRMT) [20,21].

As we can see from the experience of the Arctic countries, there are a few legal methods that regulate relationships between indigenous peoples and industrial companies. These methods include the expertise of planned industrial developments, benefits from agreements on the compensation of losses, benefit sharing from resource exploration, etc.

State ethnological expertise of Sakha Republic (Yakutia) (hereinafter Yakutia) is the only legally enforced independent impact assessment of industrial projects on the people of the North at the regional level in Russia [6,22]. The definition of the concept of the expertise is enshrined in the Federal Law of 30.04.1999 No. 82-FZ “On guarantees of the rights of indigenous small-numbered peoples of the Russian Federation” as “a scientific study of the impact of changes on the original habitat of indigenous small-numbered peoples and of the socio-cultural situation on the development of an ethnic group” (Clause 6, Article 1) [23]. However, the definition did not receive further development in the federal legislation.

Discussions on the status of the ethnological expertise, the procedure and the frameworks of its implementation, and perspective of incorporation into the federal legislation are currently ongoing among researchers and the general public [21].

Yakutia is the only region of Russia that legally established *the obligation* to conduct expertise [24]. It practically means that the negative decision of the expert commission imposes veto on the implementation of the project. *The status of the expertise, the procedure, and the framework* for its implementation during the industrial development on TNRMT are governed by the Law of the

Republic of Sakha (Yakutia) “On Ethnological Expertise”. However, before we proceed to the analysis of the ethnological expertise, it is essential to give an explanation on the legal status of TNRMT.

TNRMTs are defined in The Federal law of 07.05.2001 No. 49-FZ “On the traditional natural resource management territories of the indigenous small-numbered peoples of the North, Siberia, and the Far East of the Russian Federation” as “specially protected areas that are created for the traditional environmental management and livelihood of indigenous peoples” [25]. According to the law, TNRMTs are created by the government upon the request from indigenous peoples. The industrial activities on the TNRMTs are limited and become possible only with the consent of indigenous peoples. In 2018, there were 59 officially created TNRMTs in Yakutia, 55 of which have gone through cadastral registration [26]. The cadastral registration is a procedural step in registering the official status of TNRMT. The total land area of TNRMTs is 1,690,000 hectares.

Furthermore, it needs to be noted that the difference between the environmental impact assessment and ethnological expertise can be quite confusing. Yet, these processes have different subjects of research.

For instance, the environmental impact assessment researches the impact of the industrial project on *nature*, while ethnological expertise researches the impact on *indigenous peoples*, who are engaged in traditional economic activities—reindeer herding, hunting, and fishing.

Over 8 years of the enforcement of the Law “On Ethnological Expertise”, 11 expertise studies were conducted for 48 indigenous communities. During this time, neither industrial companies nor indigenous peoples challenged the expertise results in a court. The participants of ethnological expertise studies (experts, representatives of government, business, and tribal communities) address issues that arise during the expertise study. Those issues are decided jointly on special public platforms with an authorized authority on the basis of dialogue and consensus. They constantly improve the mechanism of expertise and eliminate the gaps in scientific and methodological base.

Unique knowledge and scientific materials were obtained during the expertise study on the real socio-economic state of the peoples of the North. This is extremely important in the absence of state statistics on the socio-economic development of the peoples of the North of Russia.

This experience, with all its shortcomings, has a great scientific and practical value for the protection of the rights of the indigenous peoples, especially in the circumstances of the industrial development of the Arctic.

Therefore, the objective of this paper is to analyze the procedure of the ethnological expertise, to identify weak and strong sides through actual implementation analysis, and to recommend solutions. That is made based on the analysis of eleven conducted ethnological expertise assessments and by evaluating the existing legislation. Also, a special attention is paid to the main parts of the expertise assessment: the procedure of the assessment of the business impact on indigenous peoples, and documenting juridical facts of the consent of indigenous peoples to the industrial development on TNRMTs.

## 2. Materials and Methods

The paper is based on both literature review and original data obtained during the research. The following materials were used to complete this paper:

- Scheme of the integrated development of the productive forces, transport, and energy industries of Yakutia until 2020 [27];
- The strategy of socio-economic development of the Republic of Sakha (Yakutia) until 2030 with the definition of the target vision until 2050 [28];
- Investment project “Integrated development of South Yakutia” [29];
- Expeditionary materials in Ust-Yansky (2018) and Anabarsky District (2018) of Yakutia;
- Results of 11 ethnological expertise assessments, conducted on the territory of Yakutia.

The following methods were used in this paper:

- Statistical: statistical data on socio-economic conditions of groups of indigenous peoples was gathered and used.



- Survey: surveys were conducted during the research expedition on the places of residence of indigenous peoples in Ust'-Yansky, Bulunsky, and Anabarsky Districts with use of the on-site questionnaire survey as a research method. The first survey was conducted among residents of the following localities of the Bulunsky District: urban settlement—Tiksi; rural settlements—Siktyakh, Chekurovka, and Kyusyur. Some residents of the Bykov Cape rural settlement were also included in the research sample. All citizens of the Russian Federation aged 18 years and over were included in the sociological survey sample. Respondents individually read the questions and choose the answer options. The number of respondents was 198 people, including 110 men (55.6%) and 88 women (44.4%); the percentage of respondents who were northern indigenous peoples was 71.7%. The second survey of the indigenous population of the Ust'-Yanskiy region of Yakutia was conducted in July–August 2017 [30], and the number of respondents was 129 people. Cluster sampling was conducted by a continuous survey, as the nests are the settlements of the village of Ust'-Yanskiy village, Ust'-Kuyga village, Cossack village, and the village of Lake Khaiyr (see Figure 4). A research method questionnaire was used as well, as in other districts.
- For the assessment of pollution in the Arctic areas of natural complexes of Yakutia we used the method of universal quantitative indicator (UQI)—the percentage of the attribute in the estimated system of parameters [31]. This is the factor intensity index (FII), which is the deviation from the average state of the object in relative terms. The essence of the methodical approach is to bring indicators with a different unit of measure into a single quantitatively comparable system using this index, which is determined by the formula:

$$UQI_i = \frac{a_i}{M}$$

where  $a_i$  is the absolute value of the  $i$ -th indicator, and  $M$  is the absolute average value of a set of indicators [31].

### 3. Ethnological Expertise in Yakutia

Nomadic reindeer herding is a world heritage, a priceless experience of the harmony of man and nature in the Russian Arctic. Thereby, the original culture and language of the peoples of the North have been preserved. For instance, in Yakutia, there are 160,000 domestic reindeers, thanks to which five reindeer-breeding nations of the North who are on the verge of extinction have been preserving their native languages and original culture for centuries. Only because of the reindeer herding do they speak their own language and lead a nomadic life in the Arctic based on their customs and traditions. They do not face any rivalry from the dominant society in this sector of the economy. However, due to global warming, new opportunities for industrial development in the Arctic have arisen, which have led to the problem of coexistence of two opposite types of economies—traditional and industrial.

As of January 9, 2017, within TNRMTs there are 474 deposits of oil, gas, diamonds, gold, and tin in Yakutia. 155 companies have licences to extract these resources, including giant companies, such as Gazprom, Rosneft, and Surgutneftegaz.

The Law of the Republic of Sakha (Yakutia) “On Ethnological Expertise” was adopted on April 14, 2010 [24]. This legal act establishes the expertise assessment as an obligatory measure in Yakutia. It should be conducted before making decisions on the implementation of the planned economic and other activities. Yet, it is worth mentioning that the expertise is only mandatory if the activity is planned on a TNRMT [32].

Conventionally, the impact assessment procedure can be divided into three main stages:

- The first stage is the collection of primary official and scientific materials, information on the national settlement, and on the TNRMT, where an industrial project is planned;
- The second stage is fieldwork, which includes meetings with representatives of indigenous peoples, national local self-government bodies, and tribal nomadic communities, sociological studies, questionnaires, surveys, and interviews of representatives of indigenous peoples, and analysis of

the state of the cultural and linguistic situation. All of the above should be done with maximum consideration of the traditional knowledge and customs of the Arctic indigenous peoples;

- The third stage is the assessment of the social impact of the industrial project on the indigenous population and the development of recommendations for minimizing negative consequences,
- The fourth stage is the public hearings of national settlements and the meetings of members of indigenous communities on the results of the impact assessment and the materials of the design estimate documentation of the project.

One of the main parts of the ethnological expertise assessment is a comprehensive assessment of possible losses (economy) to the nomadic economy of the Northern indigenous peoples, mainly to domestic reindeer breeding, horse breeding, hunting, and fishing.

For 2017, the total amount of possible losses of the peoples of the North, calculated by the expertise assessment, amounted to 337,996,919 rubles, of which almost 64,992,169 rubles were paid to indigenous communities [33].

For comparison, it can be stated that before the adoption of the regional law on the ethnological expertise assessment in Yakutia, in 50 years of industrial development of the Russian Arctic there was not a single instance of compensation for losses to the Northern indigenous peoples.

The final stage of the expertise assessment is the development of recommendations to minimize the negative impact of the project.

After the assessment is done, the expert commission prepares a concluding paper on the basis of expert opinions. The decision of the commission is expressed in the conclusion and can be positive or negative. Subsequently, the conclusion of the expert commission is approved by the Government of Yakutia and acquires the force of the law of the Russian Federation, which is binding on the territory of Yakutia. The authorized executive body is obliged to conduct continuous monitoring of the implementation of recommendations and expert assessment activities.

During the expertise assessment, the traditional way of life and traditional resource management are the basis for the assessment of the impact made by companies. Expertise assessment is a mechanism for protecting the rights of indigenous peoples to control the use of natural resources, while taking their opinions into account. Those rights are guaranteed by generally accepted principles and norms of international law [34–36], international treaties of the Russian Federation, and current Russian legislation, since the legal status of the peoples of the North consists of the UN Declaration on the Rights of Indigenous Peoples of the world (2007) [34], the Constitution of the Russian Federation, and federal and regional legislation, including the regional law of Yakutia on ethnological expertise.

After the expertise assessment has been completed, representatives of the indigenous peoples continue to be actively involved in the process before making a state decision on the industrial development of the TNRMT. After the decision on the development is made, they take part in the implementation and monitoring of the results of ethnological expertise assessment.

The author (Anatolyi Sleptsov) has participated in 23 official meetings of the participants of the expertise assessment as an expert and discussed problematic issues arising during the expertise assessment, which resulted in eliminating gaps in scientific and methodological support. He personally made 6 amendments to the regional law on ethnological expertise assessment, eliminating gaps and administrative barriers.

#### 4. FPIC and Ethnological Expertise

In the Russian literature, the notion of FPIC is used almost [37,38] exclusively in medicine [39] or biomedicine [40]. In this sphere, FPIC is defined as “the voluntary acceptance by the patient or their legal representative (parent, adoptive parent, guardian) of the medical intervention proposed by the physician directly carrying out the intervention, examination, and treatment options based on obtaining comprehensive information about the forthcoming intervention, possible complications, as well as alternative events and conditions of their provision” [40]. FPIC is also used in the oil sector by Sakhalin Energy company on Sakhalin Island [17].

Based on this definition, the following signs of FPIC are distinguished:

- FPIC is a necessary and indispensable condition for any medical intervention, from simple manipulation to complex surgery;
- FPIC must be obtained prior to the commencement of the medical intervention;
- FPIC must be obtained voluntarily—any form of coercion is unacceptable. Consent may be withdrawn at any time and without any explanation;
- FPIC must be informed. The exchange of information should be reciprocal. Information provided to the patient or their legal representative must be exhaustive [41].

Non-observance of the above principles violates the Federal Law [39] therefore, entails the possibility of subsequent judicial protection of the rights of the patient. In our opinion, it is necessary to pay attention to the above principles, since their use by analogy will facilitate the reception of the concept of FPIC from Western literature.

In Western literature, the concept of FPIC also originated from biomedicine [42], but now extends to relations between indigenous peoples and industrial companies. In international law, the term “free, prior and informed consent” is repeatedly referred to in various international documents.

For instance, it is mentioned in General Comment No. 21 “[The right of every person] to take part in cultural life” of the Committee on Economic, Social and Cultural Rights. In its interpretation of cultural rights, the Committee notes that in the context of the right to participate in cultural life, indigenous peoples are considered to require special protection. Their right to participate in cultural life includes “the right to the lands, territories and resources that they traditionally owned, which they traditionally occupied or otherwise used or acquired” [43]. The Committee specifically notes that “States parties should respect the principle of free, prior and informed consent of indigenous peoples in all matters covered by their specific rights” [43], and recalls the obligation of States to take measures to compensate for the damage done without the consent of indigenous peoples.

The Committee on the Elimination of Racial Discrimination in its General Recommendation No. 23 “On the Rights of Indigenous Peoples” also calls on the participating States to ensure “... that no decisions directly relating to their rights and interests are taken without their informed consent” [44].

The term “free, prior and informed consent” appears in the United Nations Declaration on the Rights of Indigenous Peoples [34]. It is inherently associated with the right to self-determination. Moreover, it is a logical continuation of this right and a kind of “superstructure” in the opinion of many authors [12,45]. For example, in Article 19 it is noted that: “States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free, prior, and informed consent before adopting and implementing legislative or administrative measures that may affect them.”

According to paragraph 1 of Article 28 of the Declaration: “Indigenous peoples have the right to redress, by means that can include restitution, or when this is not possible, just, fair, and equitable compensation, for the lands, territories, and resources which they have traditionally owned or otherwise occupied or used, and which have been confiscated, taken, occupied, used, or damaged without their free, prior, and informed consent” [34]. Thus, the Declaration also states that the lack of free, prior, and informed consent entails the right to restitution and compensation. Unfortunately, the above Declaration has only a recommendatory character, and the Russian Federation has not ratified it.

There is no law on FPIC in Russia. However, FPIC is an essential part of the ethnological expertise according to the law of Yakutia. FPIC is documented in the form of protocols of the public meetings. During these meetings, business representatives inform indigenous peoples about the proposed project, and experts present the results of their research on the impact of an industrial project on the peoples of the North, including the results of sociological studies. FPIC procedure is implemented in the form of an open vote on giving the consent to the industrial development of the TNRMT. Another way to record FPIC is by establishing consent facts on the basis of polls, questionnaire surveys, and interviews of representatives of indigenous peoples, which are an essential part of the impact assessment procedure.

Furthermore, experts conduct meetings and gatherings in reindeer herding teams (brigades) and fishing grounds. As a result, protocols are drawn up with the recommendations and requests from indigenous peoples. Also, the mapping of the TNRMT's resources is made if necessary (such as lakes, rivers, hunting, and herding grounds) [46].

Consent of indigenous peoples is mandatory to get a positive decision from the experts. Furthermore, some of the principles of the ethnological expertise that are enshrined in the law are transparency, participation of the community representing organizations, and consideration of public opinion. Also, indigenous peoples and their representatives are right holders on alongside with governmental bodies, experts, and companies. Therefore, the consent of indigenous peoples is the inherent part of the ethnological expertise assessment.

## 5. Case Study

In 2017, "Prognoz" company initiated a project to build a mining and processing plant at the "Verticalnoe" silver deposit. The deposit happened to be at the TNRMT in Kobyaysky Ulus (District) of Yakutia, therefore, the expertise had to be conducted. As part of impact assessment within the expertise [47], a scientific study of the local population was conducted. It included a wide-ranging survey and in-depth interviews on the industrial development on TNRMTs, in which 128 respondents participated. The following answers were received to the question "How do you feel about the development project of the "Verticalnoe" field": "positive"—59%; "negative"—28%; "indifferent"—13%.

To the question: "What are your concerns about the development of the "Verticalnoe" silver deposit?" the following answers were received: 74% of respondents were concerned that "the state of the environment will deteriorate"; 64% feared "reindeer breeding grounds and forage lands will be reduced"; 54% considered that "stocks of fish, game animals, and wild animals will decrease"; 24% feared "influx of visitors"; 15% feared "risk of accidents"; 14% noted the "difficulty of employment at the mine"; 13% considered "rising prices for food and services"; and only 8% answered that they had no concerns. According to the survey and interviews, the peoples of the North expressed particular concern about environmental pollution and the reduction of reindeer breeding grounds and the reduction of fish stocks. All answers were in different ways related to the social responsibility of business.

As a result of their work, experts recommended the following: conduct ethnological monitoring every three years; conclude a three-party agreement on social and economic cooperation among municipal administration of Kobyaysky Ulus (District), Lamynkhinsky national rural settlement, and the "Prognoz" company. In this agreement, emphasis should be put on the employment of the local population at the company's facilities. Furthermore, experts recommended that medical and demographic monitoring be carried out to assess the health status of the population in the village every 3 years, and that a Corporate Social Responsibility Committee be created for the company with the participation of municipalities to determine the social responsibility policy on TNRMT and coordinate compensation payments to indigenous peoples [48].

Similar results were obtained during the social survey of residents of the Bulunsky District. That survey was conducted as a part of an ethnological expertise on the diamond mining zone at the Molodo River in August 2016 [49].

The results of the study showed that under certain conditions, 83% of the residents of the Bulunsky District agreed to support the activities of the "Nizhne-Lenskoye" diamond mining company on the TNRMT. The proportion of residents of the area who expressed their negative attitude was insignificant. Such negative answers were present in all the villages of the Bulunsky district almost equally. The largest percentage of residents with negative attitudes was in the villages of Chekurovka (31%) and Kyusyur (24%), while the smallest percentage was in Siktyakh (6.8%). On average, in each village, the number of negatively-minded residents did not exceed 23%.

The results of sociological studies showed a generally loyal attitude to the industrial development on the TNRMT under conditions of the implementation of the social responsibility policy of companies



with regard to the interests of the peoples of the North and their contribution to the sustainable development of the Arctic territories.

All of the following tables were made on the basis of the above-mentioned survey that was conducted during the expedition to Ust'-Yanskiy region of Yakutia. Table 1 shows the scope of the activities of the respondents.

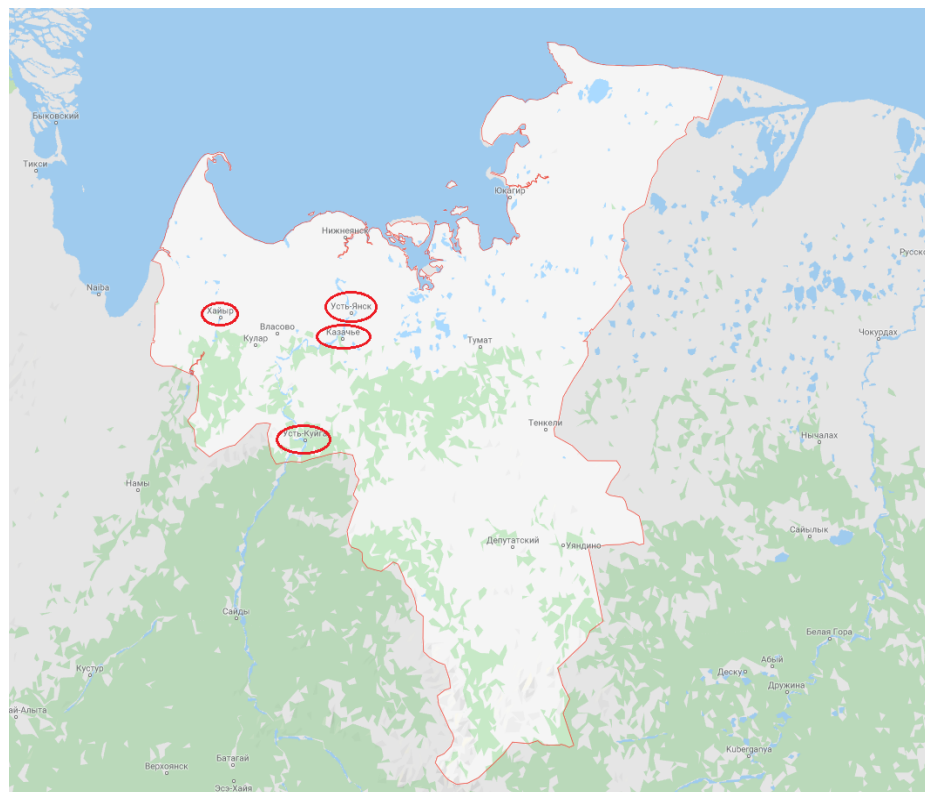
**Table 1.** The scope of the activities.

Scope of Activity	Number of Respondents	%
Public sector worker	44	34.1
Mining company employee	6	4.7
Individual entrepreneur	15	11.6
Private company employee	9	7.0
Hunter	4	3.1
Reindeer herder	17	13.2
Fisherman	9	7.0
Traditional activities (fishing, hunting, reindeer herding)	5	3.9
Other	20	15.5
Total	129	100.0

Note: Some respondents, in addition to the main activity, were engaged in fishing or traditional crafts.

Information about the sources of income of respondents in the area is given in Table 2.

As for the socio-economic problems that concerned the residents of the area, they were most concerned about the lack of employment (22.4%). In second place were high prices for products (21.5%), while respondents noted that the problem lies not only in high prices but also in the inaccessibility of essential foodstuffs. Particularly acute was the problem of the dilapidated state of the housing stock. The locals pointed out that it is necessary to build new houses with conveniences. See Table 3 for the socio-economic problems that concern the residents of the area.



**Figure 4.** Villages where the survey was conducted.

**Table 2.** Sources of income.

Income Source	Number of Respondents	%
Salary from the main employment	60	46.5
Income from the traditional activities	28	21.7
Pension, state benefits	28	21.7
Additional income (provision of temporary services)	7	5.4
Other	6	4.7
Total	129	100.0

**Table 3.** Socio-economic problems that concern the residents of the area.

Problem	Number of Mentions (out of 129)	%
Lack of employment	81	22.4
High prices for products	78	21.5
Dilapidated state of the housing stock	70	19.3
Low income	58	16
Poor transport accessibility	38	10.5
Low level of medical services	27	7.5
Low level of equipment of educational institutions	10	2.8

Assessing the social and cultural problems of the development of the territory, residents were primarily concerned with the decline of non-material culture, which was expressed in the loss of communication of people with their culture and traditions (23.8%). This can be explained, on the one hand, by decrease of the motivation to engage in traditional crafts for various reasons, and on the other hand, by the reduction of the “knowledgeable” part of the population that can pass on traditions. Residents also noted the negative phenomenon of alcoholism (22.6%), as well as an acute problem of the need to organize forms of leisure (19.4%). Also, respondents note that residents simply do not have enough money for decent living conditions. See Table 4 for social and cultural issues that concern residents of the area.

**Table 4.** Social and cultural issues that concern residents of the area.

Problem	Number of Mentions (out of 129)	%
Loss of cultural links with their culture and traditions	76	23.8
Alcoholism	72	22.6
Lack of organized leisure activities	62	19.4
Increased morbidity and mortality	41	12.9
Youth outflow	29	9.1
Crime	23	7.2
Problems of sales of products of traditional crafts	16	5

Residents considered the reduction of the number of objects of traditional fishing to be the most significant environmental problem. Particular concern was expressed by the respondents regarding the drop in water level in the river Yana, which may be due to climate change. The results of sociological studies also showed that the lack of sewage and water supply is particularly acute. See Table 5 shows environmental problems that concern the inhabitants of the area.

**Table 5.** Environmental problems that concern the inhabitants of the area.

Problem	Number of Mentions (out of 129)	%
Reduction in the number of sources of traditional fishing	71	21.6
Reducing the number of reindeers and change in their migration paths	60	42.6
Climate change	56	17.1
Pollution of the environment on the territory of traditional nature use	55	16.8
Lack of waste collection and recycling system	52	15.9
Poaching	34	10.4

Analysis of the received responses indicates that the majority (90.7%) of the respondents have a positive perception of the company's activities in the licensed area, subject to the payment of fair compensation. Most of the respondents were ready to support the company's activities.

In the current case, the respondents hoped for the development of the infrastructure of their village, specifically highlighting the construction of roads, as well as the possibility of obtaining jobs, future perspectives for their children, and education for young people. This section of respondents noted that income from traditional crafts is not enough to support the family. Respondents who spoke out against the project usually expressed concern only for the state of the environment.

The answers indicated that more than half of the population (53%) preferred the development of the infrastructure of the village as the most desirable form of the compensation, while 17.5% of respondents considered the need to send compensation for the creation and maintenance of agricultural purposes. This alignment of the compensation package indicates the possible activity of the company as a single source for the development of the infrastructure of the district.

The vast majority of respondents (55.8%) considered that signing a cooperation agreement would be the best assurance of taking into account the interests of local residents. A further 31.8% of respondents thought that the creation of a fund to compensate for possible losses in the licensed area would be a better assurance. The overwhelming majority of the population considered the signing of a cooperation agreement not only as an assurance to take into account the interests of local residents but also as a guarantee of the observance and protection of these interests.

As part of the study, the calculation of the amount of losses of the local population as a result of a possible deterioration of the conditions for conducting traditional economic activities in the project's area of influence was carried out [50].

The decrease in the production of traditional environmental management is due to the temporary land acquisition (alienation) and a decrease in the productivity of the land.

For example, it is not possible to carry out traditional nature management in the exclusion zone during the period of mining operations. Therefore, for the period of the license validity, it is assumed that biological resources in the exclusion zone are not available for traditional nature management, and their economic reserves are subject to full compensation. The annual amount of losses caused by the withdrawal of land for the project will be 1.7 million rubles per year. Methods for estimating losses based on indicators of reducing income from traditional activities should be complemented by a number of environmental and socio-economic costs incurred additionally by the company due to changes in living conditions (job creation, education costs, lifestyle changes, etc.).

Under the programs of social and environmental responsibility of the business and the agreements on the socio-economic development of the territory in question, the subsoil user incurs costs for the socio-economic development of the territory (adding roads, landscaping, building, and maintaining transport infrastructure facilities) [30,51].

As part of the study, recommendations were drawn for the development of social responsibility of businesses in order to harmonize the interests of target groups (businesses, state and municipal authorities, indigenous minorities of the North) in the field of traditional environmental management.

It is expected that the activity of the subsoil user in the licensed area will have positive social and economic consequences, which will primarily be expressed in the employment. In addition, the project involves the construction of social (educational, medical, cultural, sports, and other) facilities, and also entails improving transport conditions, creating opportunities for local residents and communities to ensure the sale of manufactured products, educating personnel from among the local population and their employment in energy enterprises.

As a result of the expertise of the Verkhne-Munsky diamond deposit project, a cooperation agreement between ALROSA (a Russian partially state-owned diamond mining company) and the Olenek national Evenk region of Yakutia totaling 500,000,000 (five hundred million) rubles was signed. The total amount can be divided into the monetary part and the part that concerns the general organization of interaction. The monetary part provides financial aid for five years (100 million rubles each year) for various social programs of the Olenek national Evenk region. The second part of the agreement establishes the obligations of the parties. On the part of ALROSA, those obligations include training local people in professions that are needed in the company and providing further employment.

The process of concluding the above-mentioned agreement was preceded by difficult negotiations and lawsuits between indigenous peoples and the company. Thus, during the impact assessment of geological exploration and diamond mining on the Malaya Kuonamka River on TNRMT, it was found that this river is sacred to the indigenous peoples. As a result, at the public hearings held on March 23, 2015, residents of the village of Zhilinda of the Oleneksky national Evenki district unanimously voted against giving FPIC to the company “Almaznyy Anabara” (subsidiary of ALROSA) to carry out exploration and diamond mining on the Malaya Kuonamka river with the tributary of the Maspaki river [33].

Consequently, indigenous peoples gave the FPIC to geological exploration and diamond mining on three license areas and did not give consent on the area located on the Malaya Kuonamka River. This sacred river is the only river in the village of Zhilinda, which provides residents with clean drinking water. It is also a place of traditional hunting and fishing.

Therefore, following the results of public hearings, indigenous peoples appealed to the court with the request to recognize the illegal issuance of a diamond mining license on the holy river. However, they lost the lawsuits with the company.

However, the company was forced to move the diamond mining site from the sacred Malaya Kuonamka River to a safe distance and to develop additional environmental safety measures at the company's facilities under public pressure.

## 6. Results of the Ethnological Expertise in Yakutia

The law of Yakutia on ethnological expertise assessment establishes only the legal framework and expertise procedures, and each expertise assessment as a scientific study is unique. Therefore, a regulatory legal act of the regional government is adopted for each of them. Over 8 years of law enforcement practice, 11 expertise assessments were conducted, on the basis of which 11 positive expert opinions were approved by the Government of Yakutia on the possibility of industrial development of the TNRMT, subject to the mandatory implementation of the recommendations of the expertise assessment [52].

This local experience demonstrates both the need for scientific research and the inclusion in the process of expertise assessment of indigenous representatives and the need for legally binding legal decisions based on the results of the expertise assessment.

None of the results of the expertise assessment and calculation of the indigenous losses has been put on trial since the law entered into force. This fact demonstrates the high qualification of experts who prepared conclusions based on scientific research and international and domestic law, which became the basis for the government decision on the development of TNRMTs of indigenous



peoples of the North of Yakutia. It also shows that both businesses and indigenous peoples trust results of the expertise assessment.

As part of the expertise assessment, 12 integrated interdisciplinary scientific studies have been conducted to assess the state of the ethnocultural environment (language, culture, traditions) of the peoples of the North of Yakutia since 2011, as well as 19 sociological studies and surveys in national languages and communities.

From assessment to assessment, scientific materials of the impact assessment become better and the qualification requirements for the work of the experts are strengthened, which results in improvement of expert materials and reduction of number of expert documents that are sent for revision.

Representatives of the indigenous peoples of the North are actively involved in all stages of the expertise assessment. As a result of the experts' recommendations, nomadic communities, in a timely manner, are issued titled documents for their land plots and property and have their financial and tax reporting put in order, which makes it possible to reach a qualitatively new level of sustainable development of the national economy of the peoples of the North.

In our opinion, the expertise assessment of Yakutia went beyond the usual research (assessment) of the impacts, and essentially turned into a new social phenomenon, where all the participants of the expertise assessment (authorities, scientific community, businesses, and peoples of the North) jointly tried to solve one problem of peaceful coexistence of two opposing Arctic economies based on dialogue and law.

## 7. Conclusions

An expertise assessment is considered as a mechanism for protecting the rights of indigenous peoples to control the use of natural resources, while taking their opinions into account, which is guaranteed by generally accepted principles and norms of international law, international treaties of the Russian Federation, and current Russian legislation. These international documents are recognized, since the legal status of the peoples of the North consists of the United Nations Declaration on the Rights of Indigenous Peoples (2007), the Constitution of the Russian Federation, and federal and regional legislation, including the regional law of Yakutia on ethnological expertise assessment.

An expertise assessment is a relatively new notion; therefore, it would be easier to explain it through the comparison with the Environmental Impact Assessment (the EIA). As was mentioned above, the main aim of the EIA is to assess the potential impact on nature and the environment. The expertise assessment analyzes the potential impact on the lifestyle and culture of indigenous peoples. Therefore, the first difference is in the object of the assessment. The second difference, and the most important one, is that indigenous peoples can take part in the assessment procedure. This is not possible during the EIA, as nature itself cannot participate in the assessment procedure. Consequently, the possibility of interaction and participation between the expert commission and indigenous peoples makes the expertise assessment a participatory mechanism tool.

It should be noted that there is no separate law on FPIC in Russia. However, in the process of the expertise assessment, the informed consent of the peoples of the North is documented in the form of protocols of the general meeting of the peoples of the North, where business representatives inform them about the project, and experts report the results of a scientific study of the impact of an industrial project on the peoples of the North, and the opinion of indigenous people is recorded in the form of an open vote on giving or not giving consent to the industrial development of the TNRMT, which is an integral part of the ethnological expertise.

According to the results of the study, it can be argued that the main task of the expertise assessment is to protect the rights and interests of the peoples of the North, and to study and identify possible positive or negative scenarios of the impact of an industrial project on the peoples of the North.

Based on the analysis of the materials received, the experts give an opinion on the imposition of a veto on the implementation of an industrial project or a conclusion on the possibility of implementing the project on the TNRMT.

When giving an opinion on the imposition of a veto on the implementation of the project, the experts substantiate their decision and propose development of new project documentation for the project.

When giving an opinion on the possibility of implementing an industrial project on the TNRM, the experts propose legally binding practical measures to minimize negative consequences for the peoples of the North, and recommendations for concluding and implementing agreements on cooperation between the company and the peoples of the North, calculating fair compensation to the peoples of the North for losses incurred.

In our opinion, the expertise assessment of Yakutia contributes to a fair distribution of benefits through the mechanism of cooperation agreements, and ensures the calculation and payment of fair compensation to the peoples of the North.

At the same time, a significant drawback of the regional law on ethnological expertise is the lack of legal norms for assessing the social impact on the “culture” and “languages” of the peoples of the North.

With the evidence of such an impact, unfortunately, experts and legislators have not developed legal norms that allow assessment of the damage in monetary terms, which is caused to the intangible, original culture of the peoples of the North.

The law of Yakutia on ethnological expertise assessment establishes only the legal framework and expertise procedures, and each expertise assessment as a scientific study (assessment) of the industrial project’s impact on the peoples of the North is unique, therefore a regulatory legal act of the regional government on the approval of an expert opinion and the implementation of measures is taken for each expertise assessment.

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