

# **Anthropological Expert Review in Russia**

**Olga Murashko**

International Working Group for  
Indigenous Affairs (IWGIA), Moscow

# Anthropological Expert Review in Russian Law

The concept of anthropological expert review was first introduced into Russian law in the Federal Law “On guarantees of the rights of indigenous peoples in the Russian Federation”.

The concept of anthropological expert review is set out in article 8 of the law, which lists the rights of indigenous peoples:

- to take part in environmental and anthropological expert reviews
- to participate in the decision-making process concerning land use
- to participate in the process of monitoring the implementation of federal laws
- to take part in decisions and to provide input for the decision-making process concerning the protection of the traditional habitat and the traditional ways of life, livelihoods, and trades of indigenous peoples

The law on guarantees of rights provides a basis for anthropological expert review. But the federal laws do not specify what the procedure for carrying out expert reviews should be, or what methodology and criteria should be used.

Environmental expert review in Russia is “the process of ensuring proposed economic and other activities meet environmental standards, and of determining whether or not the project should be carried out by predicting the possible **negative impact of these activities on the natural environment, and any related social, economic and other consequences**”.

The REGULATIONS FOR THE ASSESSMENT OF THE IMPACT OF PROPOSED ECONOMIC AND OTHER ACTIVITIES ON THE ENVIRONMENT IN THE RUSSIAN FEDERATION, adopted in 2002, which should have set out the procedure and methodology for governmental environmental impact assessment, instead narrowly define the concept of environmental expert review.

Both in the title of the Regulations and in their basic concepts, the issue is the assessment of the impact on the environment alone. They do not address the social, economic and other consequences. This normative act is the official methodological guide for Environmental Impact Assessment in Russia.

It is clear from this overview that, on the one hand, the law allows for anthropological expert reviews, and, on the other, for anthropological expert reviews to become compulsory, it is essential to take the following steps.

Amend the Federal Law “On environmental expert review”, to make it legally binding to conduct an anthropological expert review where necessary. The amendments required are minor and have already been drafted and submitted to the Russian Association of Indigenous Peoples of the North and Far East, to federal duma deputies and the government.

It is essential to convince the Russian Government to adopt further Regulations on the assessment of the social, economic and cultural consequences of proposed economic and other activities in areas where indigenous peoples live. The legislation allows for the adoption of regional laws on the procedure for carrying out environmental expert reviews, once it has been supplemented by a compulsory assessment of the impact of the projects on the traditional habitat and way of life of the indigenous peoples.

Unfortunately, neither the Russian authorities nor the Russian regions have so far understood the importance of these proposals.

# Stakeholder Attitudes

**The authorities** are in no hurry to adopt legislation which places additional obstacles in the way of the industrial exploitation of natural resources.

**Project operators** are not well disposed towards proposals from organizations within the indigenous population to carry out anthropological expert reviews, since they see these as additional hoops to jump through in order to receive permission for projects.

**Indigenous peoples** have expressed high hopes for the results of anthropological expert reviews. Among the most important results they envisaged were the following:

- a total ban on industrial activity on the territory on which they have traditionally lived and carried out natural resource use activities
- that permission for industrial activity should be granted according to conditions set by indigenous peoples
- compensation to enable indigenous peoples to subsist if they are unable to carry out their traditional natural resource use activities

**Anthropologists** for the most part turned out not to be ready to put into practice those approaches and methods concerning anthropological expert reviews which were much talked about in their circles in the mid '90s.

No governmental anthropological expert review has ever been carried out in Russia.

In those areas where project operators must, in accordance with regional law, gain the consent of the indigenous peoples to carry out a project, the project operators agree to a public anthropological expert review (Yamalo-Nenets Autonomous Region, Nenets Autonomous Region). But the recommendations of this review do not have legal force.

Anthropological expert reviews (true, preliminary reviews), have been conducted twice, without field research, within the framework of a public environmental expert review.

1) In 2003, as part of the Russia-China (Baikal'sk-Datsin) oil pipeline project – the Baikal'sk centre for public environmental expert review, and

2) In 2004 as part of the project “Logging Enterprise “Samarginskii” **OAO** “Terneiles” in the Ternei District of Primorskii Province” – organized by the public legal centre, ‘Ekodal”.

The conclusions of these public environmental expert reviews were not taken into account by the state authorities in either case.

Sometimes transnational companies, which have loans from international banks, and which are obliged to fulfill associated conditions, carry out assessments of the impact of the socio-economic and cultural consequences of their projects.

# Sakhalin II Project

On the one hand, in the area affected by the project, a large amount of research has been carried out in accordance with the demands of a World Bank Group draft Directive.

On the other hand, organizations within the indigenous population express either disbelief at or dissatisfaction with the results of this work: they expected the elaboration of a long-term programme for the socio-economic rehabilitation of the indigenous population, a programme for the creation of means of alternative subsistence, an education programme, and the creation of a fund for future generations. None of this happened.

Secrecy surrounding the results of the research, and the absence of any opportunity for experts to influence the conclusion of the ecological expert review, have made the results of this expert review unpopular with the indigenous population.

# Anthropological Expert Review Methods

Summarizing experience from Russia and abroad, our expert group included the following directions for anthropological expert reviews in its anthropological expert review of gas exploration projects in the Bay of Tazovsk and the Bay of Obsk.

- Establishment of the area of impact of the project, and of the population groups it will affect
- Analysis of the demographic sustainability and the socio-economic status of the groups of the indigenous population living in the area of the potential impact of the Project
- The indigenous population's traditional local ways of using natural resources in the area of potential impact
- Analysis of the ethno-cultural sustainability of the indigenous population groups living in the area of potential impact of the Project (this section assumes the study of traditional knowledge and indigenous peoples' sacred places, and an ethno-psychological assessment of the impact of the Project)
- Legal analysis of and expert opinion on the degree to which the requirements of the law have been met

The guiding principle of the anthropological assessment of the impact of a Project, from our point of view, is a systematic approach.

The analysis of the potential impact of the work planned under a project corresponds to this principle: this impact is one of the functional elements in the system of interplay between technology, nature and society, in which any new component which has an impact on one or more of the functional elements is unavoidably reflected in the system as a whole. Possible scenarios for the development of the anthropological situation during, after, and as a consequence of, the Project, should be the subject of the anthropological expert review.

Our anthropological expert review therefore contained not only an assessment of the impact of the project on the local indigenous and non-indigenous populations, but also included recommendations for long-term socio-economic rehabilitation programmes for that population, educational programmes, and programmes for the preservation of the cultural heritage, and the creation of a fund for future generations.

Unfortunately, our recommendations had no legal force, which Gazprom and the Association of Indigenous Peoples **YaNAO** ‘Yamal – for its Descendants’, who ordered our expert review, understood only too well. For this reason, our recommendations are not, of course, being implemented in full.

The Association ‘Yamal – for its Descendants’ is using our lengthy expert review as a tool, with the help of which it is more or less managing to make the extractive industries listen to the opinion of the indigenous peoples and, at least in part, meet their demands.

