

Human rights risks of the Yamal LNG project affecting the indigenous peoples of Yamal peninsula¹

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Yamal Peninsula in North Western Siberia is a unique location and the world's centre of nomadic reindeer herding. On the peninsula, thousands of indigenous Nenets are engaged in year-round nomadic reindeer husbandry, perpetuating a unique way of life in an extremely fragile and harsh environment. Their unique way of life is acutely under threat as the Yamal LNG project bears with it substantial risks to the future survival of the Nenets, their rights and their existence as a distinct group. These risks are not adequately addressed by the Environmental and Social Impact Assessment (ESIA) and the Stakeholder Engagement Plan (SEP).

Below we present a brief analysis of the ESIA and SEP and identify the main risks emanating from the project.

General data

The project Yamal LNG³ is a proposed gas extraction project to be implemented by the joint stock company Yamal LNG⁴ on the East coast of the Yamal Peninsula in Western Siberia and in the waters of the Ob Bay of the Kara sea. It is an integrated upstream natural gas and gas condensate production and liquefaction plant development project. It includes facilities for extracting, processing and liquefaction of natural gas including an LNG plant, marine facilities in the port of Sabetta for transportation of LNG and delivery of supplies; an airport, workers' settlements and other infrastructure objects, including local roads, bridges for crossing streams and rivers, transmission lines, workshops, fuel storage and supply facilities, water treatment plants, disposal sites and disposal of waste, etc.

Formally, the materials of the Environmental and Social Impact Assessment (ESIA) of the project and Stakeholder Engagement Plan (SEP)⁵, correspond to best practices common in the Russian Federation in their attempt to provide a comprehensive review and assessment of all impacts of the Project. This includes that the ESIA devotes considerable space to an assessment of the impact on the indigenous population. A more thorough analysis reveals however, that risks, including severe threats to the continued existence of the local Nenets reindeer herding communities, are not adequately identified, there is no clarity on mitigation measures and there are reasons to doubt the claim that a genuine FPIC of the affected population was obtained.

¹ based on Environmental and Social Impact Assessment available from <http://yamallng.ru/403/docs/ESIA%20ENG%20.pdf>

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³ See also: Yamal LNG. (2015, May 31). In *Wikipedia, The Free Encyclopedia*. Retrieved 10:42, September 4, 2015, from https://en.wikipedia.org/w/index.php?title=Yamal_LNG&oldid=664810226

⁴ <http://yamallng.ru/>

⁵ Stakeholder Engagement Plan: http://yamallng.ru/403/docs/Yamal%20LNG_SEP_May2015_Eng.pdf

Population

According to the 2010 national census, the indigenous minority peoples of the North account for about 70% of the population (11,235 people out of a total 16,372) of the **Yamalsky District**⁶, where the concession area of Yamal LNG is located. About 6,000 indigenous persons, mostly Nenets, are engaged in year-round nomadic reindeer herding. The project potentially impacts nomadic herders, whose pastures or customary migration routes overlap with the license area and who are officially registered residents of Seyakha village.

In **Tazovsky District**, on the right Bank of Ob (mostly congruent with the Gydan Peninsula), the village Tazovski is located in relative proximity to the location of the dredging works planned as part of the construction of a sea port and ship channel in the Ob Bay (see Chapter 4 of the ESIA). In 2010, the village had a population of 7544 of which 7300 were indigenous. A significant portion of the indigenous communities also migrates year-round and is engaged in reindeer herding.

Among the demographic data provided in the ESIA, noteworthy data points are the very small percentage (less than 10 %) of people of retirement age among the indigenous minorities of Yamal, hinting to their low life expectancy, and the high rates of infant mortality (60,2 per 1000 live births, i.e. 5 times higher than the average for the Yamal Autonomous Areas).

Traditional activities of the indigenous population

Reindeer herding

The dominant traditional industry in Yamal is **nomadic reindeer herding** (ESIA section 8.3.3.2). While in Soviet times, it was organized in state-owned collective farms, since 1995, many indigenous peoples have returned to a life as independent herders, owning their private herds.

Therefore, today 63.1% of the total deer population is owned by individual herders and communities, while only 36.9% are owned by agricultural enterprises. Yet, in Yamal district, 73.7% of the indigenous people are officially unemployed. This is due to individual private reindeer herding being part of the informal sector. Private herders do not receive salaries, they generate income from selling their produce.

The number of reindeer significantly exceeds the carrier capacity of the pasture land. The problem of access to pasture particularly affects private reindeer herders, who are almost grazing semi-legally. **In the context of extractive industries development making large territories unusable for all groups engaged in reindeer herding, the private herders find themselves in the most vulnerable position because they do not have official land titles.**

The disruption of traditional migration routes through the construction of industrial facilities could further aggravate the situation, as the herders are forced to deviate from their customary routes and traverse land traditionally used by their neighbours (section 8.6.1.2 ESIA)

Fishing

Indigenous people are also employed in the fishing industry. Throughout the district Nenets account for roughly 100% of the members of fishing brigades. In the district, only enterprises have formal titles to fishing grounds. Individual indigenous peoples of the North are still fishing without formal titles to fishing grounds or special fishing permits (ESIA section 8.3.3.3).

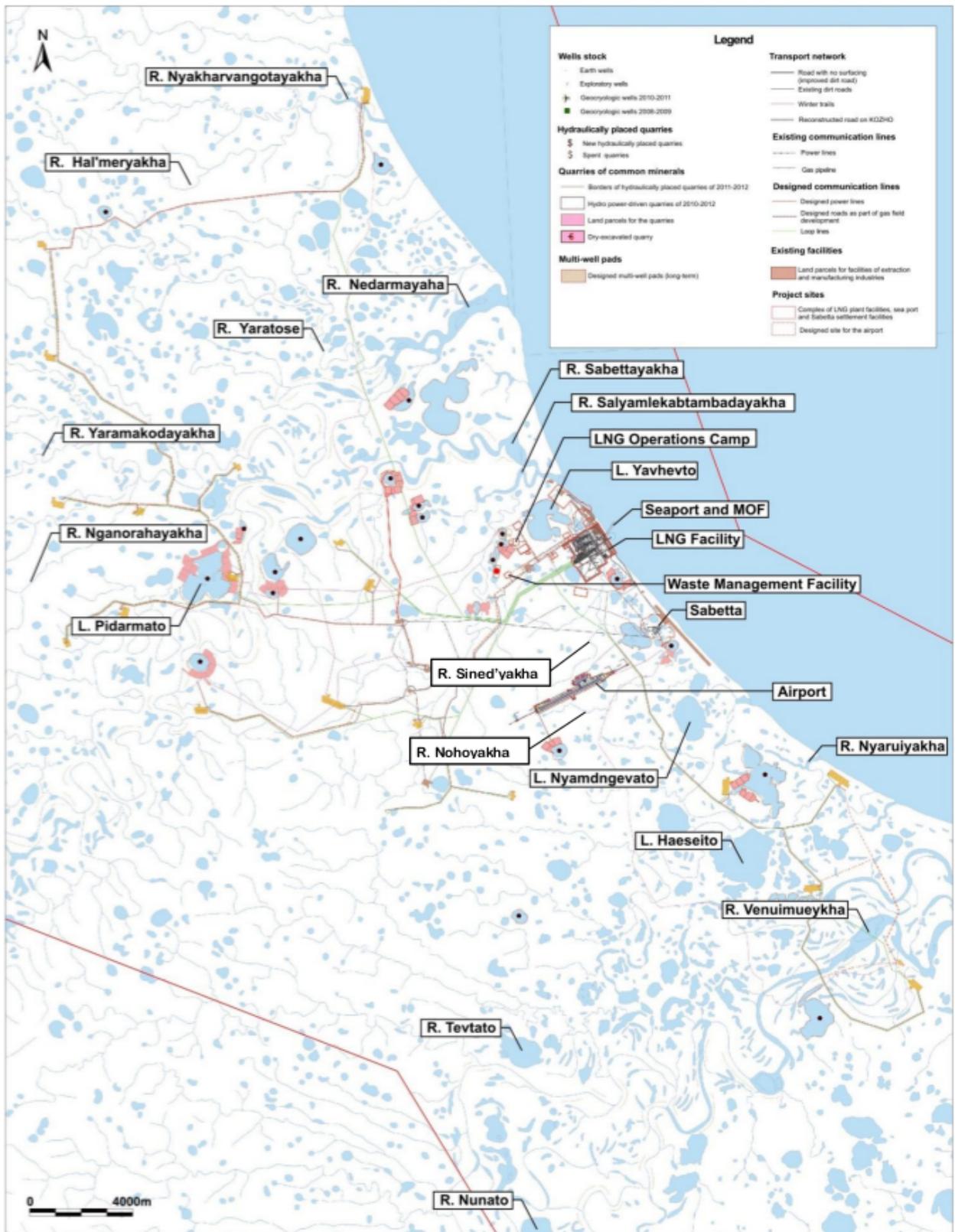
⁶ Yamalski District is a district within Yamal-Nenets Autonomous Area, whose territory is congruent with the actual Yamal peninsula. See also: Yamalsky District. (2013, June 7). In *Wikipedia, The Free Encyclopedia*. Retrieved 10:57, September 4, 2015, from https://en.wikipedia.org/w/index.php?title=Yamalsky_District&oldid=558770380

Other activities

Hunting (rabbit, partridge, fox), gathering of wild plants are ancillary activities. Surveys show the persistence and strong desire of the indigenous population to perpetuate their traditional way of life (section 8.2.5.3 ESIA).

The facilities of the Yamal LNG project and their impact on traditional land use

Sabetta is a shift workers village housing 1,200 people. It is located at the concession site, 6 km south of the main objects of the project. The village is part of the investment and will be used both during the construction and operation phases. Further, a residential village for the staff of Yamal LNG will be located near the main LNG site. In addition, there will be several temporary settlements established by the contractors accommodating 1,800 workers. Altogether, about 14,000 people will be staying in the concession area during the construction phase. In addition, within the concession area there will be a few dozen open pits and a dense network of pipelines leading from the drilling rigs to the port of Sabetta.

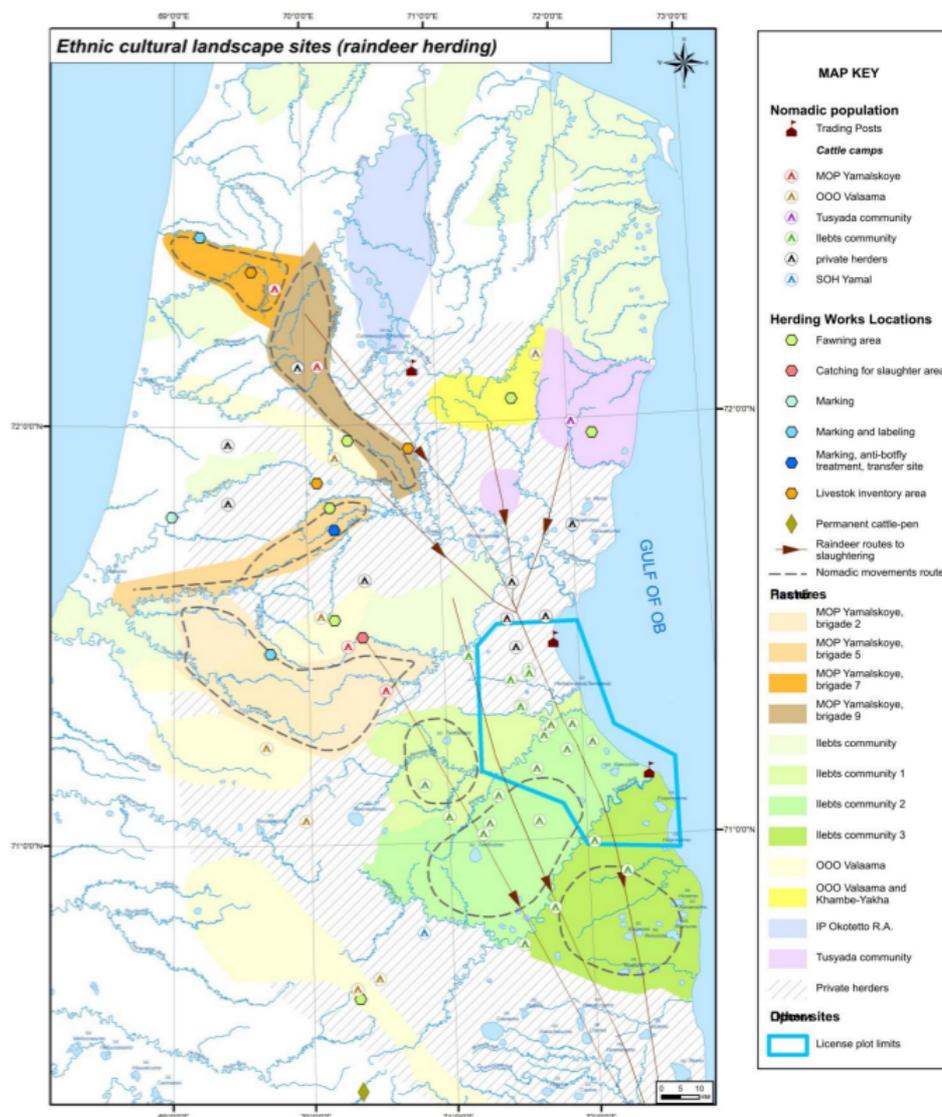


Facilities of the Yamal LNG project, main lakes & rivers (From the ESIA, figure 7.5.1)

The territory currently occupied by rotational village of Sabetta in the licence area of the Project, in the past used to be a trading post for the reindeer herders, local communities and families migrating throughout the Seyakha tundra (ESIA 8.2.4.1). In autumn, the indigenous obshchina (community) "Tusyada" and "Khabeyakha" as well as the cooperative "Ilebts", and the 4th reindeer herder brigade of LLC "Valama" migrate with their herds through the

concession area. In the immediate vicinity of the site, the 2nd brigade of the Municipal Reindeer Herding Enterprise Yamalskoye regularly migrates with its herds to the slaughtering facility in Seyakha village.

In the basins of the Sabettayakha and Vanuymueyakha rivers and the surrounding lakes, indigenous communities have their traditional fishing grounds, which they use in the summer and autumn periods. The data collected during ethno-cultural field research have confirmed that the North-Eastern East coast of the Yamal Peninsula, and specifically the concession area contain the main fishing grounds of the region: the lakes Libkomto and Nareito, the rivers Tirvyakha, Vanuimueyakha, Sabettayakha, Varyakha and the lower reaches of Tambey river. The key areas are the mouths of the rivers Tambey, Sabettayakha and Vanuimueyakha. Here in the late autumn period, the herders from the central part of the Northern Yamal converge for seasonal fishing. This includes private reindeer herders, and members of obshchina as well as, although to a lesser extent, herders of the municipal reindeer herding enterprise Yamalskoye. In the summer to autumn period, indigenous peoples also engage in bird hunting, collect waterfowl eggs and harvest berries and mushrooms. (ESIA section 8.4.3).



Land use and reindeer migration routes in the project area (From the ESIA, figure 8.28)

Socio-economic impacts and mitigation measures

Chapter 10 of the ESIA considers impacts in socio-economic sphere and measures to mitigate and monitor the impacts.

A strength of the document is that it diligently identifies potential negative impacts on local residents. However, the ease with which the authors of this chapter are downgrading very serious and high risks to moderate and slight ones, raises concerns as to the sincerity of this exercise.

The ESIA considers even the risks as “moderate” which are associated with

- the presence of a large number of workers during the construction period, coming close to the number of the total permanent population of the Yamal district,
- the physical seizure of land for the construction,
- the violation of the annual migrations routes,
- the reduced access to pasture, fishing grounds and cultural sites

After mitigation measures are taken (the construction of crossings for deer, introduction of rules of behaviour for the staff when dealing with herders, the introduction of a project level complaints mechanism, etc), the remaining risks are considered “insignificant”. The authors apparently fail to take into account data given in section 8.2.4.1, indicating that for indigenous peoples, the license area is a key territory for reindeer herding, fishing and gathering during the summer-autumn period and that it lies within the autumn-winter migration routes of the majority of the reindeer herds from the North-East of the Yamal Peninsula to the place of slaughtering.

Cumulative impacts

The underestimation of the potential impacts on indigenous populations is also apparent in the sections dealing with the cumulative impacts together with other oil and gas projects on the Yamal Peninsula (mainly the Bovanenskoye field, as well as proposed new transport routes), although the scheme of developed and prospected deposits and of the development of transport routes provided in the ESIA eloquently testifies to a significant reduction of space for the perpetuation of the traditional nomadic economy on the Peninsula (Chapter 13 ESIA). The leitmotif of the ESIA seems to be: Yamal LNG has no information about the timing and structure of projects of other companies. For its own project, Yamal LNG has taken appropriate measures, and the contribution of Yamal LNG to the negative impacts will be insignificant.

Independent researchers however warn that

“current plans for further development of the gas industry in Yamal threaten Yamal’s system of reindeer breeding in large herds, which is based on long-distance migration routes. The development of new deposits on the peninsula, the development of the rail network with access to Kharasavey, Sabetta and Novy Port foresee large-scale alienation of key pasture land in central and southern Yamal. Under conditions of overgrazing, fierce competition, growing alienation of land and the inability to adapt the routes, the Trans-Yamal nomadic routes could simply become unfeasible. Such a cumulation of conjoined adverse impacts could have a catastrophic impact on the reindeer herding industry.”⁷

The underestimation of cumulative environmental impacts is also emphasised by the WWF in its summary of its evaluation of the documentation of the Yamal LNG project.⁸

⁷ From: A.V. Golovnev, I.V. Abramov: *Oleni i gaz: strategii razvitiya Yamala*. In: *Vestnik arkhologii, antropologii i etnografii*. 2014, Vol 4 (27). pp 122-131

⁸ Available for download from http://wwf.ru/about/what_we_do/oil/full_list/yamalspg



Trans-Yamal migration routes of reindeer herders and industrial development of the Yamal peninsula⁹

⁹ From: A.V. Golovnev, I.V. Abramov, Ibid.

Maritime transport development

The impacts of project-related development of maritime transportation and the construction of canals to the gulf of the Ob river on the traditional livelihoods of indigenous peoples are not adequately addressed. On this issue, the Stakeholder Engagement Plan (SEP) merely states that “Other works in the port area, including dredging of the approach channel and offshore port facilities will be the responsibility of the Federal authorities.” In section 10.2.1, the ESIA report notes: “The current location of the seaport in Sabetta was historically utilised for fishing activities by the local indigenous communities, however, offshore fishing is now prohibited by the local authorities.”

Climate Change

The potential negative impact of climate change is clearly underestimated, both the increased risk of accidental pollution of land and water from the project facilities and its negative effect on the conditions for the development of reindeer herding.

It was during preparation of the ESIA report, which was commissioned in August 2014, that due to the abnormally warm winter 2013-2014 the largest die-off of deer observed in the last 100 years occurred. A succession of thaws, snow and freezes generated a thick ice cover, preventing the reindeer from extracting food from under the snow. All through the winter, the herders were looking for accessible pasture for their herds, and in spring due to the early opening of the water bodies, the herds were unable to reach the summer pastures on the coast of the Ob gulf. As a result, on the Yamal Peninsula about 70 thousand deer perished of starvation: According to official data, the losses of three reindeer herding enterprises of Yamal district amounted to 16,340 deer.¹⁰ Traditionally, during periods of reduction in the deer population due to natural disasters, herders particularly guard the remains of the herd, to ensure its recovery. Some of the herders transition to fishery. But now the herders of the Seyakha tundra are deprived of the opportunity to fully use this alternative source of livelihood due to the alienation of their traditional fishing grounds in the mouths of the Sabetta and some other rivers, located on the concession area, the reduction of fish stocks due to operations on the coast and in the Gulf of Ob, as well as the fishing ban linked to them.

The ESIA does not even mention this disaster that hit the Yamal reindeer herders, while it was being written. Apparently, the authors considered this event insignificant for the Project.

Free, Prior and Informed Consent

At the same time that the herders tried to cope with the aftermath of the catastrophe which had hit them, the company claims to have obtained their “Free, Prior and Informed Consent” (FPIC), as described in section 5.5 of the ESIA:

“April 2014: finding out indigenous people’s opinions concerning the support measures currently provided by YLNG and issues which have not been sufficiently covered by the current programs. 24 authorized representatives have been elected by 160 nomadic families carrying out their traditional activities within the area directly and indirectly impacted by Yamal LNG project for further cooperation with the YLNG.;

May 2014: IPDP [Indigenous peoples Development Plan] draft has been presented to the 24 authorized representatives of indigenous peoples. All comments and proposals were included in the final version of the IPDP. The process of FPIC Declaration consideration by indigenous communities and their authorized representatives was initiated.

During the second meeting of the Advisory Board held on June 27 2014, decisions were made: to approve IPDP and commence signing of the FPIC Declaration. By July 7 2014, all Declarations of FPIC to the Yamal LNG Project and IPDP realization were signed by the 24 authorized representatives.”

¹⁰ E.V. Perevalova: “Intervyu s olenevodami Yamal o padezhe oleney I perspektivakh nenetskogo olenevodchestva. Uralskiy istoricheskiy Vestnik, Vol 2 (47), p 41

It is difficult to assess whether the company and the herders have negotiated a genuine FPIC; which was both free and informed. Given the complexity of the issue, it is doubtful that the two meetings come even close to a culturally appropriate FPIC process.¹¹ Documentary evidence of the agreements such as minutes of meetings reflecting the voting process, and the texts of the “Declarations of FPIC” mentioned in the ESIA are unavailable through the Internet. The ESIA claims that “FPIC declarations” were signed by 24 representatives, however, it does not describe a genuine FPIC process determined by the affected community, indicating that the signatures were made based on complete information, free of pressure and represented a consent of the communities determined in accordance with their own customs and norms. Since the herders were in an extremely dire situation after losing much of their herds to natural disaster, it appears possible that they converged in Seyakha in the expectation of material support and this circumstance was taken advantage of in order to obtain their signature.

“Indigenous People Development Plan”

The Stakeholder Engagement Plan" (SEP) includes an “Indigenous People Development Plan for Yamal’skiy District under Implementation of Yamal LNG Project (IPDP)”. The SEP reports extensive work undertaken to identify stakeholders (section 5.1.1 SEP), however, at the moment, the list of parties with whom the Yamal LNG actually negotiates agreements is limited to the administration of the Yamal-Nenetskiy autonomous region (YNAO) and district/local administrations.

Planned and implemented measures, as well as documented interventions to prevent risks and mitigate the negative impacts of the project cannot be assessed for their feasibility with regards to ensuring that the indigenous population living in the affected area is able to perpetuate their traditional lifestyle and to develop their economic potential. The document provides only a list of planned measures, specific descriptions of these measures are missing.

The exception is the description of the plans

“to construct a range of housing and social infrastructure facilities in Seyakha with the total area of over 18,000 m² as well as over 20,000 m² of housing stock. The commissioning of the following facilities (the construction being funded with about RUR 1 billion investment allocated by the Company) is planned by the end of 2013: six 3-storeyed residential apartment blocks, two 1-storeyed residential apartment blocks, a diesel power station with 5.6 MW capacity, a boiler plant with 12 MW capacity, a bakery-store, a trade/retail unit, water treatment facilities, as well as water supply and heating supply utilities.” (section 6.2.7 SEP).

Evidently, these plans do not reflect an intent to ensure the preservation of the traditional lifestyle of the indigenous population. Rather, they reflect awareness of the need to provide housing for those nomads who currently live nomadically year-round on the tundra and will move to the village only when they are no longer able to migrate and to support themselves by herding and fishing. Yet there are no plans for the provision of employment of the indigenous population that will be forced to switch to a sedentary life and to live in the village indicated in the project documentation.

Conclusion

Anthropologists and geographers have long cautioned that such projects should not go ahead without what is called in Russia, “Ethnological Expert Review”. They believe that “to overcome the risks associated with industrial development, and for indigenous peoples and industrial companies, a range of measures is needed, including legislation to protect the rights of indigenous peoples of the North during the industrial development of the territories where they

¹¹ For an indigenous peoples’ perspective of what constitutes genuine FPIC, see Cathal Doyle, Jill Cariño: *Making Free Prior & Informed Consent a Reality Indigenous Peoples and the Extractive Sector*. London, May 2013

reside. The Ethnological Expert Review is a means of identifying and minimizing the negative impact as well as of developing mechanisms for a conflict-free engagement between industrial companies and indigenous peoples.”¹² They also argue for wide use and application of the UN Guiding Principles on Business and Human Rights.

A proper assessment of the impact of large-scale projects such as Yamal LNG on the indigenous population of Yamal cannot be done in isolation from the broader context of ongoing and planned industrial development of the Peninsula.

“It is not a specific deposit that necessitates ethnological and environmental expert reviews (this stage has been completed), but the tundra of the Yamal Peninsula as an integrated ecosystem. Today, there is a conceptual vacuum regarding what kind of programme of action (not declarations) would be able to adequately reconcile the overlapping claims and interests of gas producers and herders”.¹³

Clearly, any state development programme affecting an entire region requires an integrated social, economic and environmental assessment, taking into account the cumulative impact of the individual projects on nature and society. If the Yamal LNG project goes ahead in the absence of such a comprehensive assessment, it must be considered a major risk for the well-being and collective survival of the Yamal Nenets people.

A longer version of this analysis in Russian is available from the web site of the Centre for the Support of the Indigenous Peoples of the North, CSIPN

<http://www.csipn.ru/korennye-narody-i-promyshlennye-kompanii/1993-korennye-narody-yamala-v-usloviyakh-promyshlennogo-osvoeniya-poluostrova>

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¹² N. Novikova: *Korennye narody Severa I neftegazove kompanii: preodolenie riskov*. In: *Arktika: Ekologiya i ekonomika*. 2013, Vol. (11), p.106, 107, 110, 111

¹³ A.V. Golovnev, I.V. Abramov, Ibid.