

On the Importance of Native Consultants in *Ethnological Impact Assessment* in Sakha Republic

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Ethnological Impact Assessment (EIA) has been implemented in Sakha Republic for almost eleven years. The existing literature on the EIA process focuses on the experiences of primary stakeholders – mining companies and Indigenous communities. What is missing from this discussion is a critical examination of the important role of consultants responsible for carrying out assessments, creating links, and contributing to productive negotiations between companies and communities. Most importantly, we need more thorough understanding of consultants' positionality, their perceptions on practices of EIA, their interactions with all key stakeholders involved, and challenges faced before, during, and after EIA. In this article, we investigate the role of specifically native consultants, who occupy a unique position to conduct EIAs more effectively - practicing more transparent and responsible communication and decision-making, and with more benefits for communities. This article builds on the data collected through the professional experiential narrative of the first author, who has participated in more than thirteen EIAs and other projects as a professional consultant in Sakha, and the ethnographic observations, supplemented with the semi-structured interviews with the consultants and communities by the second author in the Arctic Indigenous district. Ultimately, we argue that the EIA projects (and policies based on them) must involve and be conducted primarily by local native practitioners and consultants since they are essential in trust-building and forging power-balanced partnerships with Indigenous communities without prioritizing companies' extractivist interests.

Introduction

A few days ago, I came back from a trip to the remote rural Indigenous villages Iengra and Khatystyr of the extraction-centered district of Neryungri in Sakha Republic. This trip was focused on two goals: firstly, I wanted to meet with the local Indigenous communities to discuss a new gas pipeline passing through their territories; secondly, I planned to learn more about the communities' opinions on creating a database of local natural and sacred places. As a professional consultant at one of the largest academic institutions in Yakutsk, I was requested to hold a consultation session with the community leaders and the public after the formal meeting. Most of the session time was spent on discussing the issues related to the *Ethnological Impact Assessment* procedure, the strategies for more accurate and objective damage assessment, the available legal protections of traditional modes of subsistence (such as fishing and hunting), and the activities of the logging and extractive companies operating on the local Indigenous territories. At the end of the session, the

participants noted that the community had not had such an informative and productive meeting for a long time, especially focusing on the issues concerning primarily local community.

This, and other consultation sessions that the first author – Maria Pavlova – an experienced professional consultant and an academic researcher, has successfully organized and managed upon the requests of many remote rural Indigenous communities demonstrate not only an existence of a high demand for native consultants' work but also highlights particular responsibilities that they have. Here, native consultants are Indigenous (and non-Indigenous) academic researchers (rarely non-academics) with close social, cultural, and generational ties to local communities, who are hired to conduct the impact assessment on behalf of proponents and the government agency responsible for regulating the assessment process. We wish to discuss this unique position and the important role of native consultants in the context of Sakha Republic in this article. We draw from literature on *Ethnological Impact Assessment (EIA)* in Sakha, and existing discussions on the critical role of consultants responsible for carrying out assessments, serving as mediators, and contributing to productive negotiations between companies and communities. Ultimately, we argue that the EIA projects (and policies based on them) must involve and be conducted primarily by local native practitioners and consultants since these individuals are essential for trust-building and forging power-balanced partnerships with Indigenous communities without prioritizing companies' exploitative extractivist interests.

Situating the Research: Location and Methodology

Sakha Republic, the far northeastern region of the Russian Federation, provides an excellent geographical site for exploring the conditions and mechanisms of the EIA projects through which local Indigenous peoples can challenge extractive encroachment, protect traditional ways of life, and prevent large-scale environmental effects. The Republic has largely been developed as a colony of the Russian center, primarily as a natural resource rich region, and has constantly been exploited for the strategic economic and political benefit of the Russian state. During the Soviet period, the region came to be an imperative part of a larger policy to “master” the North and its natural resources (Hicks, 2011; Tichotsky, 2000). After the collapse of the Soviet Union, the resource extraction industry was kept under the Russian state control, where the local Indigenous and non-Indigenous population were largely excluded from the profits of the diamond and other extractive industries, causing political and economic anxiety within the region. Additionally, the environmental issues due to the extractive activities, exploitation of natural resources as well as industrial violations of land rights further politically and economically disadvantaged the Republic's most vulnerable communities: remote rural Indigenous groups (Maj, 2012). According to Hicks (2011: 88), Russia maintains that it supports Indigenous rights in theory, however, it also characterizes the issues of land and natural resources as “a problem of compensation and redress”, promoting the rhetoric of cultural rights but overall rejecting the idea that cultural rights might be connected to and imply political and economic rights. Within this context, the *Ethnological Impact Assessment* can carry a drastically differing yet important role as a culture- and Indigeneity-focused legal instrument, which still has a potential to challenge hegemonic economic and political discourses of the extractive companies and the federal government. In this view, an inquiry into the workings and nuances of the EIA projects in Sakha Republic can provide a fertile ground for analyzing the complexity of local discourses on EIA, rural Indigenous experiences with extractivism, as well as positionalities and roles of native EIA practitioners and consultants.

This article builds on personal and professional experiential narratives of the first author, Maria Pavlova, who has participated in more than thirteen EIAs and other projects in several Arctic Indigenous districts as a professional consultant, and the data collected by the second author, Sardana Nikolaeva, through ethnographic observations and semi-structured interviews with the consultants in Yakutsk, a capital city of Sakha, and the members of the Indigenous communities in one of the Arctic districts in 2017-2018. Considering the main focus on the issues surrounding extractive activities, confidentiality and anonymity were enforced and maintained. In this paper, we use pseudonyms for individual people (unless they are public figures and do not object to their names appearing in the article); this is not necessarily for fear that the individuals will face any danger or risks (individual, professional, financial or otherwise) should their identities be exposed, but to protect their privacy.

Literature Review

Ethnological Impact Assessment and its Procedure in Sakha Republic

Anatolii Sleptsov (2015: 17), the author of the regional Law on *Ethnological Impact Assessment* in the places of traditional residence and traditional economic activities of the Peoples of the North of Sakha Republic (No. 3 No. 537-IV), states that the concept of “*Ethnological Impact Assessment*” is first mentioned in the Article 1 of the Federal Law No. 82-FZ of April 30, 1999 “On Guarantees of the Rights of Indigenous Peoples of the Russian Federation”. The concept is defined as “a scientific study of an impact on the original habitat of Indigenous peoples and their immediate socio-cultural situation” (Sleptsov, 2015: 17). Despite numerous criticisms of the concept itself and its application (see for example, Mostakhova & Pakhomov, 2018; Samsonova et al., 2017; Shadrin, 2018), EIA came to be seen as an important tool in negotiating a more power balanced relationship between Indigenous communities and extractive companies, and providing a legal instrument to ensure the implementation of the constitutional guarantees intended to protect the ancestral territories and traditional ways of life of the Indigenous peoples of the Russian North.

The EIA process itself is complex and multi-stage that requires participation of numerous stakeholders, including representatives of affected Indigenous communities, companies who act as customers of EIA, and consultants, who hold the most responsibility as practitioners. For example, consider the multiple required stages of the EIA process in Sakha. In accordance with the regionally approved procedure of conducting EIA, its process includes the following twelve steps: 1) a required registration of an application and provision of supplemental documents for verification to the Ministry of Arctic Development and Northern Affairs of Sakha Republic; 2) a review of documents for compliance with regional legal requirements; 3) an attendance of a hearing meeting of the Expert Commission responsible for EIA procedure; 4) a customer/company and the Ministry sign contracts and provide invoices for a fee payment to the budget of the Republic; 5) the Ministry applies to the Ministry of Finance to increase budget allocations and their limits, while the Ministry of Finance prepares an approval for draft amendments to the Republic budget; 6) the Ministry receives a certificate of notification and makes changes to its schedule and coordinates an agreement with the Republic Procurement Center; 7) the Ministry announces a bidding to conduct an EIA project; 8) further publishing a result of a bidding process; 9) a contract is signed with a winner of a bidding process; 10) a bid-winning organization conducts EIA; 11) a bid-winning organization prepares a draft report, which must be approved and issued to a customer; 12) the

Government of the Republic prepares and publishes its approval of a received report. Throughout the EIA process, a customer/company must supply the following required documents: 1) a detailed plan for an EIA project; 2) a registry of collected materials for EIA (e.g., ethnic and cultural characteristics of local community/ies; details on the types of traditional economic activities; collected data on territory and natural resources present; list of objects of historical and cultural heritage; places of ancient settlements; places of family and burial places, and other objects of cultural, historical, religious significance, etc.); and 3) an estimate of economic damages caused by extractive and other activities (e.g., loss in annual gross income, loss of land and its natural resources, loss in case of deterioration of the quality of lands and other natural resources, etc.). It is also important to note that the customer/company is responsible for reimbursement of all research and calculations involved in EIA, meaning a customer/company pays the state fee for conducting EIA. If too many negative comments are made in assessment materials, a draft EIA report and proposed calculated economic losses are sent for revision. In case of a positive conclusion, a final document is sent to the executive authorities of Sakha Republic for approval. Ultimately, the Government of the Republic determines recipients of compensation for economic damages caused to traditional territories of Indigenous peoples, and companies will be required to sign a Compensation Agreement.

To this date, more than ten EIAs have been successfully conducted in Sakha Republic. The total amount of the financial compensation approved by the Government of Sakha Republic is almost 338 million rubles; of these, the total compensations paid is almost 65 million rubles. The remaining payments of 243 million rubles are still being negotiated (Mostakhova & Pakhomov, 2018: 51).



Figure 1: Consulting on territorial rights in Olekminskii District (Photo by Maria Pavlova)

Role of Consultants in *Environmental Impact Assessments*

The existing literature on the *Ethnological Impact Assessment* projects in the context of Sakha exclusively focus on the experiences of the primary stakeholders – the extractive companies and the Indigenous communities (see among others Basov, 2018; Mostakhova & Pakhomov, 2018; Novikova 2017, 2020; Samsonova et al., 2017; Shadrin, 2018; Sleptsov, 2015a, 2015b). We suggest that this discussion lacks an exploration of an important role of consultants responsible for carrying out assessments and serving as mediators between companies and communities. Thus, it is imperative to understand consultants' positionalities, their perceptions on practices of EIA, their interactions with all key stakeholders involved, and challenges faced before, during, and after the EIA projects.

Internationally, the literature on *Environmental Impact Assessment* as a tool to prognosticate impacts on environment and ensure sustainable development (Erickson, 1994; Fischer, 2007; Toro et al., 2010, etc.), and on the role of consultants involved is abundant. For example, the earlier discussions of *Environmental Impact Assessment* emphasize not only multidisciplinary nature of its process and content but also the need for an interdisciplinary team of specialists to conduct a credible and successful Assessment (Erickson, 1994; Fortlage, 1990; Kreske, 1996; Petts, 1999; Shah, 2013). However, scientific rationality and credibility are not the only important contributions by consultants; there is a growing literature that considers a political aspect of the Assessment projects and subjectivity as well as politicized positionality of people involved in the Assessment process. For instance, Hugh Wilkins (2003) challenges an assumption that subjectivity is the shortcoming of Assessments, conversely arguing that the Assessment projects produce and develop not only scientific knowledge but also particular social and political values. According to Wilkins (2003: 409), *Environmental Impact Assessments* serve “to support, oppose or mitigate publicly controversial projects and, as such, discourse is stimulated in which people can espouse their views and hear and understand the concerns of others”. In this sense, subjectivity of those producing Impact Assessment knowledge enhances its value rather than hindering the process; moreover Assessments can also promote discourses of sustainable development and social responsibility if consultants are able to create appropriate conditions for quality public participation, transparency of process, and open dialogue sensitive to local cultural attitudes (Wilkins, 2003: 411).

However, despite that the importance of consultants in *Environmental Impact Assessment* process is widely understood, consultants themselves may face a number of challenges and constraints in their work. For example, Sam Chanthy and Clemens M. Grunbuhel (2015) investigated the challenges reported by the consultants in Cambodia, which might have affected an assessment process and lowered quality of their practice. The key informants in their study identified such constraints as limited time and access to important data, financial constraints for assessment, lack of trust in consultants' work by local communities but also companies, and political influence by local elites and politicians (simultaneously project owners or company shareholders) (Chanthy & Grunbuhel, 2015: 228-231). Similarly, Mehreen Khan et al. (2018) reveal a challenge-laden work of the Assessment consultants in Pakistan, acknowledging such negative aspects as limited resources and expertise, lack of cooperation by proponents (funders of *Environmental Impact Assessments*) as well as public (usually reluctant to share their views openly or exaggerate/hide information, and often convinced that their participation is useless) (Khan, 2018: 203-206). Yet, Nasim-ur-Rehman

Shah (2013: 6) states the role of practitioners/consultants (and their expertise, knowledge, and skills) is critical in Impact Assessment process as proponents and communities need “expert assistance for their environmental requirements that only a qualified environmental consultant can provide”. He further recommends raising critical awareness of the significance of *Environmental Impact Assessment* consultants and their labor for the general public, as well as potential proponents (companies), and provide quality professional training and educational opportunities for all practitioners.

Ultimately, a central assumption in the reviewed literature on the role of consultants is that a successful and effective *Environmental Impact Assessment* depends on cooperation of multiple individuals and groups, however consultants occupy a particularly important position within this system (Morrison-Saunders et al., 2001; Morrison-Saunders & Bailey, 2009; Weaver et al., 2008; Wilkins, 2003). Therefore, it is paramount “to engage more fully with Impact Assessment actors’ interests, experiences, stories, interrelations, and intuitions of the situations they are involved in, and of other participants” (Kagstrom & Richardson, 2015: 111).

Personalizing *Ethnological* Impact Assessment Process in Sakha Republic

Maria Pavlova’s Notes

I have been involved in consulting projects and hired as an academic researcher and a consultant since the early 2000s. My very first project as a consultant was to assist in business planning of agricultural organizations in the field of animal husbandry and processing of agricultural products. This groundwork and experience in consulting on issues of organization, management, and tax accounting have improved my skills and knowledge on legal issues and economic relations specifically in agricultural production of small-scale farms and communal organizations. This more-than-a-decade consulting experience and the fundamental legal knowledge I gained significantly facilitate my current work as a consultant for EIAs with Indigenous communities in Sakha.



Figure 2: Conducting a consulting seminar on the traditional fishing rights in Neryungrinskii District (Photo by Maria Pavlova)

Based on my consulting experience, I identify two important venues of critique and need of improvement in current EIA process (in addition to already existing critique of the EIA procedure in the Republic referenced earlier). Firstly, I believe that the main obstacle in creating productive dialogue between Indigenous communities and extractive companies within the EIA procedure is primarily related to necessity of regular exchange of information in order to form a stable communication of all participants involved in the assessment process. For example, the Indigenous community leaders often complain that when they write letters to extractive companies, they rarely get a response. I contend that this is the case of lack of knowledge of bureaucratic documentation procedure, a poor command of an official business style of speech (predominantly implemented by the local companies), and lack of knowledge of the business and legal vocabulary. Here, it is a responsibility of a consultant to translate business and legal jargon for local community members. In this sense, being able to speak a local language is not an advantage but a *requirement* for an EIA consultant because a consultant must manage literal translation (and interpretation) of the EIA documents (and all communication involved) into native languages of local Indigenous communities. Additionally, the consultant must mediate an extensive correspondence between extractive company and community. Therefore a consultant must have experience working with the local agricultural and communal organizations, and possess the skills of business and legal correspondence.

Secondly, a consultant must have familiarity, or better, an in-depth understanding of the local socio-cultural and religious worldviews, the existing public concerns on environment, and the current political and economic conditions. For instance, a general EIA process (and many consulting projects I have participated in) focuses on land rights, or the legal specifics of the Territory of Traditional Nature Use. Legally, the status of the Territories of Traditional Nature Use determines “specially protected nature territories, formed for the purposes of traditional natural resource use and traditional way of life of the Indigenous numerically small peoples of the North, Siberia, and the Far East of the Russian Federation” (RF2001a, Article 1). As the federal law, it guarantees the Indigenous communities “the right to hunt and fish without license and to collect and control information about their territory, ... to initiate dialogue with non-Indigenous resource users (extractive industries) over issues of ecological damage, compensation, partnership, assistance, and so on” (Parlato et al., 2021: 2). However, many Indigenous communities in Sakha, to date, have not registered their lands as the Territories of Traditional Nature Use (and the Traditional Hunting Acreage), therefore they are not legally protected. The encroachment of extractive companies on their ancestral territories of the traditional economic activities, which are also recognized as the sacred and culturally significant landmarks, causes intense concern and justified indignation among the local Indigenous people. In this case, a consultant can expedite securing of the legal status of the Traditional Nature Use and/or the Traditional Hunting Acreage. To achieve this, a consultant must consider the following information: a physical and geographical location of the land, specific areas of traditional subsistence hunting and fishing, a placement of herding camps, seasonal reindeer pastures, herd routes, local settlements, sacred locations, etc. It is evident that this endeavor is not possible without an extensive knowledge of the local economic activities and the territorial specifics based on the longitudinal ethnographic observations, and ongoing collaboration with the local Indigenous communities.

In addition to the questions related to the land rights and strategies of dealing with extractive companies, a consultant must also be prepared to provide adequate information and answer to a

diverse assortment of questions that communities might need assistance with. For instance, in my consulting experience, I have received such (sometimes unexpected) inquiries as: a request to assist with a grant application to the Ministry of Arctic Development or the Presidential Grants Fund; how to prepare a range of documents to rent reindeer pastures from the government; where to locate a map to demarcate the traditional territories in the archives; where a hunter can sell the procured fur for a higher price, etc. It is clear that a consultant has an imperative role not only in delivering an effective and beneficial for communities EIA, but he/she must also consider the particular social and political conditions and the existing institutional arrangements to utilize his/her expert knowledge as an important (at times politicized) tool to achieve a communal socio-cultural, economic, and political advancement.



Figure 3: My host and her friend showing me around the village (Photo by Sardana Nikolaeva)

Sardana Nikolaeva's Notes

In 2017-2018, I conducted ethnographic research in one of the Arctic districts of Sakha Republic, exploring what forms of local Indigenous mobilization are possible when an Indigenous political representation in the traditional sense is heavily circumscribed and may appear virtually impossible. Here, I present some observations I have made during the fieldwork, supplemented by the data from the semi-structured interviews with the residents of the Arctic Indigenous village, the academic researchers in Yakutsk (a capital city of Sakha) who served as the consultants for the local *Ethnological Impact Assessment* projects, and several urban Indigenous activists. Based on the research data, the discourses on EIA have drastically differed depending on interlocutor's position, status, and background; but most apparent discord was based on urban and rural divide. Many urban activists, who I interviewed, themselves well-familiar with the EIA process, emphasized its importance but also offered valuable criticism. For example, one urban activist, himself from an Indigenous reindeer herding family, noted:

Unfortunately, EIA is not a required mechanism; the big extractive companies can easily refuse conducting (and funding) an EIA project if community resides on the lands, non-recognized as the Territory of Traditional Nature Use. The methodology of how the EIA consultants calculate *ethnological* and environmental damage is also not perfect because it is very difficult to calculate what will happen in twenty years, for example. Because the calculating methods are so flawed, a financial compensation to communities is often very low. There is also a question what to do with the small-scale extractive companies operating throughout the Republic, who can easily avoid responsibility of conducting EIAs.

The critique of the inadequate calculating methods of damage and compensation came up many times during my conversations with the local consultants. Nadezhda, an experienced academic researcher who consulted in several EIAs, echoed these concerns, however she indicated that the complexity of the EIA procedure lies in evaluating of not economic losses but of cultural and spiritual. According to Nadezhda, communities sometimes do not have a necessary legal documentation of their previous and ongoing economic activities, which incredibly complicates the EIA process itself. Yet potential post-extractivism social and cultural transformations require a different approach of prioritizing an insider perspective, which I believe reflects a demand in native consultants or consultants *from within* communities. However, several urban activists I conversed with also complained about “passivity” of rural Indigenous communities. One of the urban prominent researchers, who also served as a consultant at multiple EIAs, lamented:

Our people in the rural areas do not have enough information about their own rights; however, it also happens that they do know their rights but because of their “psychology of an object rather than a subject”, they end up relying only on the Association resources (the Russian Association of Indigenous Peoples of the North), and do not want to do anything themselves. I tell them at least inform us about what is happening or initiate something in your village and tell us about it and we will get involved. But most often, we are the ones doing things and the local people do not do anything. I believe this is a psychology of a passive dependency and waiting for someone accomplish things for them.

This comment, and similar ones, must be understood in terms of a systematic marginalization and exclusion of rural Indigenous people from most political and public spheres. Equally problematic is the undermining of a class dimension in Indigenous experiences of rurality; the rural communities in remote isolated Arctic locations do not often have access to the same crucial resources (financial and otherwise) that could have propelled their grievances to more public arenas.

Having completed fieldwork in Yakutsk, I spent several months in the rural Arctic Indigenous village with a population of around 730 people; the village residents practice mixed economy - mostly employed in wage labor, as well as those involved in traditional modes of subsistence such as reindeer herding, hunting, and fishing. At the time of my arrival (and fieldwork duration), the local Indigenous community was still in the process of negotiating the results of an EIA, funded by one of the largest diamond-extraction companies in Sakha Republic currently operating in close vicinity to the village. In my conversations with the local people, I inquired what they thought about the recent EIA which had been conducted by a group hired by the company who were

Russian-speaking consultants from Moscow. I learned that most of the village residents were confused not only about the EIA process but also why it was important in the first place. One of the village elders recalled:

There was a group of people, brought up here by the company, who visited our village and conducted surveys, but we did not understand what it was. If we had been explained better of the importance of EIA and its outcomes from the beginning, we could have been more active and defended our rights. We did not think that it was important at all!

The local authorities later confirmed that as a result of the residents' confusion about the EIA process, the community participation in the public hearings and, overall, the EIA project itself was low. One of the local community leaders also complained that some members of the EIA group did not have any clue about the local socio-cultural, economic, and political conditions, which rendered EIA itself flawed and ineffective in protection of local Indigenous rights against the extractive company.



Figure 4: The local river that became a point of contention between local villagers and company before the EIA (Photo by Sardana Nikolaeva)

However, it must be also noted that several community members managed to vocalize their grievances and fears over extractivist harm to the local environment during a handful of the public hearings with the arrived EIA researchers/experts. Ekaterina, a local elderly activist, attended those meetings and recounted to me afterwards:

I was at the hearings for EIA, the researchers only spoke Russian and we have Elders here who do not understand Russian, so it was difficult for them. They also used this complicated scientific language, which a lot of us also could not understand. I also noticed that some of them were seemingly laughing at us - I thought it was very disrespectful.

In her ethnography *Unearthing Conflict*, Fabiana Li (2015: 186, 207) argues that the strategic language of science and expertise, frequently implemented by representatives of extractive companies in their dealings with affected communities, “prioritize[s] mining interests and enable[s] corporations to define the standards of performance that governments will use to establish compliance”, disadvantaging local people (especially in rural areas) since they rarely have resources to produce “accurate and scientific” counterarguments. Considering Ekaterina’s description of the public hearings and the EIA researchers’ deliberate deployment of overtly complex scientific jargon, it can be suggested that this was a deliberate strategy that limited an informed participation of the village residents in the EIA project and other critical discussions about their futures and future of their environment, but it also allowed them to be dismissed as “ignorant, irrational, misinformed”.

Conclusion

Ethnological Impact Assessment in Sakha Republic is a pioneering procedure that is intended to minimize negative environmental impacts of extractivist activities and protect Indigenous territorial rights and traditional lifeways. However, as any bureaucratic endeavor, it requires a constant critical scrutiny and interrogation not only of its procedure and content, but also of those who are involved in different capacities in the EIA projects. Out of this group of stakeholders, the position of a consultant (mostly academic researchers with specific expert knowledge who conduct EIAs) is particularly imperative since they are responsible in delivering a successful and effective EIA, prioritizing communal interests rather than those of extractive companies. In this sense, the position of a consultant is inherently intersectional, and various aspects of a consultant’s subjectivity can become a useful and powerful tool in conducting the EIA projects and producing relevant knowledges and discourses. In this article, building on the first author’s professional experience and the second author’s ethnographic research findings, we argue that native consultants, who understand local Indigenous communities’ issues and concerns *from within*, who can speak a native language to establish a better rapport with community members, and who possess an in-depth knowledge of local socio-cultural, economic, and political dimensions, are needed to create effective mechanisms of public participation in the EIA projects, to uphold transparency of the EIA procedure, its goals and outcomes, and to promote the Indigenous territorial, environmental, and cultural rights.

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