

Est' zakon, est' i svoi zakony¹:

Legal and Moral Entitlements to the Fish Resources of Nyski Bay, North-Eastern Sakhalin

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The 'post-socialist' period has raised new issues of property and entitlements to natural resources for the local populations of Noglikski district, north-eastern Sakhalin.² The past decade has seen an increase in regulatory control over declining resources and a growth in awareness among local people of their own legal entitlements. Legal awareness has been raised particularly by the adoption of new federal legislation on Native rights,³ and in response to multinational offshore oil and gas developments off the coast of Noglikski district. However, despite the increased presence of the Law in the everyday lives of local people, their actions and their relations with outsiders continue to be governed more by their own moral norms than by formal legislation.

In Russia today, property in the sphere of natural resources generally refers to usufruct and access, rather than outright ownership. Hann interprets property as 'the distribution of social entitlements' (Hann 1998, 7). In this paper, 'social entitlements' appear as formal (legal) entitlements, determined by laws and regulations, and informal (moral) entitlements that come with use, practice, and relatedness to place and identity. There is often a disparity between the legal sphere and the moral sphere or local practice (Novikova and Tishkov 1999; Novikova, this volume; Hancock, this volume).

In local discourse, the concept of property tends to be expressed in terms of an 'insider-outsider' idiom, and is generally articulated when 'outsiders' (the state, incomer populations, the oil industry) are perceived as threatening the resource entitlements of 'insiders' (the local community or a particular local ethnic group). This could be, for example, strict regulation of local fishing practices by the fishing inspectorate, or oil and gas pipeline construction across reindeer pastures. Often the realisation that others have encroached upon one's property is retrospective. Indigenous residents speak about the loss of their traditional hunting, herding and fishing territories to the onshore oil industry in the light of new awareness about the evolving

Russian legal framework and international norms: 'We were too late. We didn't secure (*zakrepiť*) our lands and now the oil industry has them'.⁴

An important distinction made in this paper is that, while control and regulation of natural resources are seen, indeed expected, to come from outside (allocation of fish quotas, land use planning, decision-making on oil and gas development), people's everyday practices are shaped by their own rules and moral codes (for instance, it is morally acceptable to catch more fish than your official quota and even to trade this surplus illegally, but there is a moral obligation to provide for more needy members of the community). This 'inner moral sphere' of the social group can perhaps be likened to Scott's 'shared moral universe' of the peasant. '[T]he peasant is born into a society and culture that provide him [sic] with a fund of moral values, a set of concrete social relationships, a pattern of expectation about the behaviour of others, and a sense of how those in this culture have proceeded to similar goals in the past' (Scott 1976, 166).

However, the post-socialist world is one of shifting moral ground. As the state has, to a great extent, withdrawn from local life, new economic and social forces have replaced it. Local people are gradually learning to relate to outsiders in different ways and benefit from new opportunities and legal entitlements. Yet in many cases, they still draw upon established moral norms and old 'patterns of expectation'. There are obvious parallels, for instance, between local people's responses to Soviet resettlement programmes in the 1960s and their responses to multinational oil and gas projects today.

This paper explores the tension between the Law (*Zakon*) and the moral rules (*svoi zakony*) by which people govern their own actions and judge the actions of others around them, in the context of evolving insider-outsider relations. These relations are subjective; they shift, layer and overlap, depending on circumstance and the perception of the individual. A local Russian fishing inspector, for example, may be an insider or an outsider, depending on the nature of the debate. Here, I interpret the local insider-outsider discourses as reflecting the moral codes and boundaries that determine entitlements and action in the local arena. The paper focuses on entitlements to the fish resources of Nyski bay, one of Noglikski district's coastal lagoons, to illustrate the wider picture of resource entitlements and local practice.

Background

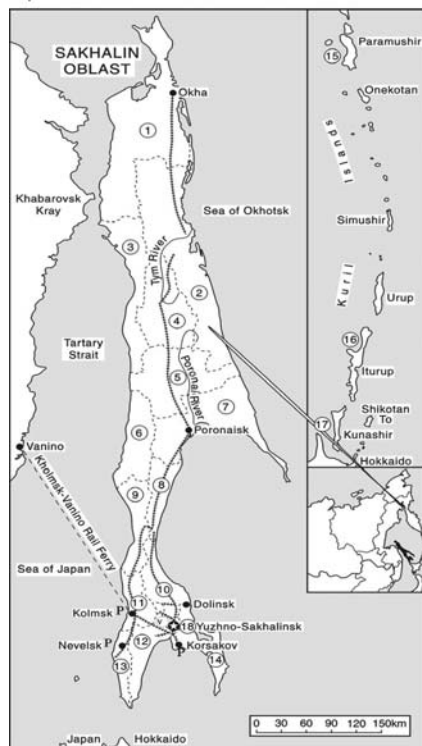
Up to the late-19th century, the landscape and natural resources of northern Sakhalin were shared largely by the indigenous inhabitants, the Nivkhi (Gilyak), Evenki (Tungus), and Uil'ta (Oroki). While the Nivkhi traditionally held fishing, hunting and gathering grounds under clan ownership (Vysokov 1995; Shternberg 1999), resources were shared also by the nomadic Evenki and Uil'ta who started to arrive on Sakhalin from the mainland in the 16th and 17th centuries (Vysokov 1995; Roon 1996). The ethnographer Shternberg, who was exiled on Sakhalin between 1889 and 1897, observed:

The idea of property rights with respect to territory is absent among the Gilyak. Fifty years ago nomadic Tungus appeared in Sakhalin and began to hunt on traditional Gilyak territories. Yet it never occurred to the Gilyak to protest against the invasion, although the Tungus appeared in small groups and could hardly have defended themselves had force been used. (Shternberg 1999, 172)

Sakhalin's rich natural resource base has since continued to attract a succession of outsiders who have progressively transformed the composition of local populations and the distribution of entitlements to land and resources. Generally, these outsiders have met with the same apparent lack of resistance from the local populations as the Tungus did in the 19th century.

In the 1860s, Japan and Russia came into conflict over fishing grounds, forcing the Nivkhi to define their own rights to the contested resources (Grant 1999). From 1875, Tsarist planners attempted to exploit coal and other resources through convict labour. In the 1890s commercial fishing *artels* were set up by Russian industrialists, who used indigenous residents as cheap seasonal labour. One business magnate also discovered Sakhalin's first oil reserves in 1904 (Stephan 1971). Between 1905 and 1945, Sakhalin was split between Japan and Russia, and both countries intensively exploited fish, oil and gas, coal and timber reserves. Soviet planners encouraged workers from the western Soviet Union to assist with Sakhalin's development. The early waves of collectivisation (*kollektivizatsiia*) in the 1930s were followed by the amalgamation (*ukrupnenie*) and sedentarisation (*osedanie*) programmes of the 1960s. Roon notes how the economic developments of the 20th century changed the indigenous peoples' systems of customary law that governed all spheres of their lives (Roon 1999).

Map 1. The Administrative Districts of Sakhalin Oblast



Districts of Sakhalin Oblast

Aleksandrosk-Sakhalinsky	3	Poronayskiy	7
Anivsky	12	Severo-Kurilsky	15
Dolinsky	10	Smirnykhovskiy	5
Kholskiy	11	Tomarinskiy	9
Korsakovskiy	14	Tymovskiy	4
Kuriski	16	Uglegorskiy	6
Makarovskiy	8	Yuzhno-Kurilsky	17
Nevel'skiy	13		
Noglikiy	2	City-Districts	
Okhinskiy	1	Yuzhno-Sakhalinsk	18

Hundreds of Native villages were closed as their inhabitants were moved to larger settlements, such as Nogliki, the administrative centre of Nogliki district. State industries were developed, especially timber, coal and onshore oil and gas. These state industries provided essential social infrastructure (housing, electricity, heating, public baths, shops, waste disposal services) for members of the enterprise or collective – often one industry supported a whole settlement. The state also guaranteed markets and subsidised transportation for these enterprises.

The 'post-socialist' era has been characterised by the withdrawal of state support for traditional resource use (reindeer herding, fishing) and the collapse of the timber, coal and other state industries, together with the social infrastructure they had previously supported. Today, the district budgets of northern Sakhalin are dependent on revenues from the onshore oil and gas industry. With the decline in these reserves, hopes

are now pinned on the oil and gas reserves of the Okhotsk sea shelf, which are currently being exploited by multinationals such as Shell, ExxonMobil and Mitsubishi. The first oil from these reserves was produced in 1999.

The indigenous people have gradually been displaced from their pastures, hunting territories and fishing grounds by the development activities of

incomer populations (known as *priezzhie* or simply *russkie*) and outside political and commercial interests: the Japanese; the state; the oil industry (*neftianiki*). With exploitation of the offshore oil and gas reserves, the latter now include multinational corporations (grouped as *'Amerikantsi'*).

Today the population of Noglikski district is 14,000, of which 93% are non-indigenous. Many among the 'incomer populations' (outsiders) have now become 'long-term residents' (insiders). Conflicts between assimilationist discourses stressing that 'we are all the same' and nationalist discourses of difference often obscure the fundamental issues of natural resource management. This is particularly evident in relation to local fishing practices. The underlying crisis here is ecological – the decline in local fish populations. However, entitlements to fish limits are publicly debated more than, for example, industrial pollution, commercial logging along the Tym' river, (large-scale) poaching, fish farming, and conservation of fish resources and habitat.⁵ While indigenous people are entitled to personal salmon quotas for their own use according to the Law, many local people argue that long-term non-indigenous residents have an equal (moral) entitlement to access these resources. Local people blame outsiders for the pollution and resource depletion that are at the root of the crisis, and resent having to pay the price through limited access.

In response to external limitation on resource use, perceived as morally unjustified, local citizens have developed 'survival strategies' (Bridger and Pine 1998) that serve as forms of 'everyday resistance' to outsider influences (Scott 1985). These strategies may involve a circumvention of the Law, justified by a moral entitlement to resources, through long identification with a specific place (whether through Native identity or long-term residency).

The case of Nyski bay illustrates a particular conflict between the indigenous (Nivkh) seasonal inhabitants of the bay, and contemporary forces of regulation and control, that act ostensibly according to the letter of the Law. The paper also compares this local conflict of resource interests to two different cases where local entitlements to fish resources have come under threat from outsider intervention, namely the Soviet resettlement programmes of the 1960s, when local people were forcibly relocated from their villages and fishing grounds, and the multinational offshore oil and gas developments of the present day, which pose a serious threat to the environment and fish resources of the whole area.

Nyski Bay

We used to live here freely, caught as much fish as we wanted, and dried it, salted it. Before, we didn't have the problems we have now. ... I don't know why it is, we asked at the meeting why is it like this? Why don't they let us catch this fish? ... It's our food! (Tetia Nadia, Nyski bay, September 1999⁶)

I first met Tetia Nadia⁷ outside her hut in the previously closed village of Nyvo, on a narrow spit of land between Nyski bay and the Okhotsk sea. At that time, in September 1999, a big scandal had arisen in the Native community about the special police force (*OMON*), who had been invited by the fishing inspectorate (*Rybookhrana*) to help out with fishing regulation, and, we were told, had behaved aggressively and violently, even firing several shots through the fishing boat of another summer resident, Tetia Lida, as it was propped up outside her hut.⁸

To local people such as Tetia Nadia, this incident was an act of invasion and unnecessary force by 'outsiders' and an arbitrary enforcement of the Law. The *OMON* forces 'come from somewhere' (*oni otkuda-to priezzhayut*) and 'check up on us' (*oni nas proveriaut*). 'Why don't they go after those poachers, who catch the fish, take the caviare and throw the rest away? We make *yukola* (dried fish) and salt it and everything'. Tetia Nadia emphasises her own moral entitlement to the fish resource through comparing the wastage of commercial poachers to her own traditional (and complete) use of the resource. *Yukola* is a potent cultural symbol for the Nivkhi – it is something the Russians do not make.

Tetia Nadia was born in Nyvo in the early 1940s. She describes the village with nostalgia. There were 'good houses', people had gardens, grew potatoes, some even kept cows and pigs. There was a shop, a club and a *bania*. The children travelled on dog-sleds to the boarding school (*Internat*) in Nogliki. There was a fishing collective called 'New Life' (*Kolkhoz Novaia Zhizn*), where Tetia Nadia's father was a brigade leader. The workers received money for the fish they handed in to the *kolkhoz*; they were also allowed to claim some of the catch for themselves. When people went hunting, they would share the meat with others in the village. The Nivkhi got on well with their Russian neighbours in the *kolkhoz* (*Ran'she kak-to družno zhili ...*). As part of the collective enterprise, the Russians (who included both managers and

enlisted workers known as *'verbovannye'* were previously insiders (*'nashi'* – lit. 'our people'). In contrast, Russians⁹ often appear today in Native discourse as invaders or aggressors. OMON and the fishing inspectorate are Russians, as are the youngsters who come from Nogliki and vandalise the Native huts: 'Sometimes we lock up the hut and they knock down your door and go in just like that ... they go in and destroy everything'.¹⁰

In the late 1950s the villagers of Nyivo were told to move to Venskoe, another Native village (*natsional'ni poselok*), as Nyvo was apparently in danger of flooding. Tetia Nadia remembers: 'Our people (*nashi*) didn't want to move away ... but we had to and that was that (*a nado nado vot tak vot*)'. Later, in 1964 they were all moved to Nogliki when three villages were amalgamated. Despite the move, the indigenous villagers retained strong emotional ties to their former settlements and their fishing grounds. In the 1990s the Nivkhi began to return to their old villages to fish, to rediscover their roots and cultural practices, and to find tranquillity away from the stress of the settlement. Today Tetia Nadia returns to Nyski bay every summer. She fishes to make fish soup and yukola, collects berries and leaves to make tea. 'As soon as it is summer we can't wait to come here'.

Natalia Grigorievna, another Nivkh resident of Nogliki, is older than Tetia Nadia. She was born in 1934 in a small Native settlement, Tymyt', which was renamed Gafuvich ('there is an oil tower there now'¹¹). In 1939, the population of Tymyt' were moved to Dagi and the *Kolkhoz Novi Byt* ('New Way of Life'). In 1950 Natalia and her fellow villagers were forced to move to Chaivo. They were given one week's notice: 'They came and held a meeting' (*Priekhali, sobranie sdelali*). In 1964, for reasons of 'non-profitability', the three *kolkhozy* from the villages were joined together to form *Kolkhoz Vostok* ('East'), based in Nogliki. The villagers were resettled again: 'Nobody asked the people. It was all decided by Party officials (*partiinye liudi*). They came from Nogliki'.

These demographic upheavals were characterised by non-consultative meetings to inform local people about decisions that had already been made in an outer moral space. People did not expect to be consulted, nor did they try to protest. Grant, who did ethnographic research in northern Sakhalin in the early 1990s, comments on his informants tales about resettlement to Nogliki: 'Most people interpreted the decision as official policy and assumed that it would be for the best' (Grant 1999, 188). Only retrospectively did

local residents regret their lack of resistance to events. One of Grant's informants commented in 1990: 'The tragedy is that nothing happened. The empty houses in Nogliki were all ready. The *kolkhoz* had already been built. Most people just got up and moved. That's the tragedy – that there was no tragedy' (*ibid.*, 188).

Yet it was not the imposition of the *kolkhoz* system per se that distressed the local communities. Indeed, there is considerable nostalgia for the early *kolkhoz* days before resettlement to Nogliki, when people were still allowed to live and fish in or close to their traditional fishing grounds on the bays. Even today, despite stories of considerable physical hardship, Natalia speaks of the 'harsh discipline' of the Nyski bay collective as a good thing: 'We needed it'. The state-imposed framework of discipline was seen as essential to productive work, and it was also accompanied by guaranteed housing, jobs and social infrastructure. In those days, state power was perceived as morally justified. Also, insofar as the discipline included mutual criticism by members of the collective, it was perceived as 'internal' to some degree. Natalia Grigorievna emphasises the difference between this 'internal', morally justified discipline and today's 'external' regulation by the fishing inspectorate, which she only encountered when she moved to Nogliki. Today, regulation and control by state organs is not automatically morally justified, particularly if the moral rights of local people are perceived to be infringed. Natalia's discourse of insiders and outsiders portrays modern regulation from outside as a bad thing, especially when she sees it to be aggressively aimed at the Native community.

Although the amalgamation of the smaller *kolkhozy* in 1964 was ostensibly carried out for economic reasons, by 1968 *Kolkhoz Vostok* was in debt and plans were not being fulfilled, so it started expeditions back to deserted villages to access the fish resources in those places. Since then, the *kolkhoz* has been fishing in most of the bays, including Nyski. Before the collapse of the Soviet system, *Kolkhoz Vostok* used to have the status of 'Native (*national*) enterprise' (*'natsional'noe predpriatie*), which meant that the collective enjoyed privileges such as extra fish quotas. Like in other Native enterprises in the Soviet Union, the workforce of *Kolkhoz Vostok* became progressively less indigenous. By 1982, the *kolkhoz* employed only 120 indigenous workers out of a total of 336.¹² Today they have shed the Native label and do not

count the numbers of Native and non-Native workers, though they estimate about one quarter of the work-force is indigenous.¹³

The economic fortunes of *Kolkhoz Vostok* have not improved considerably in the past 10 years, but there has been a shift in the consciousness of the workers. The following incident demonstrates that the workers are starting to question authority and view the Law as a possible tool for defending their own interests in the local space. When *Kolkhoz Vostok* was declared bankrupt in 1998, an 'external manager' (*vneshny upravliaiushchi*) was brought in. Under the law on bankruptcy, the manager had exceptional independent power over decision-making. In 1999, *kolkhoz* workers (both Native and non-Native) sent an anonymous complaint (*zhaloba*) to the district, expressing moral outrage at the activities of the new manager. While workers were still owed their wages from the previous year and pensioners had not been paid what they were entitled to, the manager was living in a new flat, was reallocating job responsibilities within the *kolkhoz*, and was paying out large sums of money to certain workers.

As it turned out, the workers demonstrated an imperfect use of the available legal tools. The complaint was legally invalid due to its anonymity. However, the prosecutor's assistant, understanding that the issue nonetheless had to be resolved openly in the local community, published a defence of the manager's emergency powers in the local newspaper (*Znamia Truda*, 23 June 1999, 3).¹⁴ If Natalia Grigorievna laughs at the thought of anyone criticising the *kolkhoz* manager in the 1970s ('You must be joking! ... You think anyone would have listened to us?')¹⁵ the workers of today are more willing to take action if they see their rights are being infringed by a manager who appears to be abusing the privileges of his position.

A similar shift in perspective can be seen on the part of the indigenous fishers of Nyski bay. The state (in the form of the *kolkhoz*) had a moral entitlement to control fishing in Nyski bay as long as it was providing employment to local Native populations, and allowing them to continue fishing in their traditional areas. When the state removed the populations from these areas, local attitudes to the *kolkhoz* system changed, and in local perceptions the *kolkhoz* forfeited its moral entitlement to the resources of those places. The *kolkhoz* is now seen to be aligned with the external controlling organs, the fishing inspectorate¹⁶ and OMON and finds itself in conflict with the indigenous fishers of Nyski bay. There has been a shift in the form of entitlements,

from property relations based on practice, identity, and relatedness to place, to externally imposed and regulated limits, based on legal definitions of entitlement and policed, often aggressively, by outsiders.

The conflict is one of access to the sparse resources of a particular place. The Native summer residents have both a traditional moral entitlement and a legal entitlement defined in federal (and international) legislation. However, this is only part of the legal picture. In practice, access is officially determined through allocation of fish limits. At the local level, this is decided by a commission in the district administration, including local regulators and a representative from *Kolkhoz Vostok* (*Znamia Truda*, 19 December 1998, 2). In 1999 indigenous residents complained that there were no Native representatives at these meetings.¹⁷ Recommendations on who is to receive fish must be approved by officials in Yuzhno-Sakhalinsk.¹⁸ District quotas are worked out in Yuzhno-Sakhalinsk, regional quotas are determined by Moscow. Local residents mistrust the scientific research that determines the allocation of fish quotas to their local area. Officials point to the lack of independent local studies of their fish populations. ('We need a grant to do the scientific research'... 'We want to do it ourselves'¹⁹). Grants – also a limited resource – are a relatively new phenomenon here, but are already perceived, by officials, entrepreneurs and NGOs, as a potential tool for bypassing hierarchical structures of power, regulation and financing.

There are a total of 32 fishing enterprises registered in Noglikski district, of which 10 are indigenous 'clan enterprises' (*rodovye khoziaistva*) (Baranikova and Lisitsyn 2000). Fishing takes place on the rivers, in the river estuaries, in the coastal lagoons such as Nyski bay, along the coastline, and further out to sea. *Kolkhoz Vostok* owns some lands on Nyski bay, while the rest are owned by the state. Indigenous families, communities (*obshchiny*) and clan enterprises are allocated fishing grounds and accompanying plots of land on Nyski bay and other bays in the district. In 1999 clan enterprises had to re-register as ordinary commercial enterprises but have retained access to the bays. Indigenous residents are allowed personal quotas of 100 kg of salmon per person every year, while indigenous enterprises are given a certain priority in the distribution of commercial limits. *Kolkhoz Vostok* is allowed a 'scientific quota' of salmon for Nyski bay, arranged with the Yuzhno-Sakhalinsk based Institute of Fisheries and Oceanography (SAKHNIRO). Other local (non-indigenous) fishing enterprises and some registered else-

where on Sakhalin can get limits for coastal fishing according to a strict distribution procedure (*Znamia Truda*, 19 December 1998, 2), but are excluded from the coastal bays. Deep-sea fishing is carried out by international vessels, with quotas decided by Moscow. Illegal fishing in the Okhotsk sea is probably the greatest threat to the fish resources, and the most difficult to police.

The issue of access to fish resources is particularly controversial in Noglikski district. (Non-Native) pensioners complain in the local newspaper that, despite living in a district so rich in fish resources, they cannot buy fish in the shops or on the market (*Znamia Truda*, 7 July 1999, 4). Instead it is the entrepreneurs (including the clan enterprises) who access the resource and sell it elsewhere for a greater profit. Such inequitable access to fish is morally unacceptable to local residents, many of whom cannot afford to buy meat.

In Russia, the implementation of the Law is selective and often highly subjective (Hancock, this volume). Some local bureaucrats no longer accept the moral entitlement of the Nivkhi to fish limits, and are making efforts to withdraw that privilege. Local assimilationist discourse argues that the Nivkhi²⁰ have no special rights to these resources as they no longer speak their own language and have for a long time lived mostly in the semi-urban environment of Nogliki (Psiagin 1999). There is some indignation that non-indigenous residents who want to engage in subsistence fishing for salmon, are forced to become small scale poachers: 'People are not very different. All are unemployed, all are looking to the rivers to get something to eat ...'.²¹

Tetia Nadia is frustrated with the officials, perceiving their discourse as one of exclusion not equality. Here again she emphasises the Russian-Native difference through use of cultural symbols: 'They say to us: go and build yourselves *dachas*, plant cucumbers and tomatoes. Why would I want cucumbers when I want to dry this fish? I want to live in my own way'. ('*Po svoemu khochu ya zhit'*.) She has more faith in the head of the Sakhalin Association of Indigenous Peoples, who is from Nogliki himself: 'He makes an effort for our people (*dlia nashikh*). ... He does all the running around for us (*on nash khodets*)'. The Association of Native peoples is made up of 'our people' (insiders) and thus perceived by some as a more 'moral' entity than the local administration, or at least as an entity that will help its own people.²² Like other elderly Native people, Tetia Galia also relies on her son to help her with transport and fishing, and to visit the administration to secure their fish quotas.

Natalia Grigorievna's son, Vasia, works as a pipeline engineer for a Russian company. He lives with Masha, who is half-Nivkh, half-Russian and has three children from her now deceased Russian husband. During Vasia's holidays the family travels to Nyski bay, and stays in his parents' hut. The children collect mushrooms, pine nuts and berries, help Vasia with fishing, and Masha with preparing fish and caviare. Masha has adopted the discourse of the elderly Nivkh women: 'We want to return, to live traditionally but in the modern context'.²³

Vasia fishes the combined quotas of his large family. Masha's three children still receive their full fish quotas despite being three-quarters Russian. Masha jokes: 'Nivkhi are proud of being Nivkhi, especially when it comes to fish'.²⁴ Everyone's 100 kg quotas equal two barrels full. However, Vasia and Masha fish more than their legally allocated quota. They fish to fill 6 barrels, with the aim of selling four of them: 'We don't eat that much fish,' says Masha, 'I want a car'.

At the same time, Masha fulfils a key social role in the local indigeneous community. Masha and the family share their supplies of fish and caviare with family and friends. Even when there is no fish or caviare, family, friends, neighbours and schoolfriends often visit their house and are fed soup, bread or *pel'meni* by Masha. As a local 'activist', Masha also helps her neighbours address problems of alcoholism, housing, and distribution of 'humanitarian aid' when it is delivered.

Once the fishing inspectorate has stopped showing so much interest in the bay, barrels of surplus fish are taken to Nogliki to sell. According to Masha, the fish inspectorate used not to be so strict. The former head used to understand the Nivkhi and turn a blind eye or 'look through his fingers' (*smotrel skvoz' pal'ty*). Probably because of the increasing decline of resources, and the accompanying pressures from regulators and resource users alike, the present head, a long-term resident of Sakhalin, has a different outlook: 'Everyone should be the same. Why should [the Native people] get special treatment? Especially if a Nivkh works for the oil companies'.²⁵ At the same time he recognises the moral debt owed by the incomer populations to the original indigenous resource users: 'Moving people from their own settlements and own lands – that is another issue'.

Vasia sells the surplus fish to Russians who sell it on. Nivkhi are not entitled to sell the fish themselves since legally indigenous fish quotas are for subsist-

ence only (*dlia sobstvennykh nuzhd*). Hancock (this volume) draws attention to the way that legislation paradoxically serves to criminalise certain traditional economic activities such as trade. Selling fish on the black market is, furthermore, a business not without its dangers. A member of the Nivkh elite was allegedly blown up in his car by the fish mafia.²⁶

Indigenous residents do not consider that fishing beyond their quotas is a crime. Equally, local non-indigenous residents are not considered to be poaching if they catch one or two salmon for the dinner table. Most local people believe that the large scale poachers (who come from outside) are the main cause of the fish population declines. Regulators do not reveal information on large scale poaching: 'We don't have facts about big poaching ... we don't see the poachers'.²⁷ Some local people claim that officials deliberately turn a blind eye to the large-scale (outsider) poachers. This is a different kind of moral decision from the decision to tolerate the indiscretions of the 'insiders' – the Nivkhi and local Russians. In the case of large scale poaching, bribery may play a part in such decisions.

Not only is local over-fishing by indigenous residents not seen in the same light as large-scale poaching, but may even serve social purposes within the community. Indigenous people who are unable to catch their full quota of fish themselves are put onto a list by a *rodovoe khoziaistvo* or 'brigade' that fishes for them. These may be Native brigades or a mixture of indigenous and non-indigenous residents using Native quotas. These quotas are used to over-fish, to cover the costs of fuel and equipment and to provide a source of personal profit. But the system is evidently open to abuse:

They can't always bring back all of the fish. They supply two or three fish [to the people who gave them their quotas]. But with those quotas they can always catch enough for themselves. ... I took quotas from one woman, for example, and brought her back the whole quantity of fish. She said that this was the first time in all these years that someone had brought her all the fish... (Long-term Russian resident, Nogliki, 1999)²⁸

One Native entrepreneur, Oleg, asked Masha, in her role as local activist, to co-ordinate the list of people whose limits he would use. Oleg did not provide everyone with the fish he owed them, though he still managed to send some fish to southern Sakhalin to sell. Masha was distraught at this betrayal of trust, and at having been forced to betray the trust of her neighbours.

This story highlights a key point in this paper, namely that some forms of activity are technically illegal but considered morally acceptable, whereas other forms of activity are illegal and morally unacceptable. '*Est' zakon, est' i svoi zakoni*'²⁹ ('You have the Law, and then you have your own laws'). From Masha's point of view, her family has a moral right to illegally over-fish their quotas and trade them on the black market, as these quotas have been set by outsiders (using dubious scientific calculations) and are regulated by outsiders. At the same time, Masha also shares part of their catch with other members of the community and works hard to help resolve people's social problems in the community. Oleg, on the other hand, was unable to justify his over-fishing by providing fish for the people whose limits he had used. His deception was compounded by the fact that he actually managed to get fish to market so that he could make a personal profit. Such betrayal of trust by one member of the community against another is a clear violation of the community's moral norms.

Implicit moral codes appear to be well understood in the local sphere of natural resource use. On the other hand, the responses of local residents to the multinational offshore oil and gas developments are much less confident. Multinational corporations and the rest of the oil industry inhabit an outer moral space, which they share with the state. Molikpaq, the Sakhalin II project drilling platform, now stands off the coast of Noglikski district and local people are beginning to relate changes in the local environment, particularly the increased numbers of sick, wounded and poisoned fish found locally, to the platform itself or the period of seismic testing before it was erected. Yet people are unsure how to respond:

E.W. – What do you think about them drilling for oil in the sea?

Tetia Nadia – Oi ... Of course we don't want them to pollute our waters.

E.W. – Have you been at any meetings where you discussed these questions?

Tetia Nadia – Yes we have meetings for the indigenous peoples. Not long ago we had a meeting and we talked about the [sick] fish.

E.W. – And have you been at any meetings with the oil companies?

Tetia Nadia – No they didn't ask our people, they make deals (*dogovaryvaiutsia*) with someone there (*tam*), come here and that's that (*priekhali i vot tak vot*). (Tetia Nadia, Nyski bay, September 1999)

This exchange clearly echoes the kinds of expectations of outsiders that were present during the earlier Soviet processes of non-consultation before evacuation of villages. Outsiders make decisions and strike deals with no prior consultation, before coming to the local space (Nogliki) and informing people about what is happening. In exactly the same way the party representatives came from Nogliki (which was then part of the outside) to tell the *kolkhoz* workers to leave their villages.

Even local regulators in Nogliki are excluded from decision-making on the offshore projects. 'We don't have access to Molikpaq. It is controlled by the oblast' [i.e. by the regional capital]. 'We are fenced off. (*My otgorozheny*)'. In issues of tax payments and compensation for damage to fisheries, Noglikski district has also lost out (Wilson 2000). The manager of *Kolkhoz Vostok* complains that no one asked the opinion of the local people, but adds meaningfully: 'We're concerned, but if we made an official complaint, well, the governor has a personal interest ...'.³⁰ As an insider (a resident of Noglikski district), the manager raises the same objection as others that local people were not consulted about the oil and gas projects. However, he is afraid to raise his own concerns, as that might threaten the privileges he enjoys through his relations with the governor and other outsiders.

'We can make no claims to our lands. They will take over, use the land, get oil, spread profits: the Americans, whoever else will get them'.³¹ Such fatalism, expressed frequently in the phrase: '*My opustili ruki*' ('We have let our hands drop'), is hardly surprising in view of the socio-historical context. It is echoed in other communities throughout the world who are experiencing similar interventions by multinational resource extraction companies. Local fatalism can be exploited by oil companies during their consultations, where the message 'it's too late to change anything, it will happen anyway' is implicit in the process.

While there are paths that they could follow, local people are hindered by their lack of a local power base and the necessary tools to engage with the multinationals at their own level. It often takes an outsider organisation to stand up to the multinationals. In 1999, for example, then prime-minister Stepashin passed a decree attempting to over-ride environmental law and allow Exxon to discharge their drilling wastes into the Okhotsk sea. In response, the Moscow-based environmental and human rights NGO 'Ecojuris' successfully brought a case to the Supreme Court, which invalidated Stepashin's

decree. In another case, in 1997, a letter sent to the European Bank for Reconstruction and Development (EBRD)³² by international NGOs succeeded in forcing the postponement of financing to the Sakhalin II project until it had passed the State Environmental Expert Review process according to Russian law.

However, such battles are fought out at the international level, almost entirely outside the sphere of experience of local people. These precedents ultimately do not serve to reduce local fatalism or encourage political mobilisation.

Conclusion

Outside observers of the Sakhalin offshore projects identify a missing space of engagement between local communities and the multinationals. For the Nivkh residents of Nyski bay, the conflicts with regulators over entitlements to fish resources are very much part of everyday experience, yet they tend to play no role in the battles fought between international NGOs and the multinationals over protection of this same local environment and the same fish resources. Local concern about the offshore projects is diluted by people's apparent distance and a (real or imagined) sense of powerlessness in the face of huge outside interests.

Parallels have emerged in this paper between local responses to Soviet resettlement on the one hand and to the multinational offshore oil and gas projects on the other. Decisions are made in an outside space before a show of consultation with the local residents ('They came and held a meeting'). People are unwilling to comply, yet are unable to realise their own potential for opposition ('We had to do it and that was that'). So they revert instead to fatalism ('it's too late', 'we've let our hands drop') and to the passive hope that the intervention will ultimately be for the best. In the Sakhalin II project Environmental Impact Assessment (Phase I), the local Nivkhi are reported to be hoping for a 'ripple effect' from the project to provide their children with opportunities for the future (Wilson 2000, 290).

In the face of interventions from the outside, people tend to turn in on their own local space, where they have at least some control over their access to resources, and where moral judgements can be made with confidence. Paradoxically, people continue to depend on a vertical social hierarchy,³³ and regulations and decisions are expected to come from above. But within that structure they tend to circumvent the Law and 'work the system', using the

same skills and networks they used to evade the constraints of the Soviet system (Ledeneva, 1998). Action in the local space is governed more by moral codes than by formal legislation. As a Russian proverb says: '*Zakon to stog – pereprygnut' nel'zia, a oboiti možno*'. (The Law is like a haystack, you can't jump over it, but you can get round it.) This 'survival strategy' is used as a form of resistance to official structures and outsider intervention. However, it is ineffective in the face of large-scale mineral resource extraction by multinational corporations.

For local people to stand up to the multinationals and defend their rights to a clean coastal environment³⁴ and equitable project benefits with as much conviction as they defend their entitlements to the fish resources of Nyski bay, will take considerable changes in mentality on both sides. Local people are hampered by their fatalism and their fear of opposing authority. (There is no space in this paper to consider the roots of these powerful factors.) Locals also lack the necessary skills to engage with multinationals, particularly the ability to manipulate formal legal tools at that level. They also lack the networks, information channels and financial resources of global NGOs, but these are more surmountable problems than the psychological barriers that they have to overcome first of all.

One might also point to the multinationals' lack of awareness of local people's moral codes, insider-outsider discourses, 'old patterns of expectation', social networks, and so on, which would be necessary to engage more directly and effectively with the local communities. However, to talk of multinationals engaging directly with local people, we are already moving into the subjective realm of perceived moral responsibility – the formal Law merely obliges developers to hold public consultations as part of an Environmental Impact Assessment. These, as we have seen, may not be sufficient to resolve issues of legal or moral entitlements to resources and benefits and may serve instead to exploit local fatalism and render impotent local forms of resistance and protest.

Notes

- 1 It is very difficult to translate this Russian phrase adequately. I have chosen to use the rather colloquial translation: 'You have the Law, and then you have your own laws.'

- 2 Sakhalin Island is situated in the Russian Far East, off mainland Khabarovsk Region. It is 10,400 km east of Moscow and just 40 km north of Japan. To the north and east Sakhalin is washed by the Sea of Okhotsk, one of the richest fisheries in the world. Noglikski district is one of Sakhalin's 14 administrative districts. The district administrative centre is Nogliki.
- 3 The law 'On guarantees of the rights of indigenous peoples of the Russian Federation' ('*O garantiakh prav korennykh malochislennykh narodov Rossiiskoi Federatsii*') was passed on 22.04.99. The law 'On indigenous communities' ('*Ob obshchinakh*') was passed on 07.07.2000.
- 4 Native resident, Nogliki, 1999.
- 5 From local newspaper *Znamia Truda*, participant observation, discussions with informants.
- 6 This and subsequent quotes taken from an interview with Tetia Nadia, Nyski bay, September 1999.
- 7 All informants' names have been changed.
- 8 From conversations with local residents in Nogliki and Nyski bay, and reports from a meeting of the Association of Indigenous peoples, Nogliki, 1999.
- 9 The term 'Russian' also includes Ukrainians, Tatars, Belorussians and other European former Soviet nations.
- 10 Tetia Nadia.
- 11 From interview with Natalia Grigorievna, Nogliki, September 1999.
- 12 Igor Krupnik and Anna Smoliak, '*Sovremennoe polozhenie korenного naseleniya severa Sakhalinskoi Oblasti*', cited in Grant 1999, 191.
- 13 From interview with deputy manager of *Kolkhoz Vostok*, Nogliki, April 1999.
- 14 The Noglikski district newspaper *Znamia Truda* won the all-Russia prize for district newspapers in 2000.
- 15 From interview with Natalia Vasilevna, Nogliki, September 1999.
- 16 When fishing in Nyski bay with Native friends, our boat was stopped and we were questioned by a representative of the fishing inspectorate travelling on a *kolkhoz* boat that was engaged in fishing.
- 17 In 2000, indigenous representatives were apparently allowed to attend these meetings, though it is unclear in what capacity, whether as participants or observers (source: Moscow-based anthropologist who visited Sakhalin)
- 18 Sakhalin's regional capital.
- 19 From interviews with deputy heads of local administration, Nogliki, 1999.
- 20 Uil'ta and Evenki tend not to be the focus of such debates as they generally live in rural settlements, are still involved in reindeer herding, are less numerous, and tend to be less politically active.
- 21 Russian resident, Nogliki, June 1999.
- 22 This unfortunately also works to alienate those Native people (Uil'ta, Evenki and some Nivkhi) who feel they do not have access to the Nivkh leadership, which is perceived to be elitist.
- 23 From conversation with Masha, Nyski bay, September 1999.

- 24 This and further quotes from Masha taken from conversations, Nogliki, 1999.
- 25 From interview with head of Noglikski fishing inspectorate, June, 1999.
- 26 According to several local sources.
- 27 From interview with resource regulator, Nogliki, 1999.
- 28 From interview with long-term Russian resident, Nogliki, July, 1999. This informant is the manager of a clan enterprise, which is owned by his indigenous friends.
- 29 Russian proverb as cited by informant, Nogliki, August, 1999.
- 30 From interview with the manager of *Kolkhoz Vostok*, September, 1999.
- 31 Comment made by Native resident at a meeting of the local Association of Native people, Nogliki, March 1999.
- 32 EBRD is providing loans to the Sakhalin II offshore oil and gas project.
- 33 This tendency is also noted in Humphrey 1998, 444–5.
- 34 In the report 'Sakhalin's Oil: Doing it Right', oil spill response experts recommend, among other things the establishment of an independent Sakhalin Coastal Citizens' Advisory Council.

References

- Barannikova, Natalia, and Dmitry Lisitsyn 2000. Kratki otchet o predvaritel'nom obshchestvennom issledovanii vliianiia neftedobychi na pribrezhnoe rybalovstvo i sostoianie resursov severo-vostochnogo Sakhalina [Short Report on the Preliminary Public Research into the Effects of Oil Extraction on the Coastal Fishing and the State of the Fish Resources of Northeastern Sakhalin]. Mir Korennykh Narodov, *Zhivaia Arktika* No 2 (2000): 50–4.
- Bridger, Sue, and Frances Pine (eds.) 1998. *Surviving Post-Socialism*. London: Routledge.
- Grant, Bruce 1999. *Foreword and Afterword to Lev Shternberg The Social Organization of the Gilyak*. Anthropological Papers of the American Museum of Natural History 82. Seattle: University of Washington Press.
- Hann, Chris 1998. *Property Relations*. London: Routledge.
- Hivon, Myriam 1998. The Bullied Farmer. In *Surviving Post-Socialism*, S. Bridger and F. Pine (eds.), 33–51. London: Routledge.
- Humphrey, Caroline 1998. *Marx Went Away, But Karl Stayed Behind*. Michigan: The University of Michigan Press.
- Lawn, Dan, Rick Steiner, and Jonathan Wills 1999. *Sakhalin's Oil: Doing it Right*. Report completed for Sakhalin Environment Watch and Pacific Environment and Resources Center, 27th October 1999. Anchorage.

- Ledenva, Alena V. 1998. *Russia's Economy of Favours*. Cambridge: Cambridge University Press.
- Novikova, Natalia I., and Tishkov, Valeri A. (eds.) 1999. *Obychnoe Pravo i Pravovoi Pluralism* [Customary Law and Legal Pluralism]. Papers from the International Congress on Customary Law and Legal Pluralism, August 1997. Moscow: Institute of Ethnology and Anthropology, Russian Academy of Sciences.
- Psiagin, Gennadi. 1998. Pis'mo iz raionnogo sobraniia deputatov Noglik-skogo raiona. [Letter from the Noglikski District Council of Deputies]. *Zhivaia Arktika* No.1–2 (9–10) (1998): 28–30.
- Roon, Tatiana P. 1996. *Uil'ta Sakhalina* [The Uil'ta of Sakhalin]. Yuzhno-Sakhalinsk: Sakhalin Regional Publishers, Sakhalin Regional Museum.
- 1999. Promyshlennoe osvoenie i pravovye problemy korennykh narodov Sakhalina (Commercial Development and Legal Problems of the Indigenous People of Sakhalin). In *Obychnoe Pravo i Pravovoi Pluralism* [Customary Law and Legal Pluralism]. Papers from the International Congress on Customary Law and Legal Pluralism, August 1997. N.I. Novikova and V.A. Tishkov (eds.), 131–6, Moscow: Institute of Ethnology and Anthropology, Russian Academy of Sciences.
- Scott, James 1976. *The Moral Economy of the Peasant: Rebellion and Subsistence in South-east Asia*. Newhaven and London: Yale University Press.
- 1985. *Weapons of the Weak: Everyday Forms of Peasant Resistance*. Newhaven and London: Yale University Press.
- Shternberg, Lev 1999. *The Social Organization of the Gilyak*. Edited with a foreword and afterword by Bruce Grant. Anthropological Papers of the American Museum of Natural History 82. Seattle: University of Washington Press.
- Stephan, John J. 1971. *Sakhalin: A History*. Oxford: Clarendon Press.
- Vysokov, Mikhail 1995. *Istoriia Sakhalinskoi Oblasti* (A History of Sakhalin Oblast'). Yuzhno-Sakhalinsk: Sakhalin Centre for New Historical Documentation.
- Wilson, Emma. 2000. Conflict or Compromise? Traditional Natural Resource Use and Oil Exploitation in Northeastern Sakhalin, Nogliki District. In *Russian Regions: Economic Growth and the Environment*, T. Murakami (ed.), 273–99. Slavic Research Center, Hokkaido University, Occasional papers 71. Sapporo.