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Legislative Practice and Nature Protection in Russia's Kola Peninsula

A suite of laws enacted during the 1990s has allowed Russia to begin to realize more effective nature protection. The following federal laws, which are the result of direct action by Russian lawmakers, state the value of a healthy environment and fix punishments for transgressions:

- The law "On protection of the environment" (1991);
- The base forest legislation of the Russian Federation (1993);
- The law "On specially protected nature areas" (1995);
- The water code of the Russian Federation (1996); and
- The forest code of the Russian Federation (1997).

This federal legal system has been in force since 1998. But in practice, to realize the intent of the new laws will demand a large and continuing effort in directions that have not been taken before.

The Lapland Biosphere Reserve provides a good example. The biosphere reserve is in the Kola Peninsula, which is adjacent to Finland in far northeastern Russia (Figure 1; Barcan 1995). Almost all of the peninsula is north of the Arctic Circle. The Lapland Biosphere Reserve is surrounded by large industrial enterprises, including the Severonickel copper-nickel smelter complex; iron ore mining complexes at Olenegorsk and Kovdor; other mines at Apatite, Kirovsk, and Koashva; the nuclear power station at Polar-Zory, 30 km south of Lapland Reserve; hydroelectric stations on the Niva River, 30-40 km south of the reserve; and municipal thermoelectric power stations at Monchegorsk, Olenegorsk, Apa-

tite, Kirovsk, and Kovdor.

Among them, the Severonickel smelter complex and the hydro-power complex at Kolenergo are responsible for the majority of negative impacts on Lapland Reserve. Every year, the Severonickel smelter (in operation since 1946) emits 200,000-300,000 tons of sulfur dioxide and 3,000-4,000 thousand tons of nickel and copper into the atmosphere. These emissions have caused catastrophic degradation in nearby forest ecosystems, demonstrated by a decline in lichens, the death of trees, the disappearance of animals, and a general decrease in biological diversity. Approximately 25,000-30,000 ha formerly covered with forests have been transformed

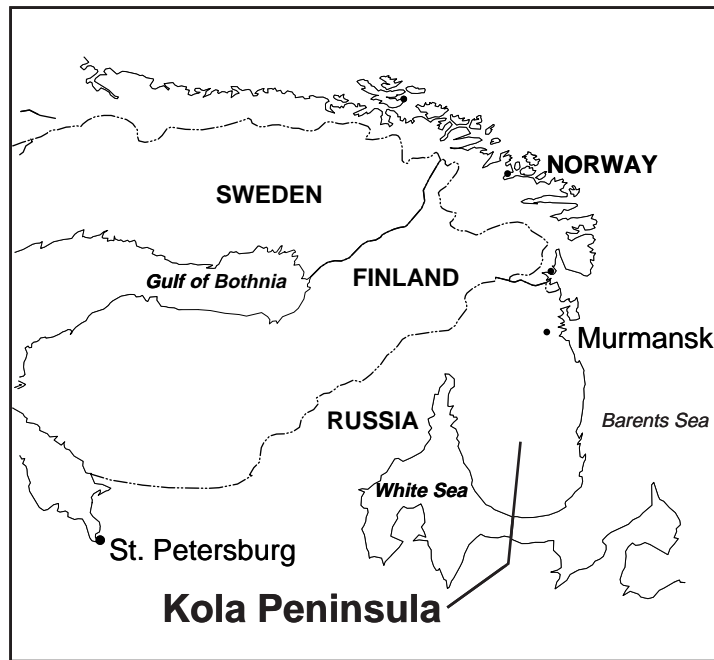


Figure 1. Location of Kola Peninsula.

into barrens, 40,000 ha of forest are now dying, and 400,000 ha more show signs of degradation. Some 10,000 ha of these heavily damaged forests are situated within the reserve.

Since 1934, outflows from two nearby lakes, Okhta and Pyrenga, have been controlled by dams, thus turning them into reservoirs in the hydropower chain on the Niva river, by which Imandra Lake issues into the White Sea. Water is accumulated during summer and discharged in winter. Annual lake level fluctuations in these reservoirs reach 5.5 m, whereas natural fluctuations of Kola lakes are only 0.5 m. These extraordinary fluctuations result in the degradation of coastal ecosystems, including the death of fishes owing to

draining–flooding cycles in their spawning grounds.

In 1992, after a routine inspection of forest conditions, Lapland Reserve for the first time demanded compensation for forest damage caused by the Severonickel smelter. Without going to trial, Severonickel agreed to pay compensation for a small part of the damage, partly by direct payments and partly by providing apartments for reserve employees. But by 1995 the smelter was refusing to provide any support for the Reserve.

In Russia, nature reserves are supposed to be supported by the federal government, but because of cutbacks the Lapland Reserve's budget was restricted to minimal salaries only after 1995. At that time

we were forced to actively search for other sources of funds, and, after a thorough analysis of the new Russian legislation mentioned above, we thought we saw a way to obtain money not only for the reserve's mere survival, but for its proper management and development too. Our new federal legal system, although still far from completely worked out, gives us the freedom to take the initiative. Thus we asserted the right to sue to get compensation for the nature damage caused by industrial activity near the reserve, with any damage judgments won going back to the reserve.

Such a step is not something to be taken lightly. In Russia, metallurgical plants and mines are often the sole reason for a particular city or town's existence, and electricity-generating complexes are politically powerful monopolies. Nevertheless, in 1996 Lapland Reserve again inspected the territory affected by industrial emissions and, as a result, brought a suit of US\$6 million against the Severonickel smelter for the forest damage. To stay within realistic financial limits, we consciously included in the suit only 15-20% of the area actually damaged. The smelter, naturally, refused to pay, and so the reserve brought the suit to an arbitration tribunal. During the process, Severonickel for the first time in its history admitted in court its guilt, i.e., that the smelter is causing the forest damage, but contested both the dimensions and the value of the damage. When, at the end of 1997, it

became evident to Severonickel that it would lose the case, the smelter's management offered to sign a compromise agreement if the reserve agreed to withdraw the suit. We agreed to the proposal and lowered our claims, primarily because the new legal executive procedure had only just begun to operate and implementation of compensation judgment would be delayed for several years. Therefore, an agreement was concluded for five years: during this time Severonickel pledged to pay US\$300,000 annually to support investigations of the smelter's impact on the environment.

At the same time, a suit was brought against the joint-stock company which runs the Kolenergo hydroelectric complex for compensation for damage to fish populations owing to the fluctuations of the levels of Pyrenga and Okhta lakes. This claim surprised the Kolenergo company so much that it did not take the lawsuit seriously: it did not reply to letters and took no part in the preliminary negotiations. Therefore, the company came to court unprepared and lost the suit utterly and completely. Kolenergo tried to appeal the sentence but lost from instance to instance. The court sentenced the company to an indisputable fine of US\$300,000. In theory, the reserve could bring such a suit every year because the damaging cyclic system of water accumulation and discharge remains in force. But instead, we negotiated with Kolenergo and got it to build a 14-km low-voltage transmis-

sion line and substation to provide, for the first time, electricity to the main settlement within Lapland Reserve. (It is interesting that Kolenergo has behaved more delicately and responsibly in international relations than it has within Russia. In 1947, the company built the first weir on the river Pats, which is on the frontier with Finland and flows from the Finnish lake Inary. Kolenergo paid Finland for forfeiting the river's free flow—money and electric power in compensation for damages to the fish population in Inary. The flow on the Pats is regulated for Finland's interest, with fluctuations in water levels limited to 2.3 m by mutual agreement.)

In 1998, only 18% of Lapland Reserve's annual budget came from the federal government. The remainder was obtained by the reserve's staff on their own, including money from the two judgments just described. Although this is a testament to the skill and initiative of the staff, it is not a desirable state of affairs, since money-raising takes the lion's share of the staff's time. The lives of the staff and the operations of the reserve center on trying to get around short-

ages: where to get money, how to keep workers, how to just survive. Obviously, it would be better to be able to spend this energy on resource protection, scientific research, and ecological education for the public (Barcan 1997). These are the common difficulties Russian reserves face as we try to cope with the changes in the country's economic system.

In the former USSR, users of natural resources did not even think about compensating for nature losses. It is necessary that both the legal system in general and tax laws in particular make it disadvantageous for industrial users of natural resources to damage the environment. For the present, it seems that Russian industry is not ready for voluntary changes. Perhaps our trials—portrayed as “the reserve against industrial enterprises”—will be first steps toward changing that attitude; earlier, nature protection organizations were not able to successfully bring lawsuits against industry. We hope that our enterprise and example will be useful to others who have taken up the difficult task of nature protection.

References

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