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The analytical review "On the right of indigenous peoples to Self-Determination" on example of the Republic Sakha (Yakutia)

The analytical review was prepared for the 2021 Study of the Expert Mechanism on the Rights of Indigenous Peoples on the theme "On the right of indigenous peoples to Self-Determination".

Republic Sakha (Yakutia) is the biggest region of Russian Federation – national republic where the indigenous peoples live.

This theme is relevant for Russia. It is full of contradictions.

Vagueness of basic definitions, inconsistency of experience and approaches, political engagement lead to a significant divergence of positions on a number of aspects.

Paragraph 1 of Article 1 of the Constitution of the Republic Sakha (Yakutia) of April 4, 1992 contains:

"1. The Republic Sakha (Yakutia) is a sovereign, democratic and legal state based on the people's right to self-determination. "

In the early 1990s, a Federal Treaty was signed with Moscow, which gave the republic significant powers and opportunities in many areas of life.

In the early 2000s, the process of centralizing power began.

As a result, the Republic Sakha (Yakutia) was deprived of many economic opportunities and powers to govern the region.

In general, actions to implement the existing de jure right of indigenous peoples to self-determination in the context of determining the political status of the territories are interpreted by the official authorities of Russia as separatism, extremism and calls for violation of integrity of the state. This is de facto a criminal offense.

The situation continues to deteriorate.

In 2020, the norm on federal territories was added to part 1 of Article 67 of the Russian Constitution.

The status of "federal territory" implies separation of these lands from the federal system and their subordination to the federal authorities.

That is, these territories come out of subordination of the constituent entities of the Russian Federation, including subordination of the national republics - the regions where the indigenous peoples live.

Thus, it threatens the territorial integrity and sovereignty of the national republics of Russia. The boundaries of the places of residence of indigenous peoples can be changed unilaterally. The indigenous peoples of Russia can be expelled from their lands legally.

This will lead to a total and gross violation of the fundamental rights of the indigenous peoples of Russia.

So We have a problem bigger than problem of "territories of priority development" that regards the Law on territories of priority development, adopted in 2014, which creates conditions for expulsion of the indigenous peoples of Russia from their lands of primordial habitation.

Consider the right to self-determination in the context of the Decolonization process.

This became an example of the restoration of historical justice and is a natural result of realization of the right of peoples to self-determination.

After that, the colonizing countries were obliged to compensate for the damage to the former colonized countries and territories.

UN General Assembly Resolution 1514 (XV) of December 14, 1960 "Declaration on the Granting of Independence to Colonial Countries and Peoples" became the basis for constructive interaction between the opposing sides to stabilize relations. But for this we need to go through successive stages: problem statement, public discussion, analysis of the situation, revealing the truth, recognition, repentance, compensation for damage and harm.

This allowed us to avoid negative trends:

- on the one hand, continuation of the national liberation movements and emotional accusations of the injured party against the colonialists and exploiters;
- on the other hand, the continuation of the colonial policy or aggressive attacks for "take revenge" and "restore order".

There is also a problem of wider application of international acts on decolonization by peoples living on the territory of large states, for example, possibly living in Russia.

They are connected with the fact that the right of peoples to self-determination is understood in such a way that peoples can exercise this right only when they are in colonial dependence or under occupation.

UN General Assembly Resolution 2625 (XXV) and the 1993 Vienna Declaration emphasize inadmissibility of violating or weakening the territorial integrity of states, but also stipulates the right to seek independence for peoples under colonial and other forms of dependence.

Opinions are expressed that in other cases, "external" self-determination (secession), which does not require the consent of the country of residence, can be considered legal if the state authorities make it impossible for "internal" self-determination, that is, allow massive violations of human rights or systematic discrimination, and if there is no other ways to change the situation.

Many believe that in terms of practical implementation, the priority should be shifted from "external" to "internal" self-determination, that is, to the construction of democratic institutions and mechanisms of group representation (federalism, autonomy, etc.), allowing all members of society and all groups to effectively participate in governance and allocation of resources.

It is recognized that a part of the population of an independent country can use the right of "external" self-determination if it is impossible to implement "internal" self-determination, that is, participation in government on an equal footing.

This definition directly concerns the Russian Federation, where the rights of residents of territories of different nationalities and indigenous peoples are violated and "double standards" are widely applied.

In 2006, Russia did not support the Declaration of the Rights of Indigenous Peoples approved by the UN Council, citing the contradiction between Russian legislation and the right of indigenous peoples to lands, natural resources, and the right to compensation. Russia proposed to limit the rights of indigenous peoples "within the framework of national legal mechanisms and constitutions of states."

The political leadership of Russia needs, first of all, to observe the "principle of equality and self-determination of peoples" enshrined in international law, and only after that it must toughly suppress separatist and extremist attempts to break up the state and violate its integrity.

I am sure that if we fully respected the civil and political rights of all citizens, then most of the destructive tendencies would be avoided. In most cases, terrorists and extremists are not born, but become as they realize the injustice of life. And people are drawn into destructive actions not because of idle curiosity and frivolity, but because of the lack of a decent life.

Thus, residents of the territories and indigenous peoples of the Russian Federation, whose rights are often massively and systematically violated, can

exercise the right of "external" self-determination (secession), which does not require the consent of the Russian Federation.

This is not an appeal, but only a statement of the existing practice of applying international law.

Some argue that in the history of Russia there were facts of ecocide and genocide of the indigenous peoples of Yakutia. This cannot be asserted only on the basis of individual historical facts and the opinion of individual public figures, even those with sufficient competence. You can take this only as a version of what happened and put forward appropriate hypotheses. This requires an objective and impartial consideration at the international level using generally recognized legal instruments.

The version of genocide and ecocide in Yakutia must be confirmed or refuted.

The result should be a decision, documented by the authorized bodies, on the need to compensate for damage to the population and the natural environment, or the absence of grounds for filing claims. Definitely, it is necessary to seek the adoption of legitimate decisions at the international level and avoid unfounded and opportunistic accusations. It must be remembered that all initiatives and actions outside the legal framework will be unambiguously interpreted as inconsistent with Russian legislation and, accordingly, severely suppressed.

The "starting point" is the clarification of the circumstances of the entry of Yakutia into Russia in 1632.

Was it violent or voluntary?

The possibility of applying international instruments on decolonization and the realization of the right of indigenous peoples to compensation for damages depends on this.

The question is naturally extremely complex and controversial. There are two antagonistic positions: some believe that Russia, starting from the time of the Russian Empire, carried out a violent colonial seizure of the territory of Yakutia and exploited its people and mineral resources; others believe that the accession of Yakutia to Russia has brought blessings and brought the Yakutians into the world civilization. Some believe that the high culture of the Russian people had a beneficial effect on the spiritual life, culture and life of the peoples of Yakutia, others think that it suppressed local customs with their imperial self-righteousness, people joined only the bad - drunkenness, crime, and illness became widespread.

Each of them takes place in reality: we have both negative and positive phenomena associated with joining Russia. And only on one thing we will be unanimous: this fact had a huge role in the historical fate of the peoples of Yakutia. The debate about "is it good or bad?" can be given to historians, competent specialists and public figures. It's like arguing how useful the invention of gasoline and alcohol: on the one hand, it is an irreplaceable fuel and a medical disinfectant, and on the other hand, it is a source of environmental pollution and toxic poisoning of fans of the green snake. We must admit that these are fait accompli and we need to effectively manage negative and positive trends.

To prevent negative consequences, we need a joint search for compromise solutions on an equal basis. This requires a mutual initiative, primarily from the federal center.

To avoid such an outcome, it is necessary that the interests of ordinary citizens and the harmonious development of all spheres of life, and not a consumer attitude towards regions and people, should be at the heart of state policy. Interaction between people should pursue the goal of reviving the spiritual unity of the country. Only this will make it possible to resist the onslaught of global problems. We need to make friends not only with money. Economic goals should not be an end in itself, they should only be a means of achieving the well-being of all of Russia.

Implementation of the true principles of federalism and the search for compromise solutions is the only way to preserve the Russian state.

Consider specific violations of the rights of indigenous peoples in the context of

one of the themes of the Study on the Right of Indigenous Peoples to Self-Determination:

- Examples of the current exercise of jurisdiction by Indigenous peoples, including de jure and de facto self-determination as well as in decisions about lands, territories and resources; economic, social and cultural rights; and civil and political rights.

Russia did not approve the UN Declaration on the Rights of Indigenous Peoples and refuses to recognize the indigenous rights, allegedly referring to contradiction between international norms and constitution. It was the result of application of the policy of "double standards".

Given the inability to ensure the right to decent life (adequate standard of living) majority of indigenous peoples of Russia live in poverty despite the existence of natural resources in their area of residence.

Most Russian resource extraction companies operating on the territories of indigenous peoples focus on predatory extraction of resources and enrichment by any means in violation of industrial and environmental safety, environmental rights of citizens.

Indigenous peoples suffer from the negative social phenomena, such as adverse environmental conditions, alcoholism, suicide and crime.

In these circumstances, I, Stepan Petrov, citizen of Russian Federation, residing in the Republic Sakha (Yakutia), representative of indigenous peoples Sakha,

state that the rights and freedoms of individuals and citizens guaranteed by international law, as reflected primarily in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, are violated in Russia.

These rights are also enshrined in the UN Declaration on the Rights of Indigenous Peoples.

The refusal of the Russian Federation to adopt the UN Declaration on the Rights of Indigenous Peoples violates rule of international law on the need to promote the rights of indigenous peoples.

Violation of the right of indigenous peoples to self-determination in the context of various spheres of life can be examined by the example of violations of the following rights.

1.) The right to decent life (economic rights)

guaranteed by Articles 23, 25 of the Universal Declaration of Human Rights, Article 1 of the International Covenant on Civil and Political Rights, Articles 1, 7, 9, 11 of International Covenant on Economic, Social and Cultural Rights;

2.) The right to access to justice (legal rights)

guaranteed by Article 8 of the Universal Declaration of Human Rights, Articles 14, 26 of the International Covenant on Civil and Political Rights, article 5 of the International Covenant on Economic, Social and Cultural Rights;

3.) The right to own, use and dispose of assets of the Republic (subsoil, property, enterprises, budgetary funds) and to obtain the adequate social and economic benefits from it to ensure adequate standard of living (decent life)

guaranteed by Articles 17, 25 of the Universal Declaration of Human Rights, Article 1 of the International Covenant on Civil and Political Rights, articles 1, 11 of the International Covenant on Economic, Social and Cultural Rights;

4) The right to favorable environmental conditions of residence and preservation of physical health

guaranteed by Article 3 of the Universal Declaration of Human Rights, Article 26 of the International Covenant on Civil and Political Rights, article 12 of the International Covenant on Economic, Social and Cultural Rights.

These rights are also enshrined in the UN Declaration on the Rights of Indigenous Peoples:

1.) The right to decent life (economic rights) in Articles 17, 23, 26, 32;

2.) The right to access to justice (legal rights) in Articles 3, 7, 17, 27, 32;

3.) The right to own, use and dispose of assets of the Republic (subsoil, property, enterprises, budgetary funds) and to obtain the adequate social and economic benefits from it to ensure adequate standard of living (decent life) in Articles 3, 23, 26, 32;

4) The right to favorable environmental conditions of residence and preservation of physical health in Articles 7, 23, 24, 29.

The refusal of the Russian Federation to adopt the UN Declaration on the Rights of Indigenous Peoples violates Article 1 of the International Covenant on Civil and Political Rights, article 1 of the International Covenant on Economic, Social and Cultural Rights.

The essence of violations would be considered on example of the actual results of my human rights activities.

Each violation relates to a specific part of the population.

But for a clear and unambiguous definition of the author, conclusions would be formed as violations of the rights of a particular person, that is, me personally.

1) Violation of the economic and legal rights

The rights to decent life (economic rights) and access to justice (legal rights) guaranteed by the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights are violated in Russia.

Gross, massive and long-term violation of the rights of Russian citizens to decent life and access to justice by the Russian authorities was uncovered and proven in the report of our NGO "Yakutia - Our Opinion" with using the necessary statistical and factual data.

The report was presented at the 30th session of the Working Group of the UN Council on Human Rights on the Universal Periodic Review in May 2018 where the human rights situation in Russia was considered.

The original report is on the website of the Human Rights Council at the following link:

<https://www.ohchr.org/EN/HRBodies/UPR/Pages/UPRRussianFederationStakeholdersInfoS30.aspx>

Violation of the right to decent life (economic rights) is the low living standard of Russia's people that is a consequence of the undervaluation of minimum social standards, the low real purchasing power of income, the overestimation of prices and tariffs, the unreliability of average statistical data.

According to official statistics 13.3% of Russian citizens had incomes below the subsistence level. However, according to independent estimates till 80% of Russians have incomes below the subsistence level due to understatement of minimum social standards.

Social injustice, mass poverty, growth of negative social phenomena (alcoholism, drug addiction, suicide, and crime), corruption arbitrariness and lawlessness in Russia could lead to massive uncontrollable acts of violence, armed conflicts and bloody civil war.

It threatens international security, human rights, the rule of law.

Violation of the right to access to justice (legal rights) lies in the fact that Russian citizens are often unable to implement their legitimate rights and achieve justice.

The mechanism for considering citizens' complaints is that in the majority of cases reports of corruption crimes at regional level are returned to the same regional level, that is, in fact to the same regional corruptors.

Russian judicial system allows confirming unjust judicial decisions on falsified cases.

In Russia there is no effective system for handling citizens' complaints and addressing violations by public authorities, law enforcement and judicial authorities.

Thus, exhaustion of remedies occurs, when federal government, law enforcement and judicial authorities refuse to consider citizens' complaints on human rights violations substantially in the form of submitting unmotivated come-offs as well as redirecting them to the same offenders at regional level.

One of my activities is counteraction of corruption crimes of senior officials living in my region - the Republic Sakha (Yakutia) that significantly worsen population's life.

I and other civil society activists - independent anticorruptioners often faced with obstruction of justice, procrastination and deliberate delay in consideration of high-profile corruption cases by law enforcement and judicial bodies. This leads to the establishment of corrupt tyranny and lawlessness in law enforcement, judicial and governmental bodies.

As a result, I can not implement my rights to decent life and access to justice.

Violation of my right to decent life (economic rights) is that:

- I do not have access to jobs with wages that can sustain an adequate standard of living (decent life).

Violation of my right to access to justice (legal rights) is that:

- most my applications on the corruption offenses and other human rights violations are not considered properly in accordance with legislation by judicial, law enforcement and government bodies.

I would like to note that unsustainable legal status of indigenous peoples leads to significant violations of their rights.

It is dangerous if sources of human rights violations are not legal entities and officials, but the state itself.

Even the state strategies for socio-economic development of territories can violate the rights of local population, including indigenous peoples.

So I opposed the initiative to create territories of priority development because of the grossest human rights violations.

In late 2014, the Federal Law "On Territories of priority socio-economic development in the Russian Federation" was adopted. It includes significant changes of legal status of residents of the territories where projects would be implemented.

It establishes a special legal regime of the territories of priority socio-economic development in the Russian Federation and the measures of state support. In particular, the law affects the very important areas, such as the institution of private ownership of land and control of labor migration.

Compulsory acquisition of any land is legalized. Land evaluation is carried out by the construction manager interested in its understatement in order to reduce expenses, that is, it eliminates an independent land evaluation.

Adoption of legal norms on recruiting foreign labor without permits and quotas violates the right of Russia's citizens to priority for employment.

In times of crisis and high unemployment, this crushing blow to the right to private property and the right to work is simply anti-people character.

As proclaimed, the law purpose is an accelerated development of the Russian Far East. The authorized state body - the Ministry of the Far East development of the Russian Federation has been created .

However, instead of development, we risk getting the opposite effect:

- ruining the Far East;
- expelling Russia's inhabitants from their land;
- destruction of fragile ecology of the North;
- aggressive absorption of local population by foreigners.

Significant violations of the Constitution, generally recognized principles and norms of international law contribute to negative development.

We list the most important working conditions and preferences provided to residents of territories of priority development that may cause a negative impact.

The law provides the following:

- lifetime guarantees to foreign residents;
- creation of a "state in the state" due to introduction of a special legal regime of territories of priority development and transferring powers of state bodies to special units;
- creation of infrastructure of territories of priority development for foreign residents at the expense of budgetary funds;
- compulsory seizure of land and real estate from Russia's citizens and transfer of land to foreign residents;
- legalization of foreign medical and educational standards;
- creation of conditions for predatory seizure of biological (forest and fish) resources and violation of environmental norms;
- exemption of foreign goods from customs payments and non-tariff regulation to the detriment of the Russian manufacturers;
- recruiting foreign labor without permits and quotas
- preferential taxation and compensation for income loss.

Thus, the law creates special favorable conditions for foreigners and is able to replace the local population with foreign ones.

Indigenous peoples can be simply removed from their native lands.

The law has led to aggressive expansion of Chinese businesses that mainly engaged in predatory seizure of biological resources to the detriment of environmental safety and of interests of local population. This provoked fierce opposition of residents of the Far East.

It comes to open conflicts and armed clashes between local population and Chinese migrants.

It is obvious that such a negative outcome is the result of blunders in state strategy of socio-economic development of the Far East region.

In more detail the topic is considered in own analytical materials of our organization:

- «Law on territories of priority development is a way to destroy Russia»

http://yakutian.org/tor_1.htm ;

-«Opposition to «geopolitical games» threatening public security: the appeal to the Supreme Court to demand the cancellation of one of the laws on territories of priority development» <http://dnevnik.ykt.ru/Petrov2015/738502> .

But we have a problem bigger than problem of "territories of priority development".

In 2020, the norm on federal territories was added to part 1 of Article 67 of the Russian Constitution.

The status of "federal territory" implies separation of these lands from the federal system and their subordination to the federal authorities.

That is, these territories come out of subordination of the constituent entities of the Russian Federation, including subordination of the national republics - the regions where the indigenous peoples live.

Thus, it threatens the territorial integrity and sovereignty of the national republics of Russia. The boundaries of the places of residence of indigenous peoples can be changed unilaterally. The indigenous peoples of Russia can be expelled from their lands legally.

This will lead to a total and gross violation of the fundamental rights of the indigenous peoples of Russia.

2) Violation of the right to own, use and dispose of assets of the Republic (subsoil, property, enterprises, budgetary funds) and to obtain the adequate social and economic benefits from it to ensure adequate standard of living (decent life)

I have this right as representative of the indigenous people Sakha according to paragraph 2 of article 1 of the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights that stipulate: "All peoples may freely dispose of their natural wealth and resources. In no case may a people be deprived of its own means of subsistence".

I was deprived of this right as a result of unfair privatization of state property in Russia, when majority of the state property was seized by a small number of people.

Over the past 27 years of economic reforms in Russia as a result of the criminal actions of corrupted officials of Yakutia strategic assets have been stolen and money obtained by criminal means have been transferred abroad.

Under the project "Countering corruption offenses in the Republic Sakha (Yakutia)" (in Russian) http://yakutian.org/ap_main.htm I found that main activities of organized criminal groups in Yakutia are criminal enrichment and suppression of the unwanted. They take control of all major revenue sources (financial flows, lucrative public procurement, profitable enterprises) to enrich illegally.

Based on the abuse of official position and use of confidential information corrupted officials of Yakutia create fraudulent schemes of illegal enrichment, such as:

-illegal and unreasonable transfer of the state assets to affiliated shell companies that prejudice the public interest and the budget of the Republic by:

-sale of share (or shares) of profitable and strategic infrastructure state-owned enterprises at nominal value but not at market value (as in the case of JSC "Horizon-RT", JSC "Yakuttsement");

-illegal change of owners of profitable and strategic infrastructure state-owned enterprises through additional issue of securities and transfer of a blocking share stake to shell companies (as in the case of JSC "Yakutgazprom");

-privatization of shares of profitable and strategic infrastructure state-owned enterprises through transfer of shares to the authorized capital of commercial entities that can not be controlled by Parliament in violation of budget law (as in the case of JSC "Alrosa-Nyurba" whose shares have been transferred to JSC "RIC plus");

-creation of monopolies on the basis of affiliated companies in profitable areas (oil and gas, electricity, housing and communal services, processing of waste and recyclables, other areas of supply of various goods and services) in order to derive illegal profits by overestimation of tariffs and the estimated costs in violation of pricing methodology established by law that can be qualified as embezzlement of funds of consumers of housing and communal services, electricity, fuel and other resources, budgetary funds (as in the case of JSC "Sakhatransneftegaz", JSC "Tuymaada-oil", JSC "Yakutgazprom");

-providing State guarantees at the expense of the republican budget for the debts of loss-making enterprises, the heads of which are relatives, countrymen and others close to authorities of Yakutia (in the case of JSC "Tuymaada-AgroSNAB", JSC "Tuymaada-oil", JSC airline company "Yakutia");

-sale of property and land at low prices to affiliated entities to create a business or for subsequent sale for state needs;

-land and property fraud;

-abuses in housing programmes (programmes of resettlement from old and dilapidated housing, granting of housing for privileged categories, etc.);

-bribery;

-transfer of agricultural land to land for individual housing construction, building of protected areas;

-illegal reimbursement of VAT and other expenses for which compensation payments are provided from the state budget.

As a result, long-term functioning of these corruption mechanisms significantly worsens life of the population of Yakutia that is manifested in the following:

-unreasonable growth of tariffs for housing and communal services, electricity, gas, petrol and other vital resources;

-direct theft of state assets, inefficient use of funds from the privatization of profitable companies and other assets;

-inefficient spending of budget funds due to the abuse of officials;

-high risk of technogenic disasters on the life-supporting facilities because of the failure of programs of equipment modernization and capital repairs.

Violation of my right to own, use and dispose of assets of the Republic (subsoil, property, enterprises, budgetary funds) and to obtain the adequate social and economic benefits from it to ensure adequate standard of living (decent life)

lies in the fact that I am deprived of the following rights, enshrined in paragraph 2 of article 1 of the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights:

- right to become the owner of the strategic and profitable enterprises acting in Yakutia and exploiting its natural resources (oil, gas, diamonds, gold, etc.);

- right to receive bonuses and incentives in the form of payments from resource extraction companies and of various benefits in the consumption of their products (petrol, gas, electricity, heat energy), as is the practice in developed countries, such as Norway, the United States, Canada, United Arab Emirates and others, where the extraction of natural resources benefit the people but not only pollution of nature and enrichment of oligarchs as in Russia;

- right to consume housing and communal services, electricity, fuel resources for economically justified prices and tariffs, but not for prices and tariffs that are unreasonably and illegally inflated with criminal assistance of state bodies of Yakutia, inaction of deputies and law enforcement officers.

3.) The right to favorable environmental conditions of residence and preservation of physical health

I live in Yakutsk, but also like to travel around the republic, including Viluisk districts in the western Yakutia.

However, there my health and life are subjected to the following threats:

1) the threat of falling of carrier rockets launched from the Vostochny spaceport (Amur Region, Russia) including with toxic fuel – heptyl on me;

2) the threat of radiation impact on me due to the possibility of ignition of forests on territories of underground nuclear explosions;

3) the threat of my poisoning from drinking water from sources poisoned by technological waste of the diamond mining company "Alrosa" (Russia's largest diamond company with State participation) and phenol formed as a result of flooding of forests in the construction of the Vilyuisk hydroelectric power station.

Due to the threat of carrier rockets falling inhabitants of Yakutia repeatedly requested to change the trajectory of carrier rockets launched from the Vostochny spaceport in order to exclude the territory of Republic Sakha (Yakutia) from area of impact of fragments of space rockets and ensure a citizens' right to free movement without the threat of falling fragments of space rockets with toxic fuel - heptyl.

Representatives of the space agency directly said that compensate for damage to property and loss of life.

They explained that the trajectory had been selected due to tiny population. Another reason is not to risk the more populated areas. It is a apotheosis of cynicism and hypocrisy of Russian officials. It turns out that the inhabitants of Yakutia could be killed by rockets with poisonous heptyl. There is violation of the constitutional right to equality and discrimination on a territorial basis.

The threat of ignition of forests is a result of underground nuclear explosions carried out in the Soviet era.

12 underground nuclear explosions were conducted on the territory of Yakutia. Two of them - "Crystal" and "Kraton-3" in 1970s were officially recognized as emergencies. As a result, the surrounding areas were subjected to radioactive contamination. It is necessary to carry out the rehabilitation works for utilization of the "dead wood". However, it has not been done.

Now there is a problem of possible ignition of forests on territories of underground nuclear explosions and subsequent radioactive contamination of additional territories.

In both cases, Russia, as the successor of the USSR, does not recognize the damages, does not wish to pay compensation to local population, to restore the contaminated areas and to change the trajectory of rockets.

Accidents and their negative impact on health of yakutians are hidden. Mortality from cancer that is a direct result of nuclear explosions is disguised as diseases of other etiologies.

The Chernobyl disaster, the nuclear bombing of Hiroshima and Nagasaki were the focus of attention of the world community. Affected people got decent treatment and compensation. Environmental monitoring and rehabilitation of territories had been conducted. Long-term studies are also conducted .

In Yakutia people and territories that affected by nuclear explosions and heptyl have not received the proper help: treatment, rehabilitation, compensation, monitoring and recovery. Yakut victims of Soviet nuclear arms race and poisoning heptyl quietly die and negative consequences threaten future generations.

The Vilyuisk hydroelectric power station was built in the 1960s, phenol was formed as a result of flooding of forests poisoned water.

For decades, the Vilyu river is contaminated by technological waste of diamond industry with the complicity of state regulatory and law enforcement agencies.

In August 2018 another accident have occurred at "ALROSA" objects on rivers Irelyakh, Small Botuobiya and Viluyi as a result of which the dam burst and water contaminated by technological waste of "Alrosa" fell into the rivers. Excess of pollutants has increased tenfold and the water became undrinkable.

Initially, the damage was estimated at 28 billion rubles, as the accident occurred due to violations of standards of industrial and environmental safety by the company.

After the accident the head of the "Alrosa" stated that "the company's shareholders' position is the incident occurred as a result of natural disturbances." It turns out that he had expressed the position of all the shareholders including Yakutia.

However, instead of fair compensation payment the government of Yakutia and "Alrosa" reached an agreement on payment of 150 million rubles per a year that is a meager amount and is comparable with the cost of several flats in Moscow. This is 187 times smaller than the original level of damage - 28 billion rubles.

In addition, "Alrosa" lawyers dispute the majority of penalties for damages and win, because the courts stand on their side, while agreeing with the legal position of the company that the "breakthrough of dams in August was caused by abnormal rainfall and floods in Yakutia, that is a natural force majeure, and not a consequence of any wrongdoing in the Alrosa production activity'.

I think it is a cynical manifestation of irresponsibility and certainty of impunity on the part of "Alrosa" management.

Thus, most violations and accidents on "Alrosa" objects in recent years, including the loss of life, are not random, but natural, as a result of systematic violations of industrial and environmental safety.

It leads to the following conclusions:

- originally "Alrosa" managers would not plan to pay fair compensation and do not perceive Yakutia, as a full shareholder;
- authorities of Yakutia are unable to defend the interests of the affected population, agreeing to a meager compensation;
- russian courts stand on the side of resource extraction companies to the detriment of the population's interests.

In Yakutia the similar environmental pollution occurs in gold mining, oil and other companies when land and water sources are polluted by technological waste and oil with impunity.

All this testifies to the fact that large Russian resource extraction companies operating in Yakutia, such as "Alrosa", aimed at predatory extraction of resources and the enrichment by any means in violation of industrial and environmental safety, environmental rights of citizens.

Obviously, in the case of exhaustion of remedies in Russia, such coarse, massive and long-term violation of the environmental rights of the inhabitants of Yakutia require the adoption of appropriate measures of influence on the resource extraction companies violating human rights under international law.

In the case of inaction, these environmental problems, have arisen due to irresponsibility and impunity of the resource extraction companies, legal nihilism and discretionary actions of certain Russian high-ranking officials, could cause a mass extinction of Yakutia's population due to the negative impact of technological waste of industrial production.

Violation of my right to favorable environmental conditions of residence and preservation of physical health is that:

-my health and life are threatened in Yakutia because of uncontrolled aggressive anthropogenic and technogenic impacts on the environment,

in particular, I am exposed to the risk of deterioration of physical health due to the cumulative negative impact of the catastrophic consequences of predatory extraction of natural resources, construction of hydroelectric power stations and oil pipelines, nuclear weapons testing, falling of highly toxic elements of space rockets on me.

It also affects the interests of population. Therefore, I have issued the appeal for protection of environmental rights of citizens of Yakutia "(in russian)

https://www.facebook.com/permalink.php?story_fbid=1709421842504207&id=100003092240941).

Above violations of human rights are the most pressing and relevant to the population of Yakutia.

The facts provided by me relate to most of the population of Republic Sakha (Yakutia).

We describe the population coverage of above problems.

According to the Federal State Statistics Service population of Republic Sakha (Yakutia) is 962.8 thousand people.

1.) The population coverage of the problem of violation of the right to decent life (economic rights).

According to official statistics in 2018 20,3% of population (195.4 thousand people) had incomes below the subsistence level. According to independent estimates till 80% of citizens have incomes below the subsistence level due to understatement of minimum social standards. In rural areas of Yakutia, the unemployment rate is over 50% and employment is possible only in the public sector institutions, few large farms, small service organizations.

2.) The population coverage of the problem of violation of the right to access to justice (legal rights).

According to statistics at the beginning of 2018 the number of convicts in Yakutia amounted to 4986 people, 3539 people contained in detention. According to estimates of the General Prosecutor's Office about 20% of convicts are illegally prosecuted. Thus, the rights of about one thousand inhabitants of Yakutia might be violated. Also, there is high level of appeal against court decisions in the republic.

3.) The population coverage of the problem of violation of the right to own, use and dispose of assets of the Republic (subsoil, property, enterprises, budgetary funds) and to obtain the adequate social and economic benefits from it to ensure adequate standard of living (decent life)

It covers almost the entire population of Yakutia, more than 900 thousand people, except for a few thousand of corrupted officials, MPs, law enforcement officers and judges of Yakutia involved in embezzlement and illegal transfer of the state assets, as well as their relatives and associates.

They got stolen property and launder it through creation of legal business and they enjoy many privileges and preferences established by law (service housing, free transportation, benefits for housing and communal services, private health and social services).

4.) The population coverage of the problem of violation of the right to favorable environmental conditions of residence and preservation of physical health

The above three environmental problems affected mainly the inhabitants of Viluisk districts (Vilyusky, Verkhnevilyuisk, Nyurbinsky, Suntarsky districts), whose population is about 93 thousand people.

This situation causes damage throughout the region and the world as Viluy river flows into the Lena River which ranks third in the pollution of the Arctic Ocean after the rivers Ob and Enisei. Thus, the Russian company "Alrosa" and other mining companies-violators of environmental rights, polluting rivers of Yakutia, are directly related to the pollution of the world ocean waters and increased the negative consequences of the melting of glaciers that has a negative impact on all the inhabitants of the planet.

About 65% of Yakutia's population lives in cities (Yakutsk, Neryungri, Mirny, etc.) where various industry enterprises are placed. Thus, more than half of the population of Yakutia in one degree or another are faced with violations of environmental rights.

It may be noted that only those living in remote areas of Yakutia not experience environmental problems.

Thus, these problems need to be addressed at the state level.

However, their decision at the national level is difficult because of the functioning of public administration that is not interested in solving the real problems and the protection of citizens' rights.

According to the Constitution the Russian Federation is a federal state, which has the following structure: President, legislative, executive and judicial bodies, and public authorities of all subjects of the Federation.

Unfortunately, federal officials and deputies often take decisions in the detriment of the regions and their populations, lobbying interests of resource extraction companies. Infringement of the rights of regions clearly demonstrates the unfair tax policy, when more than half the taxes and payments go to Moscow. As a result, self-sufficient regions are subsidized and are forced to ask for financial assistance from the federal government.

Despite the fact that much of the natural resources are mined in Siberia and the Far East, mainly the oligarchs - the owners of resource extraction companies, who transfer the cash to offshore accounts abroad, enrich. These oligarchs are proteges of senior federal officials.

In these circumstances, the role of management of regions increases. However, in regions federal center appoints dependent heads which can be manipulated. Basically, they are proteges of local corrupted ruling circles for whom there is dirt and it helps to manipulate them. In fact, most regional leaders do not protect the interests of the regions and the public, and serve the interests of the federal oligarchic groups, promoting predatory seizure of resources and suppressing the local population.

Thus, we can conclude that in the regions of Russia, including Yakutia, public authorities (executive, legislative, judicial) of federal and regional level actually act:

-not in the interests of the regions and their inhabitants;

-but in the interests of the federal government and large companies, the purpose of which is to "squeeze all the juice out" of the regions, that is enrichment by any means at the expense of natural resources, profitable businesses and other sources.

In these circumstances, we need additional legal instruments, one of which may be the rules of international law concerning the rights of indigenous peoples.

Due to refusal of state bodies at all levels to protect the rights of citizens it is necessary to consolidate stakeholders in the protection of their rights - indigenous representatives on the basis of public organizations (associations) of indigenous peoples.

I have been working and will continue working on the implementation of the rights guaranteed by the Universal Declaration of Human Rights, International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights.

However, given the greater efficiency of local and targeted enforcement I consider it expedient to use the UN Declaration on the Rights of Indigenous Peoples, ILO Convention No.169 and other international means concerning the rights of indigenous peoples in solving above and other actual problems.

Their implementation should be linked to the implementation of the provisions of the International Bill of Human Rights, which includes the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and its two Optional Protocols as well as the Universal Declaration of Human Rights.

Reasonableness of adoption of the UN Declaration on the Rights of Indigenous Peoples is established in article 1 of the International Covenant on Civil and Political Rights, article 1 of the International Covenant on Economic, Social and Cultural Rights.

This will allow more effectively address the problems of individual communities - the indigenous and other peoples living in specific areas.

However, Russia did not approve the UN Declaration on the Rights of Indigenous Peoples, and refuses to recognize the rights of indigenous peoples, allegedly referring to the contradiction between international norms and the Constitution that is the result of applying a policy of "double standards".

Adoption of the Declaration in Russia, where more than 190 peoples live, would effectively consolidate and protect the rights of indigenous peoples. The Declaration does not violate the rights of other peoples and the territorial integrity of the State, but only help to ensure favorable living space of indigenous peoples, leading a traditional way of life and living in native habitats.