**The analytical review**

**"Migration and indigenous peoples"**

**on example of the Far East of the Russia**

The analytical review was prepared for the 2019 Study of the Expert Mechanism on the Rights of Indigenous Peoples on the theme "Indigenous peoples, migration and borders".

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**1. Introduction**

**Sources of information**

1.) <https://ru.wikipedia.org>

2.) «Indigenous peoples prepare a lawsuit on land seized for the Far East hectare project»<https://ria.ru/society/20161109/1480952400.html>

3.) "Roads of subsoil users of Yakutia: businessman paid, but could not pass» <https://regnum.ru/news/economy/2450018.html>

4.) «Territories of traditional nature use of small-numbered indigenous peoples of North, Siberia and the Far East were removed from the list of the specially protected natural areas - comment»

[http://www.csipn.ru/glavnaya/law/617-iz-perechnya-osobo-okhranyaemykh-prirodnykh-territorij-isklyucheny-territorii-tradits ionnogo-prirodopolzovaniya-kmnss-i-dv-kommentarij](http://www.csipn.ru/glavnaya/law/617-iz-perechnya-osobo-okhranyaemykh-prirodnykh-territorij-isklyucheny-territorii-tradits%C2%A0ionnogo-prirodopolzovaniya-kmnss-i-dv-kommentarij)

5.) «Lands of small-numbered indigenous peoples of Yakutia can be to taken away»

<http://www.yktimes.ru/glavnoe/u-korennyih-malochislennyih-narodov-yakutii-hotyat-otobrat-zemli>

6.) «Who benefit from reduction of the specially protected natural areas of Yakutia?» <http://biznes-gazeta.ru/?id=theme.view&obj=8c50e7fee1fc3392991f3715e7181664>

7.) «The tragedy of Tuoy Khaya is a future of Yakutia»

<http://babr24.com/msk/?IDE=44032>

8.) «indigenous peoples of Kamchatka:" We have turned into outcasts in the land of ancestors »<https://regnum.ru/news/economy/2460599.html>

9.) "They kicked in the head , legs, arms, kidneys "

<https://www.sibreal.org/a/29288895.html>

10.)«Buryatia’s police beat detainees on the meeting against deforestation» <https://www.svoboda.org/a/29226032.html>

**Own materials**

11.) Appeal of the chief of NGO «Yakutia - Our Opinion» Stepan Petrov to protect environmental rights of Yakutia’s ciitizens

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

12.) «Law on territories of priority development is a way to destroy Russia»

<http://yakutian.org/tor_1.htm>

13.) «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://dnevniki.ykt.ru/Petrov2015/738502>

14.) Anti-corruption project "Combating corruption offenses in the Republic Sakha (Yakutia)» <http://yakutian.org/ap_main.htm>

We also provide the links to sources in the text.

This will allow you to study theme from primary sources.

**Relevance of the study theme** is caused by increasing globalization and need for effective protection of indigenous rights and clear positioning of their interests in the global geopolitical processes in which only the interests of the major actors are often implemented.

This subject requires careful study in order to develop ways of optimal regulation of this sphere, as indigenous peoples are particularly vulnerable to forced migration.

The representatives of other nations are mobile and can move to another place. But for indigenous peoples the native land is the only habitat where they are engaged in traditional trades (reindeer herding, hunting, fishing, gathering, etc.). In most cases loss of habitat means starvation and extinction. Relocation of indigenous peoples in cities leads to isolation from the traditional way of life, to degradation and extinction due to alcoholism, suicides, crimes, diseases because of low adaptive capacity.

 **We have identified as the research subject** studying not the migration processes but the most common risk factors that can cause forced (unfavorable for indigenous peoples) migration.

As in the recent history of Russia there is no mass migration of indigenous peoples that require scientific and practical analysis. We have information about only local migration for economic, social and environmental reasons.

The current resettlement of indigenous peoples has a certain causal connection with the history of the Soviet state. Therefore, we describe the main factors of migration in the Soviet era.

In the 20th century in the Soviet Union, the migration of indigenous peoples took place as a result of political repression and implementing the state policy of socio-economic development of the country.

Massive displacements of peoples, including indigenous, were the results of deportation during political repressions in the Soviet Union. Its feature was a non-judicial movement of many people to geographically distant, unfamiliar and often a risky environment.

 In Soviet times, ten peoples were subjected to total deportation. A number of ethnic, ethno-religious and social categories of Soviet citizens were also subjected to deportation in Soviet Union. In 1991, the Supreme Soviet of the RSFSR rehabilitated repressed peoples.

Migration of indigenous peoples was affected by the state socio-economic policy of the USSR aimed at industrial development of Siberia and the Far East. Production complexes involving a number of different enterprises with closed-circuits of consumption of material, fuel, labor and other resources were created.

Construction of large production facilities such as hydroelectric power stations, oil and gas pipelines, mines, quarries, and so forth, required large areas. Sometimes, industrial complexes located on the territory of several regions of the Soviet Union.

In these circumstances the population including indigenous peoples have been subjected to forced evictions from occupied territories, for example, in the flooded area during the construction of hydroelectric power plants. Given the totalitarian, dictatorial and repressive governance regime in the Soviet Union, protests of local population did not lead to positive results. Also, forced migration was a result of introduction of collective farming (Kolkhoz).

Thus, in the Soviet period, the migration of indigenous peoples was coercive in nature and did not correspond to their interests. It was carried out in violation of fundamental human rights and freedoms.

It would be possible to avoid these negative effects, if in the 20th century on the territory of Central Eurasia such a misanthropic authoritarian regime of the Soviet Union, at the heart of which was a totalitarian dictatorship and repressive suppression of human,  have not established.

Issues of forced relocation of peoples and distortions of the Soviet planned economy were extensively studied by Soviet and Russian historians, economists and other researchers.

**Therefore, we consider the theme of migration in the Far East of Russia** in the context of the most common risk factors that can cause forced (unfavorable for indigenous peoples) migration, such as economic, environmental and legal factors.

In this study, we use the following fundamental definition:

**the risk factor for forced migration of indigenous peoples** - a quality characteristic of the objective state of one or another sphere of life, actual conditions and circumstances that could lead to forced (unfavorable) migration of indigenous peoples.

**2. General concepts**

**Migration** - movement of people from one region (state, country) to another, in some cases, by large groups and for long distances.

Migration provides a compound of geographically distributed (by continents, countries, regions within countries) natural resources and production means to labor force, contributes to meeting the needs in getting job, housing, livelihood, social and professional mobility, changes in social status, and other characteristics of life status.

**Migration is divided into the following types:**

-exterior and interior;

-seasonal migration of tourists and of agricultural workers;

-migration from rural to urban areas, taking place in developing countries in the process of industrialization (urbanization);

-migration from cities to rural areas is more common in developed countries (ruralisation);

-nomadism and pilgrimage;

-temporary and long-term;

-pendulum;

-border or transit.

**Classification by forms:**

-organized;

-unorganized.

**Classification by reasons:**

-economic;

-social;

-cultural;

-political;

-military.

**Classification by stages:**

-decision-making;

-movement;

-adaptation.

The causes of internal migration are job search, improvement of living conditions, change of lifestyle, and so on. Internal migration is especially common in countries with a vast territory, diverse climatic and economic conditions. In countries with a vast territory seasonal labor migration (temporary movement of workers to the countryside for seasonal agricultural work and seasonal movement in the city) is dominated.

The main reason for international migration is economic: difference in the level of wages, that can be obtained for the same work in different parts of the world.

Partly migration is due to such reasons as the war (emigration from Iraq, Bosnia, Afghanistan, Syria to USA, the United Kingdom and Europe), political conflicts (emigration from Zimbabwe to USA) and natural disasters (migration from Montserrat to the UK due to the volcano).

Forced migration can serve as a means of social control of authoritarian regimes, while voluntary migration is a means of social adaptation and reason for urban population growth.

**Modern trends in international migration:**

-increasing illegal migration (mainly in seeking job);

-increasing forced migration (mostly from Africa, the Middle East due to the increase number of armed conflicts in the world, aggravation of interethnic relations);

-increasing the demographic importance of international migration (international migration plays a leading role in the demographic development in Russia and developed countries);

-globalization of migration flows (almost all the countries involved in this process, there are countries with a predominance of immigration and countries with a predominance of emigration);

-quantitative changes in migration flows (many countries have special migration programs for people with high levels of education - the US, France, Canada, Sweden);

-dual character of migration policy (tightening of migration policy against immigration, while at the same time the essential component of migration policy - immigration).

**3. Traditional economic activities**

**of indigenous peoples of Russia**

Russia is a multinational country where more than 190 nationalities live. Unfortunately, Russia did not endorse the UN Declaration on the Rights of Indigenous Peoples.

Russian authorities only recognize rights of small-numbered indigenous peoples with less than 50,000 inhabitants. The unified list of small-numbered indigenous peoples includes 47 nationalities.

Their total number is about 500 thousand people, or 0.3% of the population. 35 peoples numbering 275,000 people settled in 28 regions of Russia, accounting for only two percent of total population in these regions. 13 of them are the small-numbered peoples, that is, fewer than a thousand people. The largest among the indigenous peoples is the Nenets (41,000 people), and the most numerically small - Kerek (4 people).

Article 69 of the Constitution stipulates that the Russian Federation shall guarantee the rights of indigenous small-numbered peoples in accordance with the generally recognized principles and norms of international law and international agreements.

In furtherance of these provisions, three federal laws were adopted: "On guarantees of the rights of indigenous small-numbered peoples of the Russian Federation" dated April 30, 1999, "On the General Principles of the Organization of Indigenous small-numbered Peoples communities of North, Siberia and the Far East of the Russian Federation" dated July 20, 2000 and «On the territories of traditional nature use of indigenous small-numbered peoples of Siberia and the Far East of the Russian Federation" dated May 7, 2001. In addition, the indigenous rights in the area of ​​traditional nature use and of biological resources use were incorporated into Land, Forest, Water and Tax Code, a number of laws and regulations of the Government.

**However, despite these measures, Russia does not fully respect the rights of indigenous peoples.**

Russian authorities do not recognize rights of indigenous peoples with more than 50,000 members. In Russia, there is a separation between the indigenous small-numbered peoples and indigenous (autochthonous) peoples: Russian, Tatar, Bashkir, Chuvash, Yakuts, the indigenous peoples of the North Caucasus and others.

**Thus, the targeted state policy applies to predominantly the indigenous small-numbered peoples.**

They are divided by language groups (according to 2010 census):

1.) Tungus-manchzhur languages

 Evenki (37,131) Evens (21,830) Nanai (11,671) Ulchis (2,765) Udege (1,453) Negidals (522) Orochi (596) Orok ( 295)

Total: 76, 263 people

2.) Finno-Ugric languages

Khanty (30,943) Muncie (12,269) Vepsians (5,936) Sami (1,771)

Total: 50,919 people

3.) Samoyed languages

​​Nenets (44,640) Selkups (3,649) Nganasans ( 862) Enets (227)

Total: 49,378 people

4) Turkic languages

Shors (12,888) Dolgans (7,885) tozhu tuvans (4,442) Telengits (3,712) Soyots (3,608) Kumandy (2,900) Teleuts (2,643) Tubalars (1,965 ) Chelkans (1,181) Tofalars (761) Chulyms (355)

Total: 4 2340 people

5.) Paleoasian languages

Chukchi (15,908) Koryaki (7,953) Nivkhi (4,466) Itelmens (3,193) Eskimos (1,738) Yukaghirs (1,597), Kets (1,219) Chuvans (1,002) Aleuts (482) Kereks (4) Alyutors (0)

Total: 37 562 people

6.) Slavic languages

​​Kamchadals (1,927)

7) Sino-Tibetan languages

​​Basins (274)

Places of traditional residence of the Russia’s indigenous peoples and their traditional economic activities are diverse.

Traditional habitats of herders, hunters, gatherers, fishermen and sacred recreational sites, etc are extremely extensive: from Dolgans and Nganasan on the Taimyr Peninsula to Udeghes in the south of Russia, from the Aleutians on the Commander islands to Sami on the Kola peninsula.

The list of traditional livelihoods includes the following:

-cattle breeding, including nomadic (reindeer husbandry, horse breeding, yak breeding, sheep breeding);

-processing of livestock products;

-dog breeding (breeding of reindeer, sledge and hunting dogs);

-breeding of animals, processing and sale of products of fur farming;

-beekeeping;

-fisheries and use of aquatic biological resources;

-hunting, processing and sale of hunting products;

-agriculture (gardening), as well as cultivation and processing of valuable medicinal plants;

-harvesting of timber and non-timber forest resources for own use;

-gathering (harvesting, processing and sale of food forest resources, collection of medicinal plants);

-mining and processing of common minerals for own use;

-art crafts and folk crafts;

-construction of national traditional dwellings and other buildings necessary for traditional economic activities.

**4. Risk factors for forced migration of indigenous peoples**

If we look for the reasons of migration, then we can say that in Russia forced migration for military, political and cultural reasons are least common.

These types of migration are characteristic of regions where wars and inter-ethnic conflicts take place. Russian xenophobia is typical for large cities and regions with mono-ethnic population where indigenous peoples do not live. Regions where indigenous peoples live are the most tolerant and multicultural.

**Internal migration for economic and social reasons dominates in Russia.**

Migration causes are job seeking, improvement of housing and living conditions, change of lifestyle that is associated with urbanization and changes in the global division of labor.

**There is also environmental cause of migration that may have a different etiology (natural and anthropogenic).**

The cause of environmental migration is an adverse change of environmental conditions (natural environment) as a result of:

-impact of natural phenomena (earthquake, floods, tsunamis, hurricanes, fires, etc.);

-technogenic and atropogenic impact (crashes on environmentally hazardous industries, negative impact of hydropower plants, oil spills from pipelines, testing of nuclear and other weapons of mass destruction, etc.).

**Sometimes these reasons (economic and environmental) are a result of**  **unsustainable legal status of indigenous peoples.**

The existing legal framework (the laws relating to indigenous peoples) is unable to effectively protect them. So indigenous peoples are forced to leave their homelands.

**Thus, we can identify the following risk factors that may lead to forced (unfavorable) migration of indigenous peoples of the Far East:**

**1.) economic factor**, the essence of which is:

-non-competitiveness of traditional economic activities of indigenous peoples;

**2.) environmental factor**, the essence of which is:

-adverse environmental conditions of residence of indigenous peoples;

**3.) legal factor**, the essence of which is:

 -unsustainable legal status of indigenous peoples.

So we consider a definition of the risk factor.

**The risk factor for forced migration of indigenous peoples** - a quality characteristic of the objective state of one or another sphere of life, actual conditions and circumstances that could lead to forced (unfavorable) migration of indigenous peoples.

**Non-competitiveness of traditional economic activities** is caused by small outputs, high transport costs, lack of modern enterprises and technologies for complex processing of raw materials and biological resources.

In general, traditional way of life of indigenous peoples is not adapted to current economic conditions.

Crisis has led to an increase in social problems. The standard of living of majority of indigenous peoples living in rural areas or as nomads is below the national average. The unemployment rate among indigenous peoples is higher in 1.5-2 times than the national average.

**Adverse environmental conditions of residence**, most often, are the result of violation of environmental safety of industrial enterprises and of setting up of industries (various projects) without consent of local population as well as of incorrect environmental impact assessments and ethnological expertises in favor of industrialists.

Intensive industrial development of natural resources greatly reduces the ability to conduct traditional economic activities of indigenous peoples. Large areas of reindeer pastures and hunting grounds are confiscated from productive use.

**Unsustainable legal status of indigenous peoples** is caused by possibility of unilateral arbitrary revision of indigenous rights in the interests of resource extract companies and other business entities, as well as in the interests of the state bodies.

The result is an unjustified restriction of indigenous rights that makes their situation worse. Such restrictions violate constitutional and legitimate rights of indigenous peoples, bringing discredit on the state policy in the field of indigenous peoples.

Article 69 of the Russian Constitution is systematically violated. It states that "The Russian Federation shall guarantee the rights of indigenous small-numbered peoples in accordance with the generally recognized principles and norms of international law and international agreements".

Russian legislation is in itself a source of corruption risks, because it is full of reference rules and fuzzy definitions. The result is a mixed law enforcement and judicial practice, when the ultimate decisions are made in favor of those who have power and money.

In these circumstances, the rights of indigenous peoples end where the interests of corrupt officials and oligarchs begin. In most cases, the state system works for them in violation of rights of other citizens.

The main reason for violations of the rights of not only indigenous peoples, but also of other population is total corruption at the state level in Russia.

**5. Adverse effects associated with**

**unsustainable legal status of indigenous peoples**

**Let’s consider some examples of how unsustainable legal status of indigenous peoples leads to significant violations of their rights.**

It can lead to economic and environmental problems. Therefore, economic and environmental causes for forced migration may be considered in conjunction with the consequences of unsustainable legal status.

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.**

**I, Stepan Petrov, author of the review, the chief of NGO Yakutia - Our Opinion 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;

-expeling 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 transfering 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 thansfer 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://dnevniki.ykt.ru/Petrov2015/738502 .](http://dnevniki.ykt.ru/Petrov2015/738502)

**Also, plans on land development might violate the rules of law relating to indigenous peoples. For example, the law on "The Far East hectare" may deprive indigenous peoples of lands.**

So in Khabarovsk region 50% of territories of indigenous peoples where they can engage in traditional activities - hunting, fishing, gathering wild plants were illegally seized for implementing law on "The Far East hectare".

The regional government illegally reduced their lands by more than half - from 30.7 million to 14.7 million hectares. Thus, it infringed the rights of indigenous peoples (Nanai, ulchi, Udege, Nivkh, Orochi, Negidals, Evenki, Evens).

(Source of information: «Indigenous peoples prepare a lawsuit on land seized for the Far East hectare project»<https://ria.ru/society/20161109/1480952400.html>).

**Russian citizens, including indigenous peoples, may be strangers in their own land if the authorities are not able to ensure transport accessibility.**

For example, in Lensk district of Yakutia local people could not reach home as the oil company that built road requires money. It comes to open conflicts in which the local authorities and the police take the side of subsoil users.

In 2015 the protest by local resident against charging road ended in a firefight. As a result he was prosecuted. But the oil company stated that the road is its property and they have the right to collect payments.

(Source of information: "Roads of subsoil users of Yakutia: businessman paid, but could not pass» <https://regnum.ru/news/economy/2450018.html>).

**Until 2013 territories of traditional nature use (TTNU) where indigenous peoples live had the status of specially protected natural areas (SPNA) that protected them from various attacks.**

A number of prohibitions in force in SPNA were apllied in TTNU:

-construction of roads, pipelines, power lines and other communications;

-construction and operation of industrial, commercial and residential buildings, non-permitted in specially protected natural areas;

-move and parking of motor vehicles that are not related to operation of specially protected natural areas;

-other activities prohibited by federal laws.

**However, in 2013 amendments to the Law "On SPNA" excluded territories of traditional nature use** **of indigenous peoples of North, Siberia and the Far East from the list of specially protected natural areas.**

According to experts, it is aimed at destruction of the System of Protected Areas of the Russian Federation.

Changes create conditions for:

-practically unlimited economic activity associated with the use of reserves and national parks;

-future conflicts between local communities and protected areas.

The law abolished the status of territories of traditional nature use as specially protected natural areas.

(Source of information: «Territories of traditional nature use of small-numbered indigenous peoples of North, Siberia and the Far East were removed from the list of the specially protected natural areas - comment»

[http://www.csipn.ru/glavnaya/law/617-iz-perechnya-osobo-okhranyaemykh-prirodnykh-territorij-isklyucheny-territorii-tradits ionnogo-prirodopolzovaniya-kmnss-i-dv-kommentarij](http://www.csipn.ru/glavnaya/law/617-iz-perechnya-osobo-okhranyaemykh-prirodnykh-territorij-isklyucheny-territorii-tradits%C2%A0ionnogo-prirodopolzovaniya-kmnss-i-dv-kommentarij)).

**However, earlier, despite the existence of a "safety cushion" in the form of laws on SPNA and TTNU, the officials could give a "green light" to subsoil users in violation of indigenous rights.**

For example, in 2006 in Yakutia, Aldan District Council of Deputies changed the boundaries of specially protected natural areas "Ulakhan - Tal" and "Nimnyr", relegating their borders away from oil pipeline ESPO (Eastern Siberia - Pacific Ocean).

In 2014, the Yakut officials pleased to support the expected version of the route of the pipeline "Power of Siberia" that crosses the territory of specially protected natural areas "Timptonski cascade" and "Hatymi" in Neryungri district and local reserves "Ulakhan Tal" and "Nimnyr" in Aldan district.

(Source of information: «Lands of small-numbered indigenous peoples of Yakutia can be to taken away»

<http://www.yktimes.ru/glavnoe/u-korennyih-malochislennyih-narodov-yakutii-hotyat-otobrat-zemli> ).

**Thus, in Yakutia boundaries of specially protected natural areas are revised in order to extraction of natural resources in favor of rapacious oligarchs.**

In 2014, in Anabar district of Yakutia the local government proposed a change in the boundaries of specially protected natural area 'Terpei Tumus" where indigenous peoples of the North - Evens, Evenki, Dolgan live. There are the nests of «Red Book» Arctic birds, the natural areas of rare animals, the concentration of unique vegetation there.

It was done for development of oil and gas area Pronchischevskaya by the company "RT - Global Resources", a member of the state corporation "Rostec". Previously, the company "East Engineering" won the auction for exploration and production of niobium ore, rare earth metals, scandium and associated components at the site of Burannoe Tomtor field. It was for providing fuel and energy resources for their enterprises.

(Source of information: «Who benefit from reduction of the specially protected natural areas of Yakutia?»

<http://biznes-gazeta.ru/?id=theme.view&obj=8c50e7fee1fc3392991f3715e7181664> ).

**Unsustainable legal status of indigenous peoples is the basis of most of the violations of indigenous rights, including occurrence of environmental risk factors.**

**An example of environmental risk factor** is the situation with the threat of impact of carrier rockets launched from the Vostochny spaceport.

Yakutians 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 are violation of the constitutional right to equality and discrimination on a territorial basis.

**Another example of environmental risk factor** is the situation in the contaminated areas of underground nuclear explosions in the Republic Sakha (Yakutia).

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.

**In the near future, these environmental problems, arising from the legal nihilism and the discretionary actions of the Russian authorities, may lead to forced migration of local population, including indigenous peoples.**

(Source of information: Appeal of chief of NGO «Yakutia - Our Opinion» Stepan Petrov to protect environmental rights of Yakutia’s ciitizens

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

**An example of forced migration of indigenous peoples for environmental reason is the situation with the flooding in the Evenk village Tuoy Khaya of Mirny district of Yakutia in 1960s due to construction of hydroelectric power station.**

Villagers were forcibly relocated to other areas. Majority of them worked in the collective agricultural farm «Novyi» in Arylakh village. Earlier they were engaged in traditional activities: hunting, fishing, cattle breeding, agriculture. Change of living conditions had become a stress factor for people.

Settlers had bad living conditions. A long time, several families lived in one apartment. Ignorance of Russian language, lack of usual food, poor food supply complicated people's adaptation to the new conditions. It had led to negative consequences. An increase of mortality due to alcoholism and cancer occured. Children disease rates had risen.

(Source of information: «The tragedy of Tuoy Khaya is a future of Yakutia»

<http://babr24.com/msk/?IDE=44032>)

Sometimes, unsustainable legal status of indigenous peoples not only leads to law violations but also to crimes against indigenous representatives.

**Recently, the media reported the arbitrariness of the Coast Guard of the Border Guard of the Russian Federal Security Service in Kamchatka. They committed the following offences: «destroyed boats of indigenous representatives, confiscated fishing nets, prohibited fishing and the poor among indigenous peoples are brought to trial."**

The indigenous people of Kamchatka informed on injustices against them: "People are hungry and live in poverty without work and assistance from the authorities. The Governor has allocated land for Aboriginal fishing to which we have to go hundreds of kilometers, crossing the dangerous river».

During the raid, 20 July 2018 boats of the Coast Guard of the Border Guard of the Russian Federal Security Services defeated the boats of Kamchatka indigenous representatives right in the open sea. People miraculously survived. The military seized fishing nets, boats and motors.

 The indigenous people allege a violation of the order of the Ministry of Agriculture №170, according to which indigenous peoples can carry out fishing without obtaining fishing grounds and authorization.

They also informed about the governor’s violation of the order of Russian Government on February 4, 2009 №132-p "On approval of the concept of sustainable development of the indigenous peoples of the North, Siberia and Far East till 2020" that set the preferences.

(Source of information: "The indigenous people of Kamchatka:" We have turned into outcasts in the land of ancestors »<https://regnum.ru/news/economy/2460599.html>).

**Also, in May 2018 internet media reported the mass beatings of fishermen from Nanai village Belgo by the police on the right side of the Amur River, 400 km from Khabarovsk.**

In particular, residents of the village Belgo said: "During three hourspolicemen beated us, forced to lie face down on the ground and trample us. They kicked in the head , legs, arms, kidneys.

Police officers in masks ride the boat with inscription "Police" and appeal to fishermen in an insulting manner. They hit the boats at full speed, endangering the life and health of people who are in motorboats. They threaten to pour gasoline and burn the boat, screaming, beat with iron bits, reveling in their power and impunity. Policemen humiliated in the spirit of the worst prison traditions and gang warfare".

(Source of information: "They kicked in the head, legs, arms, kidneys "

<https://www.sibreal.org/a/29288895.html>).

**Based on this information, actions of the Border Guard of the Federal Security Service and the Interior Ministry could be qualified as crimes** under the following articles of the Russian Criminal Code: article 286 "Exceeding of authority", article 111 «Intentionally inflicting serious bodily injury», article 116 "Beating", article 119 "The threat to kill or cause grievous bodily harm", article 162 "Robbery" .

**Prosecuting authorities should inspect this information** to identify all the circumstances of these cases and to bring perpetrators to justice.

**Such violent prohibition to engage in traditional economic activity - fishing may lead to the expulsion of indigenous peoples from their ancestral places of habitat. It is unacceptable in a democratic state of law.**

**Another egregious criminal arbitrariness of law enforcement bodies took place in Buryatia.**

 In May 2018 the police beated activists detained on the action against deforestation. One of the arrested participants was hospitalized, two activists were injured.

 Residents opposed the deforestation by the Chinese company in Zakamensky region of Buryatia. The contract of lease of the taiga with a foreign investor planned for 49 years. The participants held banners saying "Do not touch our forest", "For Baikal, for the homeland" and "Stop the barbaric deforestation."

According to experts, the forests are cut down at the root, any restoration work is not carried out. It disrupts the ecological balance. This could lead to the forced migration of indigenous peoples, living traditional lifestyle in this region.

(Source of information: «Buryatia’s police beat detainees on the meeting against deforestation» <https://www.svoboda.org/a/29226032.html>).

**All of the above situations can lead to a significant deterioration in the situation of indigenous peoples in connection with the possible forced seizure of land used for living, hunting, fishing, gathering, cattle breeding, reindeer husbandry as well as high risk of technological accidents and environmental pollution.**

**This may make it impossible to conduct traditional economic activities and living in these areas that could lead to forced migration of indigenous peoples.**

**6. International experience of forming**

**sustainable legal status of indigenous peoples,**

**as the basis to minimize the risk of their forced migration**

(on the basis of a comparison of indigenous peoples’ situations

in the USA, Canada and Russia)

Since the second half of the 19th century, the indigenous population of America settled in reservations (specially designated territories within the original ethnic areas). However, at the same time, the forcible displacement of various tribal groups occurred in limited territory of separate reservations.

In the USA, there are 267 federal government-created and 24 state Indian reservations. These lands are formally property of communities. Their alienation and sale are impossible without approval of the tribal council which is necessarily confirmed by the federal government.

The Indian population of the United States has a special status. On the one hand, since 1924 they are full-fledged American citizens, and on the other hand - the majority have a legally registered status that guarantees them a number of benefits:

- their land and real estate are not subject to federal or local taxation;

- they have the right to special forms of state social assistance;

- get free medical care.

Status gives the right to a special form of social organization - community. Indian self-government is carried out through elected bodies (councils of communities) on the basis of community constitutions, charters and codes of laws. In the USA, 493 such communities are officially registered.

The competence of the communities includes: contacting federal and state authorities, taxation of the members, administration of justice partly, developing a strategy for their own development, using tribal funds formed of monetary compensation for the assignment of their lands and resettlement in reservations. 53% of the native inhabitants of the United States (750 thousand people) live in reservations.

In Canada in 1981, there were 576 communities. They are located on the territory of 2240 reservations with a total area of ​​about 6 million acres (more than 2.5 million hectares).

The Government of Canada have the agreements with the aborigines. The most significant of such agreements is the final agreement with inuvialuites, signed in 1984. Inuvialuites - the largest group of indigenous peoples in the western part of the Canadian Arctic received ownership of significant areas and mineral resources.

The agreement serves as an example of how to create original models for balancing the interests of the state and individual groups of population. This issue is of great importance for the practice of federalism that requires a similar balance of state and group interests. In accordance with the agreement, the inuvialuites abandoned their claims to the lands in the western Arctic in return for recognizing their rights to part of these lands, monetary compensation and a number of benefits, such as the preemptive right to hunting and fishing in these regions.

Similar agreements were concluded with many groups of indigenous peoples in Canada, up to creation of separate administrative territories.

**The land use regimes in the territories of indigenous peoples' residence in Russia and the USA are significantly different.**

The difference is that the communities of Indians have:

-the right of ownership to the land of reservations;

**-the right of ownership of natural resources, including subsoil, and in the case of discovering and developing minerals in the territories of reservations, part of the profit from resource extraction goes to the community account or to the personal accounts of each member of the community.**

Comparison of the situation of the indigenous peoples of the USA, Canada and Russia, as well as, of how states ensure protection of their rights illustrates that the situation is clearly not in favor of Russia.

**Universally recognized human rights standards are a guideline for the adjustment of legislation in normal civilized countries,**

For example, in 2016, Canadian Minister of Justice Jody Wilson-Reybould stated that the Government of Canada works on national legislation so that the UN Declaration on the Rights of Indigenous Peoples becomes part of the country's legislation.

**And in Russia, legitimate demands for respecting the rights of local population become cause of accusations of separatism and extremism.**

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

One of the main reasons of non-approval is that implementing indigenous rights would entail protection of lands of indigenous peoples in order to prevent the predatory extraction of natural resources and the environment pollution. In general, land and natural resources would be used for the benefit of local multinational population, but not of greedy oligarchs and officials lobbying their interests. Unfortunately, while federal and republican authorities take the side of resource extraction companies that exploit natural resources without taking into account the interests of local population in violation of international law.

Under these conditions, the degradation of the indigenous peoples of Russia is intensifying and their extinction is taking place. In some regions, the cumulative impact of negative factors leads to the genocide of indigenous peoples.

**In Russia, particularly negative situation has arisen in the field of participation of indigenous peoples in decision-making, of their representation in government bodies, of development of their self-government bodies, land and natural resources relationships.**

Article 9 of the Constitution of the Russian Federation states that "Land and other natural resources are used and protected in the Russian Federation as the basis for life and activities of peoples living in the corresponding territory".

However, the local population, including indigenous peoples, can claim only what is on the earth surface (bioresources), and natural resources (oil, gas, gold, diamonds, etc.) are at the disposal of large mining companies.

These companies work to enrich their management and officials. They often violate the norms of environmental and industrial safety that lead to a critical pollution of the environment. Authorized control and supervisory authorities often cover up illegal activity.

**Thus, in civilized countries indigenous peoples own mineral deposits and participate in their development together with large-scale business on equal terms. They participate in the distribution of income from the resource extraction.**

**In Russia, indigenous peoples barely obtain tiny compensation from mining companies.**

Plight and poverty become the main reasons for forced migration of indigenous peoples. It leads to extremely negative consequences: degradation and extinction of the indigenous peoples of Russia.

**Therefore, the main goal should be to ensure a decent life for indigenous peoples, because "when people live well, they do not have a need for migration."**

**7. Main directions of management of the risk factors**

**for forced migration of indigenous peoples**

**For effective management of the risk factors for forced migration of indigenous peoples, it is necessary to achieve the following objectives in interaction between government and stakeholders:**

- economic feasibility (benefit) of traditional economic activities of indigenous peoples;

- favourable environmental conditions of residence of indigenous peoples;

- sustainable legal status of indigenous peoples.

**Realizing these objectives will be difficult or impossible without implementation of basic constitutional rights and freedoms.**

Therefore, before setting the main directions of managing the risk factors for forced migration, we will consider some key moments of change in the life of indigenous peoples that is inextricably linked with general trends of the country development over the past few decades.

**The current situation is the consequence of a number of political and socio-economic processes launched at the beginning of the economic reforms of the 1990s in Russia.**

Since the beginning of reform called «Perestroika» in 1985, the policy on the North and indigenous peoples has been shaped from the point of view of economic expediency. The doctrine prevailed: "The North is loss-making, it should not be developed, it is necessary to quit." Government had the same attitude to the regions of Siberia and the Far East, where there was no resource base.

The state and business showed a selective interest in those territories where it was possible to make quick money from the extraction of natural resources (diamonds, gold, oil, gas and other resources).

At the same time, it should be noted that there were positive developments for the regions in the early 1990s. A "two-key principle" was introduced. It ensured the redistribution of revenues from the extraction of natural resources between federal center and regions.

The legislative base that enshrined the indigenous rights was being formed. The tools for possession, use and disposal of lands and natural resources of the territories of their original residence were created. Mechanisms of preliminary consultations and agreement on issues of natural resources development, as well as of compensation payments from resource extraction companies were introduced.

**However, despite some positive results of the economic transformations in the 1990s, the situation of indigenous peoples of Russia was not brought up to international standards.**

Interests of indigenous peoples were constantly in conflict with interests of extractive companies and officials engaged in lobbying their interests. The situation deteriorated in the 2000s, when federal center began to implement the policy of power centralization and of reduction of human rights in the regions.

Gradually, federal and regional state bodies became the conduits for commercial interests of subsoil users. Loyalty to them became one of the main conditions for appointing to leading positions in the regions that was closely monitored by interested federal officials. In some cases, law enforcement and judicial bodies openly act on the side of violators to the detriment of the interests of indigenous peoples and of the law.

**It was the result of deforming priorities of Russian officials, law enforcement officers and judges, when their goal was not the conscientious fulfillment of their official duties, but personal enrichment by any means, including criminal means.**

The position was regarded as a tool of making money. The indigenous peoples living in the national republics did not receive the proper return from the revenues derived from the extraction of resources. First of all, due to corruption of local officials, the priority occupation of which was their own enrichment. So it happened, in the Republic Sakha (Yakutia), where only the elite were enriched: corrupt officials and their proxies.

In Yakutia, the redistribution of property of the 1990s between corrupt officials switched to the illegal withdrawal of assets from the republic's property.

Some corruption cases involving the theft of public state property are described in the Anti-Corruption Project of our organization "Counteraction to Corruption Offenses in the Republic Sakha (Yakutia)", located at <http://yakutian.org/ap_main.htm>. This is an brief anthology of the recent history of corruption in Yakutia.

**Thus, it can be stated that at present a number of positive achievements of the 1990s have been lost and a number of opportunities for significant improving the situation of indigenous peoples in Russia have been missed.**

**The main omission is that the collective right to the ownership, use and disposal of lands, subsoil and other natural resources was not effectively established, that is, the property right of Russian regions, municipalities, indigenous communities and other indigenous subjects.**

It led to 2 negative results.

1.) In Russia, most of the natural rent from natural resources has become property of the oligarchs.

At the same time, in developed countries, the state withdraws up to 80% of natural rent and send it directly to people: by transferring money to personal accounts or establishing state off-budget social security funds.

2.) In Russia, the local population, including indigenous peoples, can claim only what is on the earth surface (bioresources), and natural resources (oil, gas, gold, diamonds, etc.) are owned by oligarchs structures.

And in developed countries, the local population, including indigenous peoples, has the right to own natural resources and receive real revenues from development of minerals in their territories.

**Given the root causes of the crisis in Russia, it can be suggested to begin restoring previous positive achievements based on the development of federative principles of public administration by developing regions' autonomy in solving key issues.**

It is necessary to restore the "principle of two keys" as the basis for public management of subsoil use.

**But, first of all, we need to ensure implementation of basic rights and freedoms, enshrined in the Constitution of the Russian Federation, by ensuring principles of:**

- election and rotation in power;

- legitimacy and democracy of elections;

- independence of all branches of power;

- accountability of authorities;

- civil control over authorities;

- observation of law and order;

- real fight against corruption.

**At this stage, there is no need to invent anything new, but it is necessary to ensure implementation of the existing basic constitutional rights and freedoms.**

**The main directions of the Russian state policy for indigenous peoples should be:**

- increasing the living standard and quality of life of indigenous peoples to the average Russian indicators that can be achieved through implementing a set of measures (legislative support, development programs for indigenous peoples and their regions of residence);

- establishing the legal framework for development of partnerships with resource-extracting companies on the basis of implementation of contractual and consultative relations;

- providing constitutional guarantees for protection of their collective rights and interests on an institutional basis;

- adopting directly applicable laws on vital issues of indigenous peoples in order to minimize the corruption risks, when regulation of vital activity is carried out by departmental instructions and decisions at the regional level;

- establishing traditional institutions of self-organization and self-government of indigenous peoples with a phased transfer of functions, powers and resources of local self-government bodies to them.

**These above main directions of state policy for indigenous peoples, together with basic himan rights and freedoms enshrined in the Constitution of the Russian Federation, constitutes the main directions of managing the risk factors for forced migration of indigenous peoples.**

**Together, these measures can ensure implementation of the set goals for effective management of risk factors for forced migration of indigenous peoples:**

- economic feasibility (benefit) of traditional economic activities of indigenous peoples;

- favourable environmental conditions of residence of indigenous peoples;

- sustainable legal status of indigenous peoples.

To implement these measures, the political will of the country's leadership and the executive discipline of responsible officials are necessary.

**Also, Russia needs:**

- officially to approve the United Nations Declaration on the Rights of Indigenous Peoples, ILO Convention No. 169 on Indigenous and Tribal Peoples in Independent Countries and other international laws relating to the indigenous rights;

-to implement the rights of indigenous peoples in Russia in according to provisions of international law on indigenous peoples.

**The main task is to ensure the effective property right for indigenous peoples**  - right to the ownership, use and disposal of lands, subsoil and other natural resources of territories where they are engaged in traditional economic activities.

This is essential so that indigenous peoples to become owners not only of what is on the earth surface (bioresources) but also of strategic natural resources (oil, gas, gold, diamonds, etc.) located in their territories, on the basis of joint ownership with the state, and would receive real income from it.

**Together with implementation of basic constitutional rights and freedoms, this will minimize the risk of forced migration of indigenous peoples.**

**8. General recommendations for minimizing the risk factors**

**for forced migration of indigenous peoples**

These recommendations concern developing countries and regions of the world in which the economic, environmental and legal reasons for forced migration of indigenous peoples predominate, and do not concern territories where wars are fought and acute inter-ethnic conflicts exist.

**First of all, the recommendations concern post-communist countries of Eastern Europe, the former Soviet Union and countries with economies in transition in South America and Asia.**

In developed countries, as a rule, international law is integrated into national legislation. Violations of rights are of a single nature and are timely eliminated.

In countries where wars are fought and interethnic conflicts are taking place, the top priority is to end the military confrontation and genocide of the indigenous peoples.

In post-communist and transition countries, public policies, legislation, law enforcement and judicial practice are often subordinated to the interests of the minority (corrupt officials and oligarchs) to the detriment of the interests of majority, including indigenous peoples. In such countries, the population is deprived of effective tools of participation in decision-making.

In these conditions, violation of indigenous rights is natural. Despite the existence of indigenous rights, real enforcement practices often contradict declarative values ​​and a commitment to respecting the rights of indigenous peoples.

Implementing the indigenous rights in such countries is of a formal nature. Violations are of a total and systematic nature, that is, such countries do not actually control the situation and cover up illegal activities of violators (resource companies and other business entities) in which specific corrupt officials have their own selfish interest.

As a result, they provide false information about observance of human rights to the UN bodies. Human rights defenders in such countries are in constant opposition to the authorities.

This discredits the global human rights process and devalues ​​the value of international law. The state power itself is discredited in such countries.

The causes of human rights violations are in serios systemic problems at the institutional level, when in fact heads of state and government lose the ability to govern, law enforcement and judicial bodies are unable to resist violations of law, civil society is suppressed. There is a situation of impossibility of realizing the basic human rights and freedoms , it is impossible to ensure law and order. In some cases, criminal-corruption arbitrariness and lawlessness are established, and powers of state bodies are carried out by organized criminal groups.

**Thus, the solution of problems of observing the indigenous rights in such countries, first of all, lies through the implementation of basic civil rights and freedoms.**

It is necessary to restore the right to participate in the management of the affairs of state and effectively exercise civil control over the activities of government bodies.

**Recommendations for minimizing the risks for forced migration of indigenous peoples are a set of the following measures to provide:**

**1.) the basic civil rights and freedoms by ensuring:**

- election and rotation in power;

- legitimacy and democracy of elections;

- independence of all branches of power;

- accountability of authorities;

- civil control over authorities;

- observation of law and order;

- real fight against corruption;

**2.) the main directions of state policy for indigenous peoples:**

- increasing the living standard and quality of life of indigenous peoples to the national average indicators that can be achieved through implementing a set of measures (legislative support, development programs for indigenous peoples and their regions of residence);

- establishing the legal framework for development of partnerships with resource-extracting companies on the basis of implementation of contractual and consultative relations;

- providing constitutional guarantees for protection of their collective rights and interests on an institutional basis;

- adopting directly applicable laws on vital issues of indigenous peoples in order to minimize the corruption risks, when regulation of vital activity is carried out by departmental instructions and decisions at the regional level;

- establishing traditional institutions of self-organization and self-government of indigenous peoples with a phased transfer of functions, powers and resources of local self-government bodies to them;

**in order to achieve the following objectives:**

- economic feasibility (benefit) of traditional economic activities of indigenous peoples;

- favourable environmental conditions of residence of indigenous peoples;

- sustainable legal status of indigenous peoples.

In many respects, stability of indigenous peoples' life depends on economic well-being.

Therefore, the main goal should be to ensure a decent life.

**Indigenous peoples should strive to be included in global development processes and develop the income sources not only from natural resources and preferences.**

In addition to engaging in traditional economic activities, indigenous peoples can occupy a niche in the global division of labor. It is possible because of development of information technologies that provide remote human interaction.

 It is possible to offer development of high-tech business on the basisi of using climatic features for indigenous peoples living in the northern regions of the world (Scandinavian countries, USA, Canada, Russia),

For example, you can consider the possibility of locating data centers (computer database) and «Bitcoin mining farms» for production of cryptocurrency bitcoins in the north, since they require cooling.

It would be possible in the case of:

- reducing the cost of electrical energy while improving efficiency of "green technologies" of its generation (solar panels, wind generators), introducing cheap alternative fuels;

-introducing the "space Internet" - global high-speed Internet created by a large group of satellites - an orbital set of digital communications.

The future of northern indigenous peoples can be "digital", since the location of high-tech industries and data warehouses in the southern regions of the world, for example, in the US Silicon Valley, has certain risks associated with the possibility of earthquakes, floods and other natural disasters.