

*(Translated from Russian)*

**Permanent Mission of the Russian Federation**

Ref.: AL RUS 12/2018

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The Permanent Mission of the Russian Federation to the United Nations Office and other international organizations in Geneva presents its compliments to the Office of the United Nations High Commissioner for Human Rights and, with reference to the joint enquiry by the Chair-Rapporteur of the Working Group on the issue of human rights and transnational corporations and other business enterprises, the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment, the Special Rapporteur on the rights to freedom of peaceful assembly and of association, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes, has the honour to transmit herewith information from the Russian Federation.

The Permanent Mission of the Russian Federation takes this opportunity to convey to the Office the renewed assurances of its highest consideration.

Office of the United Nations High Commissioner for Human Rights  
Geneva

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**Information from the Russian Federation with reference to the enquiry by the special procedures of the United Nations Human Rights Council with regard to the construction of an integrated mining and processing plant at the Tominsk field and the participation of S.S. Belogorokhov in activities and initiatives relating to its construction**

*Reference:* AL RUS 12/2018

The Russian Federation has studied the enquiry by the Chair-Rapporteur of the Working Group on the issue of human rights and transnational corporations and other business enterprises, the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, the Special Rapporteur on the rights to freedom of peaceful assembly and of association and the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes with regard to the construction of an integrated mining and processing plant at the Tominsk field and the participation of S.S. Belogorokhov in related activities and initiatives, and wishes to submit the following reply.

The Tominsk Integrated Mining and Processing Plant (or “Tominsk GOK”) is located near the village of Tominsk in Sosnovka district, Chelyabinsk Province. It is being constructed by the Russian Copper Company, a joint-stock company. Porphyry copper ore will be extracted and processed at the plant, in accordance with licences issued by the Ministry of Natural Resources and Environment of the Russian Federation and the Federal Subsoil Resources Management Agency.

There are plans to create 2,500 jobs at the Tominsk plant. In total, 80,000 people (workers in mines and at processing plants and smelting factories) are directly engaged by the copper industry in the Urals. If the family members of these workers are included, over 310,000 people in the Urals have a connection with the industry. Experience has shown that for every job in non-ferrous metallurgy, seven others are created in related fields,<sup>1</sup> namely the construction, road and rail transport and energy sectors. The number of jobs in such industries is thus 595,000.

The preservation of wooded areas was a central consideration in the planned layout of facilities at the industrial site of the Tominsk plant. The project provides for extensive revegetation, including soil remediation and the planting of grasses and coniferous and deciduous trees. The administrative authorities of Sosnovka municipal district and the Shershin forestry division determined the form that the revegetation should take. By May 2017, over 66,000 coniferous trees had been planted over an area of around 10 hectares near the village of Tominsk.

In order to construct the plant, the Tominsk GOK company obtained favourable expert opinions, including an environmental assessment, concerning the project plan, along with the consent of the Federal Subsoil Resources Management Agency; it secured a mining development plan and carried out other required works. It also obtained permits to construct the plant facilities and processing sites. Under the Town Planning Code of the Russian Federation, mining and transport facilities (such as quarries and tailing sites) are not considered to be major infrastructure, so construction permits are not required for them. This was confirmed by the provincial subdivision of the Federal Subsoil Resources Management Agency.

Prior to authorizing the construction of an integrated mining and processing plant in the village of Tominsk, the governor of Chelyabinsk Province instructed Ural State Mining University, a federally funded State educational institution in Yekaterinburg, to conduct an environmental assessment. The conclusions of the expert opinion recognized that the planned activities generally satisfied the requirements of the relevant laws and regulations. In addition, comments were submitted to the management of the plant, which accepted

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<sup>1</sup> See L.V. Revinskaya, *Trends in World and Russian Ferrous Metallurgy in a Period of Crisis* (Moscow: Financial University under the Government of the Russian Federation, 2015).

them for implementation. For example, the Tominsk GOK company opted not to process oxidized ore with heap leaching technology, and it is implementing a project to use backfill materials from the tailings of the plant's processing factory to fill the used workings of the Korkinsky coal mine (for this reason, a backfill material production workshop was included in the project plan). In preparation for these activities, the governor of Chelyabinsk Province ordered the development of a road map in accordance with which the necessary expert assessments were conducted. The federal Ministry of Energy is sent monthly updates on the implementation of activities according to the road map.

South Ural State University, a federally funded State educational institution, higher vocational education provider and national research university in Chelyabinsk, and Geosintez, a limited liability company and research organization in Yekaterinburg, completed an assessment of the impact on Shershin reservoir of the planned venture. The tests that they conducted included an assessment of the impact of the activities of the Tominsk plant on surface-water runoff in the catchment area of Shershin reservoir and a series of hydrogeological tests on the water-bearing strata where the plant and reservoir are located. The study forecasted no impact of the Tominsk plant on the Shershin reservoir, neither through surface-water runoff nor through groundwater.

Chelyabinsk State University, a federally funded educational institution and biotechnology training and research centre in Chelyabinsk, has designed a long-term testing and environmental assessment programme for the section of the Shershin reservoir bordering the facilities at the Tominsk plant. It calls for the monitoring of bodies of water in the catchment area of the Shershin reservoir, including Tominsk and Michurin ponds and the Birgilda, Miass and Serozak rivers.

Environmental oversight will be conducted to monitor atmospheric air quality, surface and groundwater and soil at all stages of the implementation of the project at the Tominsk field and of the project to fill the workings of the Korkinsky coal mine.

In April 2017, on the basis of expert opinions issued by the Federal Public Health Centre, a federally funded health institution under the Federal Service for the Monitoring of Consumer Rights and Human Welfare, the Tominsk GOK company was issued with a public health opinion stating that its proposal for the delineation of a public health protection zone around the planned plant complied with State public health rules and standards.

On 12 September 2017, pursuant to an order of the local department of the Federal Service for the Monitoring of Consumer Rights and Human Welfare, a hazardous emissions (pollutants) limit was established for the Tominsk GOK company, and the relevant permit was issued.

The Tominsk GOK company is currently conducting mining and extractive activities in accordance with the duly approved project plan for the exploitation of the deposit and with the recommendations of the environmental assessment.

On 11 July 2017, the Tominsk GOK company started constructing the facilities for which it had obtained permits, and it began stripping work.

The procurator of Chelyabinsk Province monitors the compliance of this construction work with federal legislation.

The Russian Copper Company and the group's enterprises operate in strict compliance with the Russian legislation in force, showing social and environmental responsibility to the people living in the regions where they work, including Chelyabinsk Province.

The Tominsk GOK company has held public discussions on the planned extraction and processing of the porphyry copper ore at the Tominsk field. There were three phases of environmental impact surveys and hearings, in 2014 and 2015. The project plan was presented at 28 locations in Sosnovska and Korkinsky districts in Chelyabinsk Province, and also at the office of the Tominsk GOK company in Chelyabinsk. A video recording of the public hearings held on 21 July 2015 and the record of those hearings, which captures all the statements, interventions, comments and proposals made, were uploaded to the

official websites of the Russian Copper Company and the administration of Sosnovska municipal district.

Public discussions are now being held on the environmental impact assessment file and the project plans of individual facilities at the plant.

On 13 November 2017, in implementation of a presidential instruction to organize a dialogue between representatives of the authorities of Chelyabinsk Province, the Russian Copper Company and environmental activists in the province, the governor of Chelyabinsk Province convened a coordination meeting. It was attended by heads of the provincial environment ministry and the provincial subdivisions of the Federal Service for the Monitoring of Natural Resources and the Federal Environmental, Industrial and Nuclear Supervision Service, the management of the Russian Copper Company and activists.

STOP-GOK, an unregistered social movement aimed at preventing the construction of the plant near the village of Tominsk, was represented by its leader [REDACTED] [REDACTED] and by S.S. Belgorukhov.

The meeting resulted in a decision to set up a working group on the Tominsk GOK construction project under the Social Forum of Chelyabinsk Province.

The working group became operational in December 2017. The participants in its meetings have included managers and specialists from the Federal Service for the Monitoring of Natural Resources, the Federal Service for the Monitoring of Consumer Rights and Human Welfare, the Federal Environmental, Industrial and Nuclear Supervision Service, regional ministries and agencies (the Legislative Assembly, the office of the procurator for environmental protection, the Ministry of the Environment and the Main Forestry Directorate) and local authorities, members of the Presidential Council for Civil Society and Human Rights and the management of the Russian Copper Company. Those invited as experts have included scientists from Saint Petersburg Mining University, a federally funded State educational institution, and the developers of the Tominsk GOK construction project.

Attendees at the working group's meetings have also included representatives of the STOP-GOK movement and the Patriotic Environmental Movement of Russia, and of the following associations: Key to the City, the My Planet environmental charity fund, the Vremya-Ch volunteers' environmental movement and the association of the Chelyabinsk regional centre for public monitoring of the environment.

Mr. [REDACTED] the leader of the STOP-GOK movement, participated in only the first of the working group's meetings. However, more than 10 members of the movement and its invited experts participated in subsequent meetings.

The working group's meetings were broadcast live, in real-time and unedited, on various online platforms, including the official website of the Social Forum of Chelyabinsk Province; the website of Southern Urals (a State-owned television and radio company); the Our Chelyabinsk channel on social media; and websites and publishing groups owned by Granada-Press, a media holding company, on social networks.

At the working group's meetings, representatives of the Russian Copper Company, the project developers, scientists from Saint Petersburg Mining University and other experts gave detailed answers to questions put to them by representatives of the Social Forum of Chelyabinsk Province and provincial environmental movements, including members of STOP-GOK.

During the working group's meetings, independent experts repeatedly drew attention to occasions on which speakers representing STOP-GOK had falsified or manipulated data.

Regarding the situation of S.S. Belgorokhov, the Russian Federation would like to respond as follows:

The STOP-GOK movement became active in May 2014. It mostly organizes public events to protest the construction of the plant. Mr. Belgorokhov, a chemical engineer and specialist on environmental matters, has been participating in the organization of public events by the movement since April 2017.

Mr. [REDACTED] the leader of STOP-GOK, filed claims challenging the legality of the findings of the public hearings on the construction of the plant, of the environmental assessments and of the reclassification of the land as industrial. These were dismissed on the substance.

Tensions between STOP-GOK and the Russian Copper Company have worsened since June 2017 as a result of the start of construction work on the plant. On 11 September 2017, some of the movement's activists broke into the construction site and set fire to building materials.

In response, the central investigative department of the Ministry of Internal Affairs for Chelyabinsk Province initiated a criminal case under article 213 (2) of the Criminal Code of the Russian Federation, on criminal mischief. The investigation of the case is still under way.

The STOP-GOK movement was somewhat less active in protests in the first half of 2018, as national leaders paid greater attention to the environmental situation in Chelyabinsk (which, as mentioned, included the establishment in late 2017 of a working group on the Tominsk GOK construction project under the Social Forum of Chelyabinsk Province) and relevant legislative initiatives on environmental matters were introduced.

Regarding the information provided on threats made against Mr. Belogorokhov, we should like to report the following.

On 9 March 2018, the local bodies of the Ministry of Internal Affairs for the city of Chelyabinsk received two communications from Mr. Belogorokhov regarding posters that had been put up in public places containing information injurious to his honour and dignity and a death threat (they were posted near the entrance to the building where he resides).

Through its initial inquiry unit, the central district police section of the department of the Ministry of Internal Affairs for the city of Chelyabinsk responded by bringing a criminal case under article 128.1 (5) of the Russian Criminal Code, for defamation. The investigation of the case is still under way.

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