

LAND REFORM IN DAGESTAN: SOCIAL AND POLITICAL RISKS

K.Kazenin

One of the noticeable events happened in the North Caucasian economy in the spring of 2015 was a series of statements made by Head of the Republic of Dagestan Ramzan Abdulatipov on the need to undertake a land reform in this constituent territory of the Russian Federation. Mr. Abdulatipov outlined no specific parameters of the reform and commissioned the Dagestan government to work on such parameters.

However, the basic components of the reform can be assumed from Abdulatipov's statements concerning what he assesses as negative characteristics of the current status of land in Dagestan: "First, there is no clearly defined owners of the land in regional areas, urban areas, rural areas. Second, there is no streamlined regulation for land relationships. Third, the relationships lack transparency"¹.

The foregoing citation shows that the Head of Dagestan expects the reform to be able to change the current framework of land relationships in the Republic of Dagestan. The changes, according to Abdulatipov, should result in the appearance of "landlords" in Dagestan. Neither the Head of Dagestan, nor the regional government commissioned by Abdulatipov to develop the concept of land reform have (yet) specified which results of the reform could evidence the appearance of "landlords". Even at the current stage, however, a forecast for related risks is required, despite that the outlines of the proclaimed land reform are extremely vague. The forecast should be made because of, first, highly-publicized response to Abdulatipov's statements in Dagestan, second, strong conflictogenic potential of land relationships in this republic².

It is our opinion that the regional leader's assignment of making sure that "landlords" appear in Dagestan can provide the following guidelines for reforms (which by no means rule out each other):

1. *Lifting the moratorium on commerce in land intended for agriculture in Dagestan.* The moratorium was introduced in 2003 for a period of 49 years by the Dagestan Republic Law "Concerning the commerce in land inten-

ded for agriculture in the Republic of Dagestan" (the law was adopted following the results of a referendum held in April 1993, with the majority of votes against private ownership of agricultural (farm) land).

2. *Privatization of agricultural (farm) land.* No comprehensive privatization of agricultural land has to date been performed in Dagestan: the allotment of land shares in the early 1990s provided the rural population with a set of documents on the title to land, but most of rural settlements (villages) refused to exercise these rights³. Today, the biggest part of agricultural (farm) land in Dagestan are leased out to state unitary enterprises (SUE), municipal unitary enterprises (MUE) or agricultural production co-operatives (APC).
3. *Changing the existing division of land in terms of jurisdiction (federal, regional and municipal lands).* Although such a division was basically performed in Dagestan under the Russian legislation, it has regional specific features, such as, first of all, a big part of the land come, pursuant to a special legal act, under the republican jurisdiction. These are distant pasture lands with a total area of 1,5 million hectares as of 2014 (based on the data provided by the Dagestan Agricultural Ministry). The status of distant pasture land is regulated by the republican law "Concerning the status of distant pasture land" adopted in 1996. The law establishes that distant pasture land come under the regional jurisdiction and may not be subject to privatization. More than 80% of distant pasture land are located on the lowland territory of Dagestan, but the Dagestan government leases them out to enterprises (farms) pertaining to highland districts.

1 Cited from the paper of Magomedov R.. Ramzan Abdulatipov and the eternal question // Kavkazskaya politika, 03 April 2015. http://kavpolit.com/articles/ramazan_abdulatipov_i_vechnyj_vopros-15572/

2 About land conflicts in Dagestan see the paper of Adiev A.Z. "The land issue and ethnic and political conflicts in Dagestan. Rostov-on-Don: The South Federal University. 2010; Kazenin K.I. The elements of Caucasus. Land, power and ideology in the North Caucasian republics. M.: REGNUM. 2012.

3 Starodubovskaya I.V., Zubarevich N.V., Sokolov D.V. et al. North Caucasus: modernization challenge. M.: Delo, 2011. P. 83–96; Starodubovskaya I.V., Kazenin K.I.. North Caucasus: Quo vadis? (a report) Polit.ru. 14.01.2014.

The specific features of the current situation in Dagestan make all of the guidelines for reform be attended by substantial social and political rather than economic risks.

Kicking off a comprehensive privatization of agricultural (farm) land implies a serious conflictogenic potential, especially when Dagestan hasn't yet resolved a series of issues over the borders between municipalities. In the case of municipal jurisdiction over the land being the subject of territorial conflict between two municipalities, privatization of such land would most likely deteriorate the conflict, as the right to privatization will be at stake. Today, one of the most noticeable conflicts over municipal border in Dagestan concerns about 8,000 hectares of the land, north of Makhachkala, the capital of Dagestan, and about 18,000 hectares of the land near the border with the Chechen Republic, south of Khasavyurt. The conflict concerns the reallocation of the Novolakaisk District from the Chechen territory to the vicinity of Makhachkala and the reinstatement of the former municipal district inhabited by the Chechens (which was liquidated following the expulsion of the Chechens in 1944) to fill the vacant territory. This municipal "castling" was registered by a decision of the regional government authorities as early as 1991, however, to date, neither has the Novolaksy Region been moved, nor the Aukhovskiy Region has been reinstated. Should privatization of the land begin before the completion of these administrative reforms, there is high risk of conflict over which of the municipal districts' self-government authorities will perform privatization on the territories in question.

There is another group of high risks concerning the status of distant pasture land. Today, the land are assigned to the enterprises (farms) of all Dagestan highland areas. According to experts, at least 50,000 highlanders reside permanently there, many of which live in settlements with no legal status. According to the data provided by the Dagestan Property Management Ministry, the number of settlements on distant pasture land totaled 199 earlier in 2015, of which less than 20 had the rural settlement status. It is difficult to "legalize" such settlements, because houses in most of them are located on agricultural land, i.e. they were built up in contravention of the law.

Should distant pasture land come from the regional under the municipal jurisdiction, it would most likely continue the conflict over which municipal district jurisdiction they are to come under. According to our sources, two options are being considered in view of drafting the land reform: distant pasture lands come under the jurisdiction of lowland municipal districts on the territory of which they are located, or they come

under the jurisdiction of highland districts whose enterprises (farms) currently lease the land. If the former is implemented, then the settlements on distant pasture lands would be granted the status of municipals of lowland districts. If the latter is implemented, the settlements of distant pasture lands would be granted the status of highland municipals of lowland districts¹.

The first option, i.e. distant pasture lands come under the jurisdiction of lowland districts, would result in changing the ethnic ratio in such districts – the indigenous population and migrants residing on distant pasture lands would in most cases differ ethnically. Changing the ethnic ratio would in turn lead to changes in the existing informal arrangements on the ethnic distribution of seats in the government of lowland districts. The Dagestan experience for the recent 25 years shows that such reforms may result in serious, long-running conflicts. Furthermore, this option may provoke an outcry and resistance by the administrative elite in highland districts, because it would result in cutting the financing, whose size is set on a per capita basis, going through the office of these regions (today, those who live in distant pasture land are permanently registered as living in highland districts).

The second option, i.e. distant pasture lands come under the jurisdiction of highland districts, would most likely disappoint lowland districts, because it would switch the "temporal" (leasehold) status of highland enterprises (farms) on lowland to the "permanent" status (the land would come under the jurisdiction of highland districts). Indigenous lowlanders have recently held many rallies against lowland being assigned to highland enterprises (farms). Our field surveys show that a number of such "preventive" measures (rallies) were held shortly after the land reform had been announced by the Dagestan government.

Consequently, the extremely generic description of the upcoming land reform in Dagestan which was offered by the regional government in the spring of 2015 leads to an assumption that the reform would face risks of seriously sharpened contradictions within the region. Furthermore, no conciliation procedures whatsoever have to date been suggested to settle land conflicts which may, in our opinion, get worse as a result of the reform. The development and implementation of such procedures will be a necessary condition for the announced land reform to be successful. ●

1 This option doesn't fit well in the federal legislation on local governments (self-government), but the precedents of establishing such rural settlements (villages) on the distant pasture land in Dagestan are already exist.