

THE NORTH CAUCASUS: LAND CONFLICTS IN THE CITIES¹ HINDER THE IMPLEMENTATION OF THE SOCIOECONOMIC DEVELOPMENT STRATEGY

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The second half year of 2015 saw an exacerbation of urban land conflicts in the republics of the North Caucasus. These conflicts share a number of common features that must be taken into consideration by state authority in the course of planning their policies aimed at resolving the conflicts.

Normalization and improvement of land relations is one of the necessary preconditions for the successful implementation of the Strategy for Socioeconomic Development of the North Caucasus Regions. This point has been repeatedly emphasized by the federal officials responsible for the elaboration and implementation of the Strategy: '(North Caucasus) – small territory, high population density, many mountain districts, few flat lands, and at the same time the republics are multi-ethnic, so the land issue is at the core of the majority of its problems and conflicts'.² The task of establishing transparent land relations in the cities is of special importance, because without such relations it will be impossible, among other things, to adequately implement urban construction projects, develop infrastructure, etc. However, the events of the last few months have demonstrated that it is in the urban setting that the land conflicts in the North Caucasus are especially acute. The complexity of the issue is further aggravated by the fact that the most notorious of these conflicts are essentially the upshot of a confrontation between two legal systems: the communities of urban residents, in order to protect their land interests, claim that the decisions of state bodies, which were adopted in full compliance with Russian legislation, do not respect the traditional norms of land use in the Caucasus, and so should be abolished. The reliance of the parties in each of the conflicts on different systems of norms (which in many of their aspects contradict one another) has produced a stalemate situation, where the unresolved urban land conflicts can continue to kindle for a long time. However, our analysis of the current situation has shown that any 'freezing' of the conflicts is fraught with some significant economic and political risks, and so the government must design appropriate measures to properly settle those conflicts.

One important cause of big urban land conflicts is the population distribution pattern in the North Caucasus cities, where residents often settle as an 'enclave'. The case in point is the existence in urban districts of compact 'diasporas' of the former rural communities resettled during the major resettlement programs launched in the 1950–1960s in the USSR, or the existence there of some long-standing communities that had been established centuries ago, long before each of these territories was incorporated in a given city. Prior to the disintegration of the USSR and later, in the 1990s, the majority

1 This paper presents the results of the RANEP's study 'Analysis of the Competition of Institutional Regulators in the Urban Setting in the North Caucasus' (conducted in 2015).

2 RF Vice Prime Minister Alexander Khloponin, an interview given to Rossiiskaia gazeta, 21 January 2013.

of these 'enclaves' enjoyed the status of a settlement within an urban area, where their settlement Soviets (councils) were endowed with the powers to allocate lands for agricultural use and land plots for individual house construction to the local residents. Those people who had no relation to a settlement's community were never, as rule, granted land plots by the settlement Soviets. In actual practice, in spite of being incorporated in an urban district, these settlements preserved their 'close approach' to dealing with the land issue, which is a typical feature of the lifestyle in most of the rural settlements in the North Caucasus. However, in the 2000s, after the enactment of federal legislation on local self-government, many such settlements were granted the status of a municipal formation, and so lost their land allocation powers. This ran contrary to the traditional outlook of the residents of these settlements, who believed in their 'historic' right of ownership to the lands in question, as well as in the traditional common-law norms practiced by the peoples of the North Caucasus, whereby it is established that the land that has been used for a long time by one or other community cannot be alienated from that community without its consent. It is the existence of this contradiction that gave rise to the conflicts that have recently become once again very acute.

Here we will give a brief overview of some typical conflicts of that kind festering in two North Caucasian regions: Dagestan and Kabardino-Balkaria.

In *Dagestan*, one of the most notorious recent 'urban land conflicts' is the one involving the lands formerly belonging to the settlement of Krasnoarmeiskoe, which is part of the Makhachkala city district. All its residents (a total of 3,961, according to Russia Census 2010), hail from one mountain village; they were resettled to the outskirts of the city of Makhachkala back in the 1950s. At that time, the new residents of Krasnoarmeiskoe were allotted, in addition to the lands on which their houses were to be built, also some agricultural land adjoining their new settlement, of a total area of 1,508 ha. In 1992, when that land was alienated from the state farm that had been set up at Krasnoarmeiskoe and transferred into the jurisdiction of the settlement's Council of Local Deputies, half of that land – approximately 754 ha – was taken away from the settlement community. In the mid-2000s, in accordance with newly introduced legislation on local self-government, all the powers to dispose of the land that had remained in the settlement's possession were transferred to the city administration. This was soon followed by a new flare of the ongoing conflict. The discontent of the local residents, who united under the aegis of an informal association of rural communities, had been caused by the following two circumstances:

1) the transfer of part of the land, which in the Soviet era had been consolidated to the settlement, into the ownership or use under a lease agreement by other (unrelated) legal entities or individuals (this happened both to the land officially alienated from the settlement and to the land that remained within its administrative border);

2) the difficulties that many of the settlement residents encountered during their attempts to formalize their ownership rights to the relevant land plots by applying to the city administration (ownership to agricultural plots; ownership to the land plots allotted to them for individual housing construction).

In 2009, the land-related protest of the settlement residents first took the shape of rallies, and then they halted the traffic on the federal highway and

launched a multi-day 'siege' of the settlement administration building, so that the local officials could not get to their offices. Then the power structures got involved in the situation, after which the conflict in that settlement became the focus of media attention. Later on, the association of rural communities continued to hold resident rallies and send numerous petitions to the various bodies of authority at different levels. Significantly, in all these petitions it was claimed that the acts of the officials had been contrary to the law, but these claims were substantiated not by references to the norms stipulated in Russian legislation, but to the traditional principles governing land relations, whereby any withdrawal of land that has not been agreed upon with the residents was forbidden. In 2015, these activists voiced their demands in connections with the transfer of all the lands belonging to the settlement residents into the ownership by the new mayor's office of Makhachkala. However, this appeal failed to bring about any changes in the current state of affairs. Our monitoring of the situation in the settlement (conducted in summer 2015) revealed that the local residents has seen no progress in the land conflict, but at the same time could not accept the situation as it was. The absence of any constructive dialogue between the residents and the new mayor's office was the factor that further boosted the 'protest potential' in the settlement.

In *Kabardino-Balkaria*, the most notorious 'urban land conflict' is the one in the settlements of Khasania and Belaya Rechka (their total population amounting to approximately 15,000). In 2005, the two settlements were incorporated into the Nalchik city district, with the transfer of all the functions in respect of the disposal of their lands to the city mayor's office. Historically, these villages had existed in that territory for more than 150 years, and their residents are ethnic Balkarians. The protests of the residents of these villages became more pronounced in 2013. Then, in response to the failure of the Nalchik city mayor's office to come to any decision concerning the allotment of land plots for individual housing construction to the settlement residents, the latter began to arbitrarily, on their own, to distribute among themselves those land plots that they believed to be 'historically their own'. The distribution of land plots was accomplished by the settlement's informal 'body of activists' on the basis of the common-law norms traditionally applied by the Balkarians in the past. The protest acts were supported by several non-governmental Balkarian organizations. After lengthy negotiations with representatives of the Republic's authorities and the office of the Plenipotentiary Representative of the President of the Russian Federation in the North Caucasian Federal District, the procedure of land allotment was suspended. However, in September 2015, new 'land rallies' were staged in the settlements, which demanded that the land plots should be allotted to the residents. In absence of any resolutions, the settlement residents demonstrated their preparedness to launch new protest acts. In the autumn of 2015, the situation in the settlements once again attracted media attention, including that of the mass media on the federal level.

An analysis of both these conflicts alongside some other similar conflicts in the cities across the North Caucasus has revealed that they all share the following common features.

First, the most acute conflicts are associated with those land plots that can be used for individual house construction. This has to do with the persistently high demand for such land plots in urban areas across the North Caucasus,

explainable in part by the continuing migration from rural areas to cities and towns.

Second, the task of putting the existing land claims into words, relaying them to the authorities and municipal self-government bodies (MSGB), and making them public in the settlements has been assumed by the informal groups of activists who, as the existing practices have shown, can rely on the support by residents, including those instances when they resort to militant protest actions.

Third, the bodies of authority and MSGBs, in their negotiations with representatives of such 'activist bodies', back their own standpoint by references to the norms stipulated in Russian legislation, but make no attempts to find a compromise solution that could also satisfy the claims presented by the residents. This results in a situation where those land conflicts that can only be described as local even in the framework of a region, evolve into a conflict of legal systems, where each of the parties insists on the priority of 'their own' norms. Evidently, this can only result in these conflicts acquiring a strong political flavor – alongside the involvement in them of ethnic non-governmental organizations. This can only be avoided only through such a process of decision-making which, without aiming to alter the existing legal regulation of the disputed lands, could give maximum regard to the land interests of the settlement residents. We do not mean the introduction of some alternative land regulation system – only that the claims presented by the local residents in respect of the disputed issues should be given proper consideration to when determining the status of the disputed lands and their beneficiaries (their owners or users by right of lease).

Fourth, the bodies of authority and MSGB obviously prefer, while trying to resolve the disputed issues, to deal with the settlement administrations, whose heads have been appointed by the city mayors, and not with the informal associations of rural 'activists'. It is precisely the omission of these 'activists' from the dialogue on land issues going on between the officials that is fraught with the danger of the worst possible scenario to become a reality, when the disagreements as to the proper distribution of the relevant land plots will evolve into a general conflict that will cast doubt on the legality of the entire existing land regulation system.

The superficial, unimaginative and formal approach practiced by the authorities in their dealing with the widely publicized land conflicts in North Caucasian cities and towns has made it even more difficult to properly resolve them. Instead, some non-standard, non-trivial and unconventional measures will be needed for their resolution, and first of all – close cooperation with the local residents involved in the conflicts and the creation of public venues for a dialogue in the framework of Russian legislation. ●