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Legacies of Territorial Reorganization
for Indigenous Land Claims in Northern Russia

Gail A. Fondahl

SUMMARY

Abstract: Territorial reorganization of indigenous society in Russia's North during the Soviet period included the disruption of indigenous land tenure mechanisms, sedentarization, and forced relocation. These historical processes now serve as a backdrop for land reform, one alleged goal of which is to increase the potential for indigenous self-government. This paper explores the effects of territorial reorganization on the scope (both geographical and functional) of indigenous petitions for land allotments, their gendered nature, and the problems of legitimate ownership rights.

Territorial reorganization of indigenous society occurred throughout the Russian North. It disrupted traditional systems of land tenure through various means, including:

* the confiscation of the property (especially reindeer) which bestowed on an indigenous collective the rights to continue using lands;

* the sedentarization of the indigenous population into villages; and

* subsequently, its forced relocation into larger villages, and the closure of smaller ones.

The paper considers some implications of this territorial reorganization for currently evolving indigenous land claims in the Russian North. Examining one area (Northern Transbaykalia), it discusses how a past disruption of indigenous land tenure systems may (1) affect the geographical and functional parameters of the land claims; (2) contribute to their gendered nature; and (3) complicate issues of legitimate tenure.

Territorial Reorganization: The majority of indigenous northern peoples were nomads prior to the establishment of Soviet power. The basic socio-economic unit of many of these peoples was the territorial obshchina, comprises of one or more families of a clan, which hunted and herded within distinct territories. Such obshchinas formed the basis for the land tenure system. Customary law allowed for the redistribution of obshchina lands among clan
members when necessary, but favored inherited usufruct rights within the territorial obshchina.

The Soviets, seeking to settle the population, created a network of small indigenous villages. They also confiscated reindeer. Since under customary law rights to land depended on continued use, the loss of deer by one obshchina eventually allowed other obshchinas to incorporate its land into their land bases.

Small collective farms were merged into larger ones, and indigenous peoples were resettled. This farm consolidation affected land tenure in a number of ways. Hunters often experienced little change. Whereas other land-based activities such as reindeer herding and gathering became increasingly difficult.

Sedentarization differentially affected women and men, women being targeted for settlement. The restructuring of indigenous economic activities reversed traditional gender role in some cases. Past removal of women from land-based traditional activities has implications for land claims today.

**Recent Land Claims Legislation:** Since 1991, Russian legislation has called for land allotments for indigenous persons, families, and clans involved in "traditional activities". The legislation stipulates the "family or clan obshchina" as the potential recipient of a land allotment. Indigenous persons interested in gaining an allotment of land in order to pursue traditional activities may petition for it. Petitioners usually ask for land on which they previously worked or lived. In most instances this means that a family-clan obshchina asks for the hunting parcels that its individual members have been assigned by the state farm or hunting enterprise.

**The Legacies of Territorial Reorganization for Indigenous Land Claims:** Previous state policy, having circumscribed both the land base used for traditional activities, and the number of indigenous persons involved in these activities, now highlights traditional use as one of the major paths to indigenous land rights and self-governance. Having preferentially removed women from the land, state policy now offers what is in essence unequal access to land allotments for men and women. Having dispossessed sequential users of their land through a variety of means, the state now is confronted with multiple petitions for the same land.
Policy Implications: The allocation of lands to family-clan obshchinas improves the possibility for indigenous peoples of Russia's North to gain control over a land base. Yet the success of such reforms depends in part on resolving the legacies of historical reorganization.

Restoration of indigenous control will not effect the alleged goals of cultural revitalization and self-government if sites critical to cultural persistence lie outside the allocated lands. This includes, firstly, important spiritual sites. The economic costs of allocating such lands are not necessarily great, and in fact might be outweighed by the economic benefits of 'extinguishment' of indigenous claims over important industrial resource areas in return for complete control over lands needed for cultural survival.

An exclusive emphasis on one or two traditional activities as the focus of land claims continues to differentially marginalize significant segments of the indigenous population -- women and youth.

Competing claims to land cannot be solved simply by choosing a date prior to Soviet reorganization. Indigenous customary law persisted and adapted to state-imposed territorial reorganization.

Local governmental officials orchestrated the reorganization of the indigenous population; they now guide the geography of land allotments to indigenous petitioners. Local interpretation can offer positive adaptation of federal legislation to specific conditions. Throughout the Circumpolar North federal governments have provided better, if imperfect, protection of indigenous rights than have their provincial, state or local counterparts. Federal monitoring of local implementation would provide a service that could benefit both the federal government and the indigenous peoples of Russia's North.