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HOW CAN THE INTERNATIONAL COMMUNITY CONTRIBUTE TO PEACE AND STABILITY IN AND AROUND CHECHNYA? A PESSIMISTIC REPLY

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Introduction

In the introduction to his paper, Professor MacFarlane quoted from a recent newspaper article by a Human Rights Watch investigator, making the following observation on the present Chechen conflict: 'The silence of the international community is deafening. To date, the international community has given the Russian government no reason to fear any repercussions for its actions.'

It is difficult not to share these sentiments. The change in the international mood since 'the first Chechen war' (i.e., the 1994–96 conflict) is striking. The predominantly sympathetic attitude toward the 'freedom fighters' had, by the summer of 1999, largely evaporated and been replaced by disgust and suspicion at the 'terrorists'. The reasons are, broadly, twofold: (a) gross Chechen mismanagement of own affairs, including the ugly spectre of hostage-taking and brutal murders; and (b) the largely successful Russian policy in managing information and news (including skilful diplomacy), thereby manipulating public opinion at home and abroad.

This should also serve to illustrate the powerful role played by the (international) mass media in shaping public opinion and thereby triggering some kind of response (or, as the case may be, non-response) by the so-called international community.

The Chechen conflict

To be truly victorious in war, the victor also needs to win the hearts and minds of the vanquished

people. Or, if that is too tall an order, at least win some modicum of legitimacy. Chechnya may serve as a useful reminder of the fact that these things are easier said than done. For three centuries, the Russian Empire has tried to conquer Chechnya and the Chechens, so far with mixed or limited success. As any Chechen will tell you, repeated large-scale attempts by the Imperial Power (General Yermolov from 1818 and for decades onwards, Stalin's wholesale deportation in 1944) at annihilation of their nationhood have left an indelible imprint on the collective memory of the Chechen people. And now, in less than a decade, the region has seen two wars which have brought death, misery and immense destruction. Peace and stability seem as elusive as ever.

It is an asymmetrical conflict—not only in terms of relative size/strength/resources, but also in terms of how the conflict is perceived by the parties. Apart from the heavy symbolism of the words 'sovereignty' and 'independence', what is the conflict all about?

Roughly speaking, the issue may be summed up as follows. During the 1994–96 conflict, the Russian view (which commanded only lukewarm enthusiasm) was declared to be the task of 'restoring constitutional order'. In 1999, the prevailing view of the issue had (rather more successfully) been re-defined as 'defending Russia's territorial integrity and combating terrorism'.

From the Chechen point of view, the conflict was and remains a 'struggle against the colonial oppressor', including 'fighting for national self-determination, specifically defending their homes and families against death and destruction, and ultimately defending the Chechen people against the threat of genocide'.

In other words there is not much common ground on which to build peace and stability.

With the apparent inability of the conflicting parties to sort out their differences on their own, it does make sense—and it is indeed a legitimate international concern—to ask whether and in what way(s) assistance from the outside could contribute toward these ends. In this context we turn to the concept of 'the international community'. Inevitably, this leaves us with the question of what exactly do we mean by 'the international community?'

The international community and its agents

In the broadest sense, the international community may be understood to encompass the totality of concerned public opinion as represented by national governments; intergovernmental organizations (IGOs; in particular such IGOs that have been established to further the aims of broad international agreements); non-governmental organizations (NGOs); multinational or transnational commercial companies; mass media; and even influential individuals. Clearly, we are not speaking of a coherent entity which could be readily operationalized.

Narrowing the scope, I suggest we focus on IGOs as the most prominent bodies to act on behalf of the international community.

Thus, likely candidates may include organizations such as the UN and, in our parts of the world, NATO, the OSCE, the Council of Europe, the EU and the CIS. Let us quickly examine the respective organizations with a view to their actual or prospective usefulness in the present context.

From the perspective of the principle of *subsidiarity*, the *Commonwealth of Independent States*—the *CIS*—should be *the* international body most ideally suited to address the question of peace and stability in and around Chechnya. After all (and stretching the geographical concepts a little), Chechnya is located in the middle of the CIS backyard, and charity is said to begin at home. Using the CIS for this purpose has, however, hardly been seriously contemplated by anyone. This is first

and foremost a reminder of the real (as opposed to the nominal) nature of this organization. Put bluntly, the main *raison d'être* of the CIS has been to preserve a measure of Russian hegemony within the former Soviet Empire. It is, therefore, tempting to rule out any usefulness of the CIS in this connection. However, this might not necessarily be so. Whether possible CIS mechanisms should be explored to seek a path to peace and stability in Chechnya would, basically, depend on whether or not the Russian Federation would find such an approach compatible with its overall interests.

Turning to the opposite end of the range of eligible IGOs, we find the *United Nations*. The UN would, in principle, be endowed with the highest legal and moral authority with which to address the issue, but the UN decision-making structure being what it is, and with Russia as a veto-holding power in the UN Security Council, it is hard to conceive of the UN as an effective problem-solving instrument with regard to Chechnya. No doubt, elements of the UN system could be brought to address specific aspects of the crisis. This is already the case; through the UN High Commissioner for Refugees (UNHCR), the UN has demonstrated active involvement in alleviating the plight of the huge number of Chechen refugees (or internally displaced people—IDPs) in the region, especially as they poured into neighbouring Ingushetia in October/November 1999. Undeniably a necessary and commendable task, but the predicament of the refugees/IDPs is the *result* and not the *cause* of the lack of peace and stability.

I also mentioned *NATO*—the Western military alliance which a year ago emerged as the main proponent of the concept of *humanitarian interventions*. However well-intentioned, the NATO operation in Yugoslavia in 1999 was not a completely unmitigated success—whether seen from a legal point of view or judged in terms of the military or humanitarian achievements. In any case, and logistical considerations aside, for obvious reasons of *Realpolitik*, the NATO/Kosovo model does not lend itself to application to Chechnya: Russia is not Serbia.

The *European Union* has plenty of ambitions of being a major world player. At its present stage of evolution, the EU is, however, still primarily structured and geared to addressing its own internal developments (including managing collateral damage resulting from its enlargement process). Judging from past performance and experience, it might be difficult to envisage the EU being able to formulate a common policy that could effectively contribute to peace and stability in and around Chechnya. Provided there is a sufficiently high build-up of internal political demands and pressure from key member states, the EU may, however, conceivably be employed as an instrument for coordinating diplomatic and economic responses (using, for example, its TACIS mechanisms) aimed at influencing Russian policies in the region in a desirable direction.

The *Council of Europe*: By suspending Russia's membership, the Council has shown a laudable and refreshing will to respond to human rights violations. Whether this move will—in the short run—actually contribute in any way to bringing about peace and stability is, however, a different matter.

The one intergovernmental organization which so far has a substantive track record of direct involvement in the matter of promoting peace and stability in and around Chechnya, is the *Organization for Security and Cooperation in Europe*, the *OSCE*. And since this is also the only such IGO with which I have had direct personal experience in this particular matter, I would like to give a presentation of the scope and character of its involvement as well as an account of the issues and obstacles that had to be addressed, and of the experience that can be drawn from this exercise. Thus, we need to go back a few years in time, to the 1994–96 hostilities, and briefly recapitulate the main developments.

The OSCE experience

The decision to open an OSCE Assistance Group to Chechnya was made at the 16th meeting of the OSCE Permanent Council on 11 April 1995. The Assistance Group (AG) was given a mandate including the following tasks to be performed in conjunction with Russian federal and local authorities, and in conformity with the legislation of the Russian Federation:

1. Promote respect for human rights and fundamental freedoms, and the establishment of facts concerning their violation; help foster the development of democratic institutions and processes, including the restoration of the local organs of authority; assist in the preparation of possible new constitutional agreements and in the holding and monitoring of elections;
2. Facilitate the delivery to the region by international and non-governmental organizations of humanitarian aid for victims of the crisis, wherever they may be located;
3. Provide assistance to the authorities of the Russian Federation and to international organizations in ensuring the speediest possible return of refugees and displaced persons to their homes in the crisis region;
4. Promote a peaceful resolution of the crisis and a stabilization of the situation in the Chechen republic in conformity with the principle of territorial integrity of the Russian Federation and in accordance with OSCE principles;
5. Pursue dialogue and negotiations, as appropriate, through participation in 'round tables', with a view to establishing a cease-fire agreement and eliminating sources of tension;
6. Support the creation of mechanisms guaranteeing the rule of law, order and public safety

The Assistance Group began working in Grozny on 26 April 1995. Despite the importance and urgency of several of the other tasks included in the AG's broad mandate (indeed impossibly broad, but conveniently flexible), the most prominent part of its activities up until 1997 was the group's *mediation* efforts. Tireless shuttle diplomacy by the then Head of the Group, Ambassador Tim Guldemann, was instrumental in facilitating the negotiation process that led to the Khasaviurt Agreement of 31 August 1996, which brought an end to the armed conflict. The Khasaviurt Agreement also provided for a pull-out of all troops, and stipulated that 'agreement on the principles of mutual relations between the Russian Federation and the Chechen Republic is to be worked out by 31 December 2001'. Also in terms of the Agreement, presidential and parliamentary elections took place on 27 January 1997, under the auspices of (and actually organized by) the OSCE AG. The elections, which were monitored by some 200 international observers, were declared free and fair by the OSCE and also recognized by the Russian Federation as legitimate.

Thus, by March 1997 the accomplishments of the AG were substantial and, indeed, impressive. However, at this stage, the general attitude of the parties involved seems to have been that the most pressing tasks in the AG's mandate had been dealt with successfully and once and for all. This view was explicitly laid down in a Statement of the Russian Federation to the OSCE Permanent Council of 13 March 1997, which maintained, *inter alia*, that: 'the part of the OSCE Assistance Group's mandate which is related to mediation efforts in the context of settling the armed conflict and smoothing the way to negotiations has been carried out in full. The dialog that

has begun between the federal authorities and the new leadership of Chechnya . . . is . . . being conducted directly and excludes any mediation efforts whatsoever by the OSCE representatives.'

Thus, although the basic text of the Assistance Group's mandate remained unchanged, the tasks were effectively and substantially restricted in scope. It should, however, be added that the AG did assist in bringing about yet another important accomplishment: the signing in Moscow on 12 May 1997 by presidents Yeltsin and Maskhadov of the Treaty on Peace and Principles of Mutual Relations between the Russian Federation and the Chechen Republic.

However, most important—and disturbing—is that despite the agreements, the Chechen crisis remained unresolved. Talks as envisaged in the Khasaviurt Agreement, on the political status of Chechnya, were eventually discontinued as no progress could be made in overcoming the main obstacle, that is, Chechnya's insistence on full independence. In retrospect it would thus appear that the dialogue between the federal and Chechen authorities that was supposed to render the AG's mediation role redundant, was soon to run out of steam.

From mid-1997 onwards, the Assistance Group's activities were reoriented toward those parts of the mandate that could still be considered operative. In this, the AG was necessarily guided by the aforementioned Russian Statement of 13 March which specifically mentioned three priority areas: (a) monitoring of the human rights situation; (b) assistance in establishing democratic institutions and in ensuring the return of refugees and displaced persons; and (c) coordination of efforts in providing humanitarian aid.

Clearly, the AG's mandate remained sufficiently broad and flexible, and obviously addresses continued, real and pressing needs, so as to make it unnecessary to invent new tasks in order to justify its continued existence. Indeed, the pulling-out of other international bodies, leaving the OSCE as the only remaining international organization with a representation in Chechnya, would seem to lend yet another important dimension to its continued presence.

At the same time, developments in Chechnya during 1997–99 made it progressively more difficult in practical terms for the AG to perform its tasks. Increasingly, the modalities of the AG's work came to be defined by the *security environment*. During 1998, the security situation in Chechnya was deteriorating to an extent which reduced significantly the possibilities of the AG to perform its tasks in a meaningful way, while at the same time observing acceptable standards of safety for its own personnel.

Extensive security measures notwithstanding, four times during 1998 the AG was forced to evacuate its expatriate staff from Grozny to Moscow. The last such evacuation took place on 16 December 1998. Unlike previous such periods this latest evacuation was subsequently—by decision of the OSCE Chairman-in-Office (CiO)—prolonged repeatedly in view of the further deteriorating security situation. In order to ensure continuity and regularity of the AG's on-the-spot operations, working visits to Grozny by AG members were made three times during January–March 1999. However, at the OSCE Permanent Council meeting of 11 March 1999, it was announced by the CiO that the evacuation regime—although still meant to be a temporary measure—was tightened up to exclude any further travel to Chechnya by AG members. Thus the group continued to operate from Moscow, where temporary office facilities had been established at the Embassy of Norway (since Norway had the OSCE Chairmanship in 1999), while the Grozny office was also kept fully operational.

Since early 1999, the Chechen side repeatedly expressed the desirability of including a third party—preferably the OSCE—in a hopefully resumed negotiation process with the federal authorities. In a series of talks with high-ranking Russian officials, the AG consistently confirmed its

readiness to undertake such involvement—if and when the parties should so desire. The prevailing view in Moscow, however, continued to follow the restrictive line expressed in the Russian statement of 13 March 1997, which maintained that the part of the AG's mandate related to mediation efforts had been carried out in full, and that no further third-party involvement in a resumed Russian–Chechen dialogue was envisaged. Indeed, one of the most outspoken advocates of resumption of the Russian–Chechen dialogue, Russian Minister for Nationalities Ramazan Abdulatipov expressed the view that in North Caucasian conflicts, historical experience shows that any would-be mediator invariably tends to become a party to the conflict.

Whatever prospects there might have been for a renewed mediation role for the AG they were effectively dispelled by the events that took place during the second half of 1999: first the hostilities unleashed by the incursions (from 7 August) into Dagestan of Chechen-trained armed groups led by the notorious warlords and trouble-makers Shamil Basaev and Al-Khattab, thereafter (from 3 September) Russian air bombings of Chechen territory (from 22 September also including the city of Grozny), and from 30 September the invasion of Chechnya by federal ground forces, setting off an armed campaign yet to be brought to a conclusion.

At the end of 1999 the Assistance Group's functions had been reduced to an absolute minimum. After its 'classical' role as a mediator had already been abandoned in 1997, for various reasons also its role in the humanitarian assistance and human rights fields had been scaled down considerably. Because of the renewed armed hostilities in Chechnya, in October 1999 the remaining AG local staff in Chechnya had to be evacuated to neighbouring Ingushetia, and all humanitarian aid projects had to be put on hold. From August 1999 the AG had also come under increasing criticism from the Russian authorities for its reporting, which included sensitive topics such as human rights violations perpetrated by the Russian side as well as appeals for assistance from Chechen authorities to the international community. In response to the attitude of the Russian authorities, who displayed a progressively more restrictive interpretation of the AG's mandate, the AG scaled down its coverage of human rights violations in the course of the military campaign in Chechnya and reduced its reporting to a minimum. Nevertheless, the relations with the RF Ministry of Foreign Affairs continued to cool down, as witnessed *inter alia* by a succession of Moscow newspaper articles—ostensibly using MFA sources—with critical coverage of the AG's activities.

At the same time, the Russian authorities gradually adopted the view that the previously entered agreements—the 1996 Khasaviurt Agreement and the Russian–Chechen Peace Treaty of 12 May 1997—were no longer legally binding, and renounced their recognition of the OSCE-sponsored presidential and parliamentary elections that had been held in January 1997.

Until the OSCE Istanbul summit in November 1999 the OSCE—just like most other bodies representing the international community—had been hesitant to openly criticize the Russian Government for its actions in Chechnya. Although the summit reconfirmed the mandate of the OSCE Assistance Group to Chechnya and paved the way for the subsequent visit (mid-December 1999) of the CiO to the Northern Caucasus, the Russian Government continued to be adamant that no political role was envisaged for the OSCE or its AG in the context of the conflict. Upon his return from the visit, the OSCE CiO made a 4-point proposal to facilitate a solution to the conflict:

1. Immediate cease-fire in and around Grozny;
2. The establishment of a dialogue between the parties with OSCE participation;
3. A regional conference with participation of the presidents of Dagestan, Ingushetia and North Ossetia, as well as RF and Chechen representatives;

4. Escalation of international humanitarian assistance to the region and improved coordination of such assistance.

This initiative was, however, rejected by Russia.

Since January 2000, the AG has been operating under the Austrian OSCE Chairmanship. A reconnaissance visit to Chechnya was made by AG members in March, and there are plans to partially relocate the AG back to Chechnya (most likely to the Znamenskoie location in northwestern Chechnya—an area under firm federal control). Otherwise, no great changes have been reported to have taken place, with regard to the attitudes of the Russian Government or the strategies pursued by the OSCE Chairman-in-Office.

Conclusions

Returning to our initial question: ‘How can the international community contribute to peace and stability in and around Chechnya?’, and on the basis of the lessons learnt from the OSCE experience, it may be tempting to give a rather pessimistic reply. All told, the OSCE may in fact be the international body that is best equipped to address the issue. At the same time, the limitations are obvious: The OSCE is an organization that operates on the basis of the principle of consensus, and hence, it can only be as effective as all its member-states want it to be.

At the same time, and although my focus has been on the OSCE, we should not forget that there are other IGOs—agents of the international community—that may serve as mechanisms for channelling public opinion into positive action. But this presupposes that such a public opinion exists and can be sustained, a prerequisite that largely depends on the extent to which the issue may capture the focused attention of the international mass media.

Proceeding from the presumption that there are basically two main types of strategies to choose between, viz. (a) a coercive/punitive strategy; and (b) constructive engagement, the realistic choice for an organization such as the OSCE narrows down to finding a workable version of the second option.

Even that option is subject to serious limitations: With a major member state being a party to the conflict, and insisting that it is a purely internal matter, no progress is feasible.

Still, it cannot be completely excluded that a situation could arise (as it did back in 1995) when Russia may find it to be in its own best interest to avail itself of the good offices of the OSCE to seek a way out of the seemingly never-ending imbroglio. Everybody—including the Russian leadership—professes to agree that the conflict cannot be solved by military means alone: A political solution has to be found. To achieve this, huge efforts must be made in several directions. Humanitarian needs must be alleviated, refugees/IDPs must be given a safe return to what is left of their homeland, infrastructure must be rebuilt, and—most difficult of all—the distrust caused by the military campaign with its death and destruction must be dispelled. It is not realistic to expect any quick and easy solutions.

Although a comprehensive political solution may not be within reach, much can still be done to assist in bringing about some improvement in an otherwise miserable situation. If the security situation could be made tolerable, international NGOs with humanitarian or human rights agendas could be encouraged to involve themselves directly in the region. To assist such NGOs in their beneficial activities could be a positive contribution from the OSCE Assistance Group, which at the same time should maintain a presence and a readiness to offer its good services in terms of its mandate, keeping hope alive for such a time to occur when opportunities to fulfill its mandate may

be a more realistic proposition than the present situation may offer. Meanwhile, the Assistance Group could function as a much-needed channel of communication and information, its very presence also serving as a message to the Chechens, the Russians and to the outside world alike, that Chechnya has not been forgotten by the international community.