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No End to the War in Chechnya without Negotiations¹

The War in Chechnya - an "Anti-Terrorist" Operation?

Chechnya remained the scene of armed conflict during the entire year 2000. This so-called "second Chechnya war" began on 18 September 1999 when Russian Federation troops crossed the border into the Republic of Chechnya. Two circumstances were the direct cause of this Russian troop invasion: Firstly, the Russian government held Chechen bandits responsible for bomb attacks on residential buildings in Moscow, Buynaksk and Volgograd where numerous people were killed. Secondly, Moscow used the incursion of armed units of Chechen separatists into the Botlikh district of Dagestan, the Russian province neighbouring Chechnya, on 2 August 1999 to justify its military action, which was to be conducted under the official designation "anti-terrorist operation". The more profound reasons for the most recent Russian intervention in Chechnya, however, lie in the more distant past and cannot be presented exhaustively in this article.

While the Russian government has yet to present convincing evidence that the Chechens were guilty of the above-mentioned bomb attacks on residential buildings, the Chechen rebels undoubtedly provoked the Russian government tremendously when they invaded Dagestan, which was enough justification for appropriate military countermeasures. Although these occurrences were the direct cause of the Russian military intervention in Chechnya, one should not forget that already during the years after the signing of the Treaty of Khasavyurt² the relations between the Russian Federation and Chechnya had steadily deteriorated and become so aggravated that an explosion was to be expected.

The Collapse of State Order in the Republic of Ichkerya

In Ichkerya, as Chechnya is called by its native people, not only had a system of arbitrary and general lawlessness emerged in which criminal elements were increasingly able to gain influence, but social and economic developments had led to the impoverishment of the largest part of the population. One can say without exaggeration that the general situation was characterized by the complete collapse of the legal and economic order. The public sector of the Republic deteriorated so massively that it could no longer offer even

1 The article presents the personal views of the author.

2 On 31 August 1996, President Maskhadov and President Yeltsin signed the Treaty of Khasavyurt, formally ending the first Chechnya war.

the most elementary services. Schools were closed, the health system had collapsed and hospitals only treated patients with money, public services like the gas and the electricity supply were totally inadequate. State employees like civil servants and teachers, but also doctors and nurses had not been paid their salaries for years.

Kidnapping became a daily occurrence. Mainly foreigners and representatives of international organizations were the targets of hostage-takers because high ransoms were expected in exchange for their release. However, also citizens of the Russian Federation were frequently victims of this despicable inhuman practice, which unquestionably has a long history in the Caucasus. Although Russian security forces succeeded in freeing all known foreign hostages by the summer of 2000, it was estimated that there had been about 500 local hostages in the hands of Chechen kidnappers in the area of Chechnya controlled by Russian troops at that time.³

In addition to the criminal regime that had crystallized in Chechnya, the fact that a shadow economy specializing in smuggling, weapons and drug trafficking had emerged, posed a permanent challenge to the Russian government. After all, there was no economic or customs border between Chechnya and the rest of the Russian Federation so that Chechnya was an open door for the illegal importation of goods of all kinds to Russia. An energetic and rapid intervention by the Russian government was meant to put an end once and for all to this deplorable state of affairs, which was seen by large parts of the Russian population and probably also the Chechen population as a serious threat.

The Reasons for the Russian Invasion

In addition to these considerations, the main reason given by Russian officials for the decision to intervene militarily in Chechnya was the necessity to put a stop to the international terrorist activities of extreme Muslim fundamentalists. The Maskhadov government was not only accused of being incapable of stopping the terrorist fundamentalism described as "Wahhabism"⁴ in

3 Abductions have traditionally been a lucrative activity for Chechen and other Caucasian bandits. Hostages are often used as slaves for long periods and are forced to spend their lives in dungeons, most often foxholes. These hostages represent a genuine commodity, can be sold and resold and finally sold free for ransoms that can amount to several million US dollars. According to statements by Alexander Malinovski, General in the Russian Interior Ministry, if I, as the Head of the OSCE Assistance Group to Chechnya, had been kidnapped, I would have had a "market value" of around seven million dollars. The market value of the other members of the Assistance Group - according to Malinovski - would have been calculated according to their country of origin in Eastern or Western Europe and would have been valued at two to five million dollars.

4 Wahhabism originated in Saudi Arabia and is an Islamic sect with particularly strict and intolerant codes of observance whose adherents have caused fights often ending in physical destruction against the believers of the "laxer" Sufism traditionally present in Chechnya.

its own country, but was deemed to be a willing accomplice in its excesses. The fact that Chechnya's President, Aslan Maskhadov, out of consideration for the demands of his domestic rivals from the circle of commanders Shamil Basaev and Al-Khattab, introduced the Sharia in the whole country at the beginning of 1999, doubtlessly offered further convincing evidence of the dangerousness of his regime and the justice of the war against the Chechen rebels. According to the official Russian interpretation, in Chechnya, Russia is fighting a defensive war as a representative for the entire civilized - Christian? - world against terrorist Islamic fundamentalism supported by shady foreign forces. This terrorist conspiracy is seen to extend from the Philippines to Algeria, has its sights on the Caucasus first, then will destroy all of Russia and finally threaten the whole of Europe.

The chance to meet the Chechen challenge through a "small victorious war" was readily seized upon by the Russian General Staff as it gave them the opportunity to expunge the disgrace of having lost the first Chechnya war. Public opinion in Russia also indicated there was massive support for military recourse against the Chechen "bandits". This doubtlessly made it easier for Prime Minister Vladimir Putin, who was preparing his presidential campaign, to take a decision.

Has Russia Learned the Lessons of the First War?

The "anti-terrorist operation" was designed to achieve a rapid victory over the rebels and was not to repeat the mistakes of the first war. To prevent a reversal in public opinion, a news blackout was successfully declared for the entire war zone. Neither foreign nor Russian journalists were to be allowed to report the news freely as had been the case in the first war. To a large extent the Russian leadership achieved this goal. Only a small number of reports on the atrocities of this war reached the ears and eyes of the world, which today does not seem to be interested in Chechnya at all anymore. However, the Russians were not really able to achieve the main goal of their military operation, the defeat of the bandits, by the end of 2000.

The Russian army was interested in keeping their losses in human life as low as possible and thus when feasible avoided direct contact with the enemy. Their tactics consisted of a massive employment of artillery and air force, which Chechen fighters could do little to counter. Only when their bombings had destroyed enemy positions to the greatest extent possible, were Russian troops to penetrate the area. This strategy was in no way as successful militarily as had been hoped because the rebels entrenched themselves in deep ditches. Politically moreover it had catastrophic consequences for Russia, which cannot be remedied: As a result of the strategy, the victims of the "anti-terrorist operation" now came of course predominantly from the civilian population, who - if they were not able to flee in time - were literally bombed

to pieces. The image of the destroyed Chechen capital, Grozny, was transmitted around the world, which had not seen anything like this since the Second World War. With justification, many asked how a government could so totally destroy one of its own capitals, not showing consideration for its own people and in fact not leaving one stone resting upon the other. However, one must also note that Russian troops had given an ultimatum to the people of Grozny to leave the city through a corridor. Those who did not leave were to be considered as terrorists! Before the first war, Grozny had a population of over 400,000 inhabitants, predominantly Russians. According to estimates, after "liberation" by the Russian army in February 2000, only about 20,000 inhabitants, mainly elderly people who were no longer able to escape, have been living in the underground ruins of this once so beautiful Caucasian capital.

Many of the smaller cities and villages in Chechnya witnessed the same fate as Grozny. Although there are no official records on the destruction caused by war or the number of civilian victims of the "anti-terrorist operation", the estimates of private human rights organizations come reasonably close to the truth, reporting tens of thousands of dead, the destruction of more than half of the Chechen residential buildings and the almost complete destruction of the economic infrastructure.⁵ This kind of warfare, not conducted according to generally recognized rules, hardly induced the Chechen people to feel the Russian army was liberating them from an unjust criminal regime. Even those who had expected the gradual return to normal civilian life after Putin officially declared Russian victory on 14 April 2000 became highly disappointed by the arbitrariness of Russian security forces and the numerous gross human rights violations they committed. Many observers got the impression that a large percentage of the Chechen people objected to Russian rule. Because of the lack of discipline of its army, Russia has very likely lost the sympathy of the majority of the Chechens forever. Of course, it should not be concealed that the Chechen separatists have also led their war using the most brutal methods and without consideration for the civilian population.

5 On 16 January 2001, the Ingushetian branch of the Russian human rights organization "Memorial" placed the number of civilian victims from the "anti-terrorist operation" in Chechnya at 55,000. According to the official records 1,500 people, predominantly Chechen men, have been reported missing. In addition to Grozny, around 300 of the 425 settlements in Chechnya have been razed to the ground. The reconstruction of residential buildings would cost at least 30 billion US dollars. The Council of Europe even has information that 18,000 people have been reported missing. On 21 September 2000, the Secretary General of the Council of Europe demanded in the Duma that their whereabouts be clarified.

The New Guerrilla War

However, President Putin's official victory declaration has by no means ended the hostilities. Although Russian troops are in control of most of Chechnya, they were not able to completely destroy the bulk of the insurgents.⁶ The latter were able to retreat to the Caucasian mountains in the southern part of the country and start operations again from there. Many of the fighters were able to disappear simply anywhere in the country and then suddenly strike. The tactics of the rebels was now to avoid all open military confrontation with the superior Russian forces and to deal the Russians small but severe blows when they least expected it using mines or ambushing them. In the further course of the year 2000 it became evident that the separatists have excellent mastery of the rules of the guerrilla war that Maskhadov had declared. However, it also became evident that the people of Chechnya apparently have given the guerrillas the support they need, without which guerrilla warfare simply cannot be conducted successfully.

Without going into the individual stages of the Chechen campaign, which then developed into a guerrilla war, it must be stated the country is far from achieving real peace. In some respects, the general security situation has in all probability gotten even worse than it was during the period of real war. At that time, it was at least clear where the front line ran. Now the enemy may be lurking everywhere. Russian security forces more or less control the country during the day, but it belongs to the rebels during the night. After darkness closes in, the Russians dare not leave their positions, which are the target of regular attacks. If one follows the casualty reports one gets the impression that the Russians have hardly any less dead and wounded on the average than they had during the period of the actual war. However, increasingly even civilians are being murdered. President Maskhadov had sentenced all those who had been prepared to co-operate with the Russians "to death" for being collaborators. Those fighters loyal to him have in many cases already carried out this "verdict". Not only many of the civil servants appointed by the Akhmad-Hadji Kadyrov government, but also in particular religious leaders have been eliminated in this manner for being "traitors". There have already been a series of assassination attempts on Kadyrov himself and many

6 There are no reliable statistics on the strength of the separatists. The official Russian figures are so contradictory that they create confusion. At the beginning of the war, their forces might have included 20,000 to 30,000 men. The Deputy Chief of General Staff of the Russian Armed Forces, General Valeri Manilov, informed me on 28 June 2000 that there were around 2,000 fighters among the "bandits" at that point in time. However, the Director of the Russian secret service FSB, Nikolai Patrushev, for example, gave a figure of 5,000 fighters on 1 February 2001. They were up against around 120,000 men on the Russian side. Because the bandits have divided up into small groups, they are difficult to defeat, the Russians argue. According to Manilov, the so-called "zachistkas", i.e. cleansing operations, were to have, on the whole, eliminated the dens of the resistance fighters by the autumn of 2000. In these zachistkas entire villages where fighters were presumed to be located were systematically searched. Human rights organizations blamed the perpetrators of these operations of having committed numerous human rights violations.

of his closest friends have been murdered. This is a tactic, which can be described as truly diabolical where civilians who have been labelled as collaborators are targeted for murder and behind which, there is of course a carefully thought-out calculation: It is meant to act as a deterrent to prevent the Chechen people from co-operating with the Russians. In this fashion, the rebels were indeed able to seriously undermine the confidence of the people in the administration appointed by Moscow and spread the fear of co-operating with it.

This of course is only a facet of the terror prevailing in Chechnya which is particularly contemptuous of humanity - a terror, for which unfortunately both sides are to blame. Those who suffer most are in fact the people of Chechnya, and they suffer not only from life's wretched physical conditions, which is truly unimaginable if you do not see it with your own eyes, but in particular from the prevailing system of extensive lawlessness and arbitrariness emanating from those groups who effectively exercise power. Not only the brutal way of implementing the "anti-terrorist operation", which was neither subject to the law of war nor to the Russian legal system, but also the numerous human rights violations committed by Russian organs, which have been unquestionably documented by independent Russian and international organizations, have awakened the attention of the world and led to angry reactions.

Does Anyone Really Want Peace?

Foreign observers have continually asked the question why the Russian government despite the ruthless deployment of overwhelming armed forces has not yet been able to cope with the relatively few insurgents and establish order in Chechnya. Apart from the above-mentioned circumstance that guerrilla warfare is needless to say not waged according to the customary rules and also a superior camp can only win such a war if the local population does not support the guerrillas, there are many things, which remain incomprehensible. Why have the best-trained Russian special units not been able to capture the most important field commanders, Basaev and Al-Khattab, and above all, President Maskhadov, although they are perfectly aware of their whereabouts?⁷

Indeed, there are many indicators that influential forces on both sides do not have any real interest in a rapid end to the war in Chechnya. For the fighters, war has become the only familiar way of life. For large parts of the Russian forces - both military and civilian - this war offers them an opportunity to

7 The Obshchaya Gazeta had a simple explanation for this on 18 January 2001: The Russian troops have no interest in capturing the commanders of the insurgents because - in the absence of enemy leaders - they would then have to admit they were waging a war against the Chechen people.

make a great deal of money not to be found elsewhere. It has been affirmed by everyone who is familiar with the situation that a system of corruption and exploitation has become wide-spread in Chechnya which the Moscow central authorities can no longer control and which weighs heavily on their minds. Thus, it is an open secret that a large part of the money, which the Moscow government had made available for the reconstruction of the infrastructure as well as pension and salary payments, has drained away untraceably. Equipment, e.g. cables to repair the Chechen electricity network, is brought in and assembled by the Russian government, only to be dismantled shortly thereafter by "unidentified persons" and resold in Russia. Much of what survived the war has been dismantled and sold at a high profit in the neighbouring regions as non-ferrous metal. The exploitation of Chechen petroleum has proved to be especially lucrative for those with the right connections. The arms trade between Russian soldiers and Chechen fighters had already played a large role in the first war and has blossomed anew today. There are any number of other examples of this institutionalized corruption in which both sides have an existential economic interest.

Thus, throughout the course of time in Chechnya, an interplay between both of the opponents has developed that has served to maintain the status quo, useful to everyone involved. The common interest towering above all differences and the interconnections resulting therefrom are known as the "*tretya sila*" (third force). It cannot be identified concretely, but certainly has a significant background influence on the course of events.

Human Rights Violations without Expiation

International observers and Russian human rights organizations⁸ not only reproach the Russian side for its disproportionate use of military force, but specifically for mass shootings occurring during the cleansing operations, the so-called "zachistkas", the most notorious of which were conducted in Alkhan-Yurt, Staropromyslovski and Aldy. There are also complaints that there is daily harassment of the Chechen people through numerous roadblocks, arbitrary arrests and torture, extortion of money and looting on a large scale. The result of this is that the people have a complete lack of confidence in the Russian authorities. The Russian human rights organization "Memorial" assumes that 20,000 arbitrary arrests have been made. Many of these detainees had to be ransomed free by their families, however more than a few disappeared

8 The most important organizations dealing with human rights violations in Chechnya are "Human Rights Watch", "Physicians for Human Rights" and the Russian organization "Memorial". In the report, which they prepared for the Council of Europe on 23 January 2001, the "Physicians for Human Rights" stated that the crisis in the area of human rights violations in Chechnya had persisted also into December 2000. Abductions, mass arrests, torture, mutilation, electric shocks, arbitrary murders of non-combatants in internment camps ("insulators"), looting, destruction of homes and schools etc. occurred to such an extent that according to international law they were to be qualified as war crimes.

completely. The total lack of institutions for legal protection like the courts, public prosecutors and lawyers makes it impossible for people to assert their rights. The newly elected State Duma Deputy for Chechnya, Aslanbek Aslakhanov, described the prevailing system in Chechnya as "completely lawless and despotic".⁹

After her visit to the Caucasus at the beginning of April 2000, Mary Robinson, the UN High Commissioner for Human Rights, expressed her shock at the human rights violations in Chechnya and the conditions under which thousands of refugees are forced to live. She made the urgent request that Russia establish an independent commission to investigate human rights violations. Also, in April 2000, at the UN Human Rights Commission, the European Union appealed to Russia to conduct an independent investigation of human rights violations. In addition, the Austrian Foreign Minister, Benita Ferrero-Waldner, made the same demand when she visited Russia from 12 to 15 April 2000 in her position as the OSCE Chairperson-in-Office.

Mr. Kalamonov's Office

President Putin had already decided on 17 February 2000 to appoint a man he trusted, Vladimir A. Kalamonov, his "Personal and Special Representative for Human Rights in Chechnya". Kalamonov opened an office in Znamenskoye in the northern part of Chechnya, in which several local employees and three human rights experts from the Council of Europe gather people's complaints and transfer them to the appropriate authorities. Kalamonov investigated 500 cases of abduction and obtained the release of a number of detainees. By his own account 77,000 people were able to obtain a new identity document with his assistance. In addition, he was able to book successes in the construction of the judicial system. In December 2000, four courts were opened in Nadterechny, Naursky, Shelkovski and Gudermes in which 22 judges have been employed. Moreover, a chief public prosecutor's office was established, however, the worst crimes against human rights did not appear to fall under its jurisdiction. It is regrettable that not one member of the Russian armed forces has yet been sentenced for human rights violations. Nothing would have been more helpful to gain the confidence of the Chechen population than serious action by the Russian judicial system to carry out the punishment of crimes. In answer to the petitions from abroad to establish independent investigatory commissions, the Duma Deputy and former Minister of Justice, Pavel Krash-

9 On 21 September 2000, the Duma held a special meeting on Chechnya where representatives of the OSCE Assistance Group and members of the Council of Europe also took part as guests. At this meeting, several Russian Duma Deputies portrayed the prevailing circumstances in Chechnya with impressive openness, in particular Aslakhanov, Krasheninikov, Tkachev, Arbatov, Kovalyov among others. With the exception of the representatives of the government, all speakers dealt with the serious human rights violations committed by the Russian military and Russian security services and the fact that nothing is being done against the offenders.

eninnikov, in the spring of 2000, established a "national public commission of inquiry to investigate violations of and respect for human rights in the North Caucasus". Although it has created several complaint offices and published a progress report, it has most likely not fulfilled the expectations of the international community for the simple reason that it does not have the adequate funding to do so.

The Role of OSCE

The OSCE, which is the international organization predominantly responsible for the maintenance of peaceful conditions in Europe, has of course dealt with the wars in Chechnya from the beginning and has offered invaluable assistance in political and humanitarian terms. Long before the first Chechen war (1994 to 1996) was over, on 11 April 1995, the OSCE Permanent Council decided to establish an Assistance Group in Chechnya. At the same time, this Assistance Group was given a broad mandate including political, social, humanitarian and democracy-building tasks, which they were to fulfil in conjunction with the Russian federal and local authorities, and in full conformity with the legislation of the Russian Federation.¹⁰ Because the Assistance Group's mandate does not have a time limit, according to OSCE regulations, it can only be ended by a Permanent Council decision. Time after time, this mandate has been reaffirmed in its entire scope by all OSCE participating States. This was also reiterated formally at the Istanbul Summit in November 2000, where the role of the Assistance Group in dispute settlement through negotiations was given special emphasis.

10 In the operational section of the mandate the following tasks were given to the Assistance Group:
"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;
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;
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;
promote the peaceful resolution of the crisis and the stabilization of the situation in the Chechen Republic in conformity with the principle of the territorial integrity of the Russian Federation and in accordance with OSCE principles and pursue dialogue and negotiations, as appropriate, through participation in 'round tables', with a view to establishing a ceasefire and eliminating sources of tension;
support the creation of mechanisms guaranteeing the rule of law, public safety and law and order." Permanent Council, Journal No. 16, 11 April 1995, pp. 2-3.

The Assistance Group to Chechnya and Its Mandate

In contradiction to this confirmation of the Assistance Group's entire mandate, the Russian delegation had already made an interpretative statement on 13 March 1997 at the OSCE Permanent Council, which placed fundamental limits on the Assistance Group's mandate. According to this statement "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".¹¹ In the settlement of the second Chechnya war, the Assistance Group is no longer to be granted the role as a mediator, which had been so successful under the management of the Swiss diplomat Tim Guldiman in the first Chechen conflict in leading to ceasefire agreements and the conclusion of the Treaty of Khasavyurt. It is clear that due to the fact that one of the conflict parties had deprived it of its authority to act as a mediator, the value of the Assistance Group was greatly reduced. This could not be changed even by the fact that most of the OSCE participating States appealed to Moscow repeatedly to return all rights to the Assistance Group - as provided by the mandate. What may have triggered the Russians to change their position?

The OSCE Standing in Russia

While in former times the OSCE, which the Soviet Union played a large role in establishing, was in the eyes of Russia the most important instrument towards regulating questions of security and co-operation between European states, its value in Russian foreign policy today has very likely diminished considerably - especially due to the NATO war against Yugoslavia. In the Kosovo conflict, when Russia could not prevent the war even with OSCE assistance, it was forced to recognize the limits of the Organization. Incidentally, the NATO intervention in Yugoslavia served Russia to justify its own operations in Chechnya: If foreign military intervention is permitted in an ethnic conflict abroad then it must be legitimate for a national government to intervene on its own territory! However, theoretically the Kosovo war represented a precedent for foreign intervention in Chechnya, although Russia, of course, is not comparable to Serbia and no one with any rationale has considered a NATO intervention in Chechnya.

11 Permanent Council, 105th Plenary Meeting of the Council, PC Journal No. 105, 13 March 1997, Annex 3, Agenda item 7(d): Statement of the Russian Federation.

Foreign Countries Demand Negotiations and Offer Mediation in Vain

While during the first Chechen war the Assistance Group was utilized as a constructive instrument for mediation by the Yeltsin government and as mentioned above, in fact played a decisive positive role, during the second Chechen war, the Putin government did not want any international mediation whatsoever. As OSCE Chairman-in-Office, the Norwegian Foreign Minister, Knut Vollebæk, travelled to the Northern Caucasus on 14 December 1999 and offered OSCE mediation services in the conflict. The Russians rejected this offer as well as another proposal by Vollebæk on 20 December 1999 to begin negotiations with the Chechens under OSCE auspices. Similar offers by the legitimate President of Chechnya, Maskhadov, to begin negotiations including international mediators, were also rejected.

The Russians argued as follows: The "anti-terrorist operation" in Chechnya was purely a domestic issue for the Russian government, its goal was to combat and defeat insurgent bandits for the purposes of restoring constitutional order in the renegade Republic of Chechnya. Foreign backup or mediation was not an option. If there were going to be negotiations with the separatists, who were simply branded as "bandits", these could only be conducted on their capitulation. Meetings with the legitimately elected President Maskhadov made absolutely no sense because, in reality, he no longer had any real authority and did not have the situation under control. Because he had neglected to condemn the incursion into Dagestan organized by commander Basaev, Maskhadov had lost all credibility. To have him as a negotiating partner was out of the question. Of course Russia could not meet with the other bandits either. The bandits' only alternative was to surrender to Russian troops or be destroyed.

The Russians advocated this view consistently against the increasingly louder critical voices from abroad, whether these came from international fora like the OSCE, the UN or the Council of Europe or were voiced by individual statesmen. Apparently they were convinced they could defeat the Chechen insurgents militarily. Every offer of assistance in dispute settlement from international institutions was rejected by Putin's government from the start, not least because the Russians were afraid the "terrorists" could understand this as a false signal of international recognition. However, the course of the "anti-terrorist operation" up to now must leave doubt that there is a purely military solution to the problem.

Russia Favours the Council of Europe over the OSCE

Under the intensive pressure created by international public opinion and international organizations, Russia has, however, allowed international observers to enter Chechnya.

Thus, during the actual fighting, on 12 March 2000, a delegation from the Council of Europe, which the Head of the OSCE Assistance Group to Chechnya was allowed to join, travelled to Chechnya and visited the cities of Grozny, Gudermes and Argun as well as the Chernokosovo filtration camp, notorious because of the alleged torture taking place there. As a result of the impressions gained on this trip, Lord Judd submitted a report to the Council of Europe, which did not lead to Russia's expulsion from the Council of Europe, but did lead to the suspension of its right to vote. This was virtually the only sanction imposed by the international community which Russia, due to its actions in Chechnya, was forced to endure. Russia had little reason to be concerned about similar sanctions from the OSCE because as a rule it passes its decisions according to the consensus principle and the condemnation of a participating State is almost impossible. It is therefore comprehensible that in its efforts to limit its damages due to the Chechen crisis on the international level, Russia placed its main emphasis on the Council of Europe and only granted the OSCE a secondary role.

Thus the OSCE was forced to the realization during the course of the year 2000 that the Russian side had granted the Council of Europe permission to send a total of three human rights experts to Chechnya to Kalamonov's office in Znamenskoye, but it would not allow the return of the OSCE Assistance Group under acceptable conditions. Obviously, the Russians, for plausible reasons, favoured the presence of human rights experts from the Council of Europe in Chechnya rather than those of the OSCE Assistance Group. In contrast to the Assistance Group, the experts from the Council of Europe have a very limited mandate. They do not form an independent unit, but merely have the status as employees of a Russian authority. They are under Russian control and their tasks are limited to assisting the Kalamonov office. In contrast to the Assistance Group, they enjoy no independence whatsoever and therefore do not form a real international observer organization.

The Assistance Group's Exile in Moscow

On 16 December 1998, due to a decision by the Norwegian Chairman-in-Office of the OSCE, the Assistance Group to Chechnya was evacuated from Grozny to Moscow because the security situation in Chechnya had deteriorated. The abduction of foreigners had taken on such proportions that most of them had left the country before this date and the Assistance Group was also forced to feel apprehensive about the security of its members. The evacuation to Moscow was described as a temporary measure, to be maintained until the Chairman-in-Office was certain the security situation had improved decisively. This decision by the Norwegian Chairman-in-Office was not only backed by all participating States for the entire period of the Norwegian OSCE Chairmanship - i.e. until the end of 1999 - but was even intensified in

the OSCE Permanent Council meeting on 11 March 1999 to the extent that members of the Assistance Group were no longer even permitted to visit Chechnya. In fact, as Head of the Assistance Group, the first opportunity I had to travel to Chechnya was in March of the following year when I joined the delegation from the Council of Europe.

Austria Assumes the OSCE Chairmanship

At the beginning of the year 2000, the OSCE Chairmanship was transferred from Norway to Austria. This office was a special challenge for Austria as the country had been isolated internationally, a fact that must have had an effect on its ability to act. In a declaration on 31 January 2000, the 14 EU partners of Austria had "downgraded" their relations with it and imposed so-called sanctions against it as a reaction to the formation of a coalition government between Chancellor Wolfgang Schüssel and the Freedom Party of Jörg Haider, seen as leaning towards the extreme right. Other countries e.g. the Czech Republic followed suit. One could assume that this isolation was not very favourable to carrying out the Chairmanship of the OSCE and that others would hardly wish it much success. Austria was also under particularly high pressure to succeed as the country holding the OSCE Chair so that the sanctions imposed against it by the EU would be lifted. This was also evident in relation to the Assistance Group. The question of its return to Chechnya became a means of putting pressure not only on Russia, but also to a certain extent on the Chairperson-in-Office.

The Question of the Return of the Assistance Group to Chechnya

Already on 17 February 2000, that is less than two weeks after the new Austrian government assumed office, the EU demanded the return of the Assistance Group before the OSCE Permanent Council for the first time! At that point, Chechnya was a war zone and the security situation was incomparably more difficult than the previous year when the Permanent Council had prohibited even short-term visits to Chechnya. This demand, which other participating States, in particular the US, later also raised, was of course directed predominantly against Russia and devised to put serious pressure on it to take action. Naturally, Russia was not in a position to guarantee the security of the Assistance Group, but it also did not want to admit that it was not in control of the situation in Chechnya. The OSCE Chair could however not just ignore the petition for the return of the Assistance Group from its exile in Moscow because the Chair would be assessed on how well it succeeded in getting the desires of the participating States accepted. In fact, the Austrian Foreign Minister Benita Ferrero-Waldner showed great courage in accepting this

challenge. She decided that the Assistance Group should go back to Chechnya. She followed this goal emphatically during the entire period she was the OSCE Chairperson-in-Office by continuously negotiating with the Russian offices responsible for this matter.

Following her trip to Russia when she visited, *inter alia*, Chechnya, she declared in a press conference in Moscow on 15 April 2000 that the Assistance Group would return to Chechnya as early as May. It would then temporarily establish an office in Znamenskoye and the measures to be taken necessary for the move, particularly those related to security, were to be negotiated with the Russian authorities responsible.

The Negotiations on the Conditions for Return

In fact, the expectations of the Chairperson-in-Office proved too optimistic. Despite intensive negotiations with the Russian Foreign Ministry, conducted on several different levels, and meetings with other Russian central authorities, the OSCE was unable to resolve all open questions satisfactorily by the end of 2000. In the negotiations with representatives of the Russian Ministry of the Interior on 26 and 27 October 2000 at the OSCE headquarters in Vienna, a Memorandum of Understanding was indeed agreed upon covering the most important security issues and giving grounds for hope that the Assistance Group would be able to start activities in Znamenskoye even before the OSCE meeting of foreign ministers which was to take place at the end of November 2000. Regrettably, however, the Russian side did not honour the agreement made in Vienna, but a new treaty text was proposed, which contained provisions that neither OSCE security experts nor influential OSCE participating States found acceptable. Despite extensive progress, the Romanian Chairman-in-Office will still have issues to resolve with the Russian side.

Although many issues have been resolved, the fundamental problem still remains that Russia has not granted the OSCE any legal capacity, so that it cannot implement legal transactions in the Russian Federation, e.g. rent buildings, import automobiles etc. Furthermore, the questions *inter alia* who will maintain the security of the Assistance Group in Chechnya, which network capacities (radio) they will be allowed to use or whether they hire Chechen auxiliary staff, have yet to be answered.

The Achievements of the Assistance Group in Moscow

Despite the fact they were evacuated to Moscow, the Assistance Group was able to work there very successfully as well. Under the Austrian Chairmanship, the Group provided more humanitarian assistance for impoverished

Chechen refugees than ever before. Thus food was distributed to 24,000 refugees in Chechnya over a period of six months. 100 children who had been severely damaged mentally by the events of the war were given psychological treatment in a sanatorium; clothing, shoes and children's books were given to 2,400 children; hospitals received badly needed medication and kindergartens were set up in two of the camps. A project developed by the Assistance Group supplied 25,000 people in the city of Grozny with drinking water by providing each family with a special filter. The lack of drinking water in Grozny is one of the most serious problems that the population of the former Chechen capital has been exposed to. Many of the other assistance projects developed by the Assistance Group could not be implemented due to a lack of funding.

The importance of the Assistance Group however does not lie so much in the humanitarian assistance it has to provide, but is based much more on the fact that it is the only institution that has been furnished with a comprehensive mandate, which is also recognized by Russia and which has put it in a position to deal intensively with the most important aspects of the Chechnya issue and report on these regularly to the OSCE Permanent Council. It was able to cope with this task to a large extent even from its exile in Moscow. In this manner, the OSCE regularly informed the general public on the latest developments. Without the Assistance Group, the Chechen question would no longer even be on the international agenda! After its return to Chechnya it will naturally be able to fulfil its mandate more easily and comprehensively.

The Goals of the Austrian Chairmanship in Chechnya

What were the goals the Austrian Chairmanship pursued with the Assistance Group to Chechnya? One gets the impression from Russian conduct that it had serious reservations about the Assistance Group if not outright mistrust. Today, Russia sees the then successful Assistance Group mediation activities as having been too one-sidedly pro-Chechen so that apart from the fundamental considerations mentioned above, Russia is not willing to provide it with a political mission any longer. Therefore the Chairperson-in-Office came to the conclusion that the Assistance Group should concentrate on other tasks.

Above all, it should strive to gain the highest possible degree of trust from all authorities in the Russian Federation concerned - the central authorities as well as the Chechen local authorities - and to give evidence that it is a useful instrument for the regulation of the Chechen problem. Instead of conducting a hopeless academic discussion with Russia on its right to a political function or even get involved in controversial public debate, it has therefore always endeavoured to increase its standing in the eyes of the Russians without losing its credibility with the Chechens. Thus it could always keep its options

open for an important political role in future in the case Russia desires this at a later date. And the chances for this do not appear to be that slim, as only a political peace settlement achieved through the process of negotiation can end this conflict. Because Chechens and Russians confront one another with downright irreconcilable hate and deepest mistrust, it is hard to imagine negotiations between the two sides without the involvement of an impartial third party. Only the future will tell however whether this insight will finally lead to a change in the stance of the Russian side. The Chechen side has repeatedly expressed an interest in this kind of negotiation.