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## The Closure of the OSCE Assistance Group to Chechnya: A Defining Moment for the OSCE?

The activities of the OSCE Assistance Group to Chechnya (AG) ceased at midnight on 31 December 2002 as its mandate came to an end. Last-minute endeavours to extend the mandate by a month were in vain, and the proposed final meeting in 2002 of the OSCE's Permanent Council, scheduled for the afternoon of 31 December solely in order to debate this matter, was cancelled at short notice. Russia did not accept the suggested one-month's extension.

In the absence of a valid mandate, all the political activities of the Group had to be stopped at once. For the technical closure, however, a delay until 21 March 2003 was agreed. At the last moment, the Russians had demanded that the closure time of three months as originally agreed be shortened by one week. On 5 March, well ahead of the deadline and also before the referendum on a new constitution in Chechnya was held on 23 March, the office of the Assistance Group in Znamenskoye, north-western Chechnya, was closed for good.

There has been a lot of imprecise media reporting on the subject of the AG's closure. We were not "kicked out". Although I am aware that some readers may find it unnecessary, I feel it appropriate to tell the story in full. First, however, I would like to briefly review how the Assistance Group's mandate was received and interpreted during its time of validity.

### *The 1995 Mandate Ran until the End of 2002. What Happened during these Seven Years?*

The original mandate of the AG was formulated on 11 April 1995, under circumstances that were totally different from those that finally prevailed. In those days, the real protagonists of the conflict were the government of the Chechen Republic of Ichkeria and the Kremlin, between which the AG was unofficially expected and even *de facto* encouraged to mediate. However, the two sides held to widely differing interpretations as to the position of the Ichkerian Republic under international law. The Republic had already proclaimed its full independence in 1991. This had never been properly recognized by the Russian government, neither at the time when the mandate was created, nor later, in spite of certain concessions included in the Khasavyurt agreement of 31 August 1996, which put an end to the military campaign of 1994-1995, and in the somewhat self-contradictory Moscow peace treaty of 12 May 1997. Neither did the international community ever express anything but full respect for the territorial integrity of Russia. No independent state

(with the exception of Afghanistan under the Taliban) and no relevant international organization (such as the United Nations) ever recognized the independence of the Republic of Ichkeria.

Contradictory conceptions of the situation were artfully spun together in the text of the mandate.<sup>1</sup> The Assistance Group was to operate in conjunction with the Russian authorities and in full conformity with the legislation of the Russian Federation. Its mandated tasks included promoting respect for human rights and fundamental freedoms, establishing the facts concerning their violation and helping foster the development of democratic institutions and processes by, for example, restoring local organs of authority. It was also charged with assisting in the preparation of possible new constitutional arrangements and in the holding and monitoring of elections. Finally, it had the role of promoting law and order and the rule of law.

According to its mandate, the Group was entitled to contact both civilian and military authorities and to have free access to individual citizens or groups of citizens. It was also expected to involve itself in humanitarian aid and in matters concerning the return of refugees and internally displaced persons (IDPs).

Beyond this, it was also encouraged to “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”.<sup>2</sup>

To enable it to fulfil its tasks, the Group was promised freedom of movement, six staff members including the Head of Mission, security arrangements, a budget, and a status under international law as referred to in the decisions of the Rome Council Meeting with regard to members of OSCE missions established by competent OSCE bodies.<sup>3</sup>

In reality, the status provided by the Rome Council is rather vague and interferes considerably with the work of many OSCE field missions. This is, however, a general problem, and a single host country cannot be made responsible for it. So, as is the case for several OSCE field missions, the Assistance Group did not possess a proper legal identity in the host country. It could not have a bank account of its own, and its armoured vehicles were temporarily imported as the private property of the mission members, who figured on the diplomatic list of their home countries’ embassies in Moscow. For instance, the current author had the honour of being included on the list of the Portuguese diplomats in Moscow, in spite of his Finnish nationality.

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1 OSCE, Permanent Council, Decision No. 35, PC.DEC/35, 11 April 1995. See also the contribution by my esteemed predecessor, Ambassador Alfred Missonig, in the OSCE Yearbook 2001.

2 OSCE, Permanent Council, Decision No. 35, cited above (Note 1).

3 CSCE, Fourth Meeting of the Council, Rome 1993, Legal Capacity and Privileges and Immunities, CSCE/4-C/Dec.2, Rome, 1 December 1993.

We had diplomatic status in virtue of our attachment to specific nation states, not our real function.

We must bear in mind that, from the very beginning, the mandate fully accepted the territorial integrity of Russia. On the other hand, by including the notion of “round tables”, it left a rather vague opening for the free exchange of views.

This mandate was reaffirmed without change in the OSCE Istanbul Summit Declaration of 19 November 1999.<sup>4</sup> In this text, the summit participants also “fully acknowledge the territorial integrity of the Russian Federation and condemn terrorism in all its forms”.<sup>5</sup> The text also underscores the need to respect OSCE norms.

The Assistance Group was obliged to leave Grozny for Moscow on 16 December 1998 as the security situation had deteriorated considerably. After a while, even its locally employed workers moved to Ingushetia.

Nevertheless, as soon as the Russian military campaign in Chechnya started in September 1999, discussions about the return of the Assistance Group to Chechnya reappeared on the agenda. A secondary outcome of the Istanbul Summit was Russia’s consent to the Group’s early return to Chechnya. As a result of this, the Group was indeed able to resume its activities in Znamenskoye. This took place on 15 June 2001, during the Romanian Chairmanship.

On 13 March 1997, the Russian government had already pointed out that it believed the political mandate of the AG had been fulfilled. In spite of this, and under some political pressure, it now accepted the outcome of the Istanbul Summit. But then the situation changed again. Through their campaign of 1999 to 2000, and with recourse to massive use of military force, the federal troops succeeded in ousting the Maskhadov regime from Grozny. Accordingly, towards the end of 2001, the government of Russia already seemed to be convinced that it had definitively solved the mandate problem. From now on it was no more prepared to extend the mandate on an *ad hoc* basis. So, on Russia’s insistence, the Permanent Council decided on 21 December 2001 to extend the mandate of the OSCE Assistance Group to Chechnya by one year only, until 31 December 2002.

The Russian delegation also demanded that a specific statement be attached to the decision. In it, the Russian party claimed that fundamental changes had taken place in the situation in the Chechen Republic since the adoption of the Assistance Group’s mandate. According to the Russian view, the political component of the mandate had now been fulfilled in its entirety. The Russian side also stressed the need for the Assistance Group to work closely with the central Russian authorities and the local administration of

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4 Cf. Organization for Security and Co-operation in Europe, Istanbul Summit Declaration, Istanbul, November 1999, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (ed.), OSCE Yearbook 2000, Baden-Baden 2001, pp. 413-424, here: p. 419.

5 Ibid.

Chechnya. Moreover, its work was to now be focused on humanitarian assistance to the population and the return of displaced persons.<sup>6</sup>

*The Mandate Question: Developments and Negotiations 2002-2003*

This Russian statement in December 2001 earmarked the mandate as a future yearly bargaining object and, accordingly, prejudiced the direction of any further discussions on the topic from the start. When Portugal as the incoming Chairman-in-Office proposed me – a Finn – for the position of Head of the AG in October 2001, it took some time for the Russian administration to give their agreement. Some further clarifications were necessary before the mandate was prolonged by a year, but agreement was finally reached in January 2002.

As late as mid-2002, I was still told by an influential representative of the Russian Ministry of Foreign Affairs that “the incoming Dutch Chairmanship [author’s note: for 2003] will probably continue normally until the end of 2003, but the referendum on the new constitution at the end of the year will subsequently change the situation for 2004”. Then, at the beginning of autumn of 2002, the federal government of Russia and the Chechen administration changed their minds, and in the face of much criticism, set the date of the referendum for March 2003. In reality they probably wanted to show how “normalized” the situation already was, and an OSCE field mission did not quite fit into such a picture. The date was set before the terrorist hijacking of the Dubrovka theatre in Moscow and the blowing-up of the administration building in Grozny. Contrary to the assumed goals of the terrorists, these two events in fact served to fix the date of the referendum irrevocably. Postponing the referendum afterwards would have meant giving in to the terrorists and was therefore completely out of question.

On 29 November 2002, the Portuguese Chairman-in-Office made the routine proposal in Vienna that the current mandate of the AG be prolonged by another year.<sup>7</sup> But somewhat earlier, on 20 November 2002, the Russians had already circulated an unofficial draft mandate text, which once more aimed at reducing the AG’s activities to humanitarian work, to be carried out in close co-operation with the host government. This was not accepted by most of the other participating States. While they were prepared to accept even far-reaching modifications to the text, they insisted categorically that the Group would maintain its political reporting role and tasks aimed at enhancing the rule of law, human rights and the build-up of democratic institutions

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6 Cf. Interpretative statement under paragraph 79 (Chapter 6) of the Final Recommendations of the Helsinki Consultations, in: OSCE, Permanent Council, Decision No. 454/Corrected reissue, Extension of the Mandate of the OSCE Assistance Group to Chechnya, PC.DEC/454/Corr.2, 21 December 2001.

7 Cf. PC.DD/50/02.

in the region. Portugal tried to find common ground with the host country, but the differences could not be overcome.

Intensive negotiations were carried out at the Porto Ministerial meeting on 6 and 7 December 2002, but these did not lead to a breakthrough. I have never before seen a group of ambassadors and foreign ministers behave as they did at the Porto's old Alfândega customs-house towards the end of the meeting, gathered in the main corridor in a vividly gesticulating bunch – like a swap meet or a Russian “*tolkuchka*” – trying to solve, among other things, the matter of the AG's mandate. After several hours they had to give up their fruitless bargaining. Nor did simultaneous endeavours to mobilize political support at the level of Heads of State influence the situation sufficiently.

In the new year, the incoming Dutch Chairman-in-Office continued to make strenuous efforts to find a compromise that would permit the return of the Assistance Group to Chechnya. However, this did not lead to any concessions from the Russian side either.

*Why Was the Permanent Council Unable to Agree on a Renewed Mandate? Were We “Kicked out”?*

Why did the Russians wish to end the presence of the Group, or at least turn it into another passive onlooker of political developments in Chechnya? Evidently, some of the motivation is to be found in the relatively recent removal of the OSCE Missions from the Baltic states, against which Russia had raised so many objections. Now the boot was on the other foot: If the Missions had to be removed from the Baltic states, why not from Russia as well? The situation was compounded by the simultaneous occurrence of acute problems concerning the OSCE Mission to Belarus.

I was told by Russian colleagues, in both Vienna and Moscow, that their government was aiming to modify the rules governing OSCE field missions as a whole. From now on, the Russians wanted them to be formulated on a case-by-case basis in close consensus with the host state “in order not to let them be used for political purposes against the host country”. I understood this to mean that now even the Russians had accepted the opinion that a field mission “stigmatizes” its host country.

It should also be mentioned that, even with this new change of policy, neither the Group's activities nor my own role came in for the least criticism. It would have indeed been quite easy to use us as scapegoats in order to change the mandate. We had never desisted from criticizing the authorities, whenever called for. On the contrary, we received both public and private recognition for our work from the Russian government. In reality, this was not completely unexpected, as we had been extremely careful to abide to the letter of our mandate. It is true that we received some criticism from certain parties that still maintained the legitimacy of – or at least sympathized with –

the Maskhadov regime and therefore supported the independence of Chechnya. Evidently they did not understand what we were doing and what was impossible for us to do: As far as the question of territorial integrity was concerned, there was nothing we could do.

*Was this Really a Defining Moment? Does the OSCE Have a Future in the North Caucasus?*

The Assistance Group ceased to exist for precisely the reasons I have tried to trace back above. Nevertheless, it does not therefore follow that the OSCE will never be able to re-establish itself in the region. Lots of things remain to be accomplished there. Even if there is no field mission left to remind us by its mere existence that the host country has a problem, it might still be possible for the OSCE – or ODIHR – to have another type of a local presence in Chechnya, maybe even one with considerable freedom to operate. Organizations such as the United Nations and the International Committee of the Red Cross still have powerful presences in the region. They do not stigmatize anybody. And, of course, neither do the field missions in the South Caucasus, the Balkans or the Central Asian republics stigmatize their host states. On the contrary, they are seen as indicators of progress. If ever established, such an OSCE/ODIHR representation should be placed in Chechnya itself and not in (for example) Ingushetia. This would allow it to make a distinctive contribution that would complement the work of other organizations active in the region. At the time of writing, the security situation in Chechnya is particularly sensitive. Following the attacks in spring 2003 (the bombing of the local headquarters of the Russian secret service, FSB, in Znamenskoye and the failed bomb attack on Akhmad Kadyrov on 14 May 2003 in Gudermes province during a religious rally that was simultaneously used to support President Putin's party in Chechnya) the Council of Europe has decided to pull its experts out of Chechnya, at least temporarily.

Here I return to the question included in the title of this article, viz. whether the closure of the OSCE Assistance Group to Chechnya was a defining moment for the OSCE. Maybe it was, in general terms, but not necessarily for its presence in the North Caucasus, where much remains to be done. This I will try to explain more in detail in the second part of this article.

*What Kind of Surroundings Did We Operate in?*

I will now concentrate on the time after the return of the Assistance Group from Moscow to Znamenskoye on 15 June 2001. The Group's earlier operations will be remembered as significant achievements, but they must now be definitively consigned to history.

So far I have tried to give the reader the exact legal background of our work. But in practice I used to answer occasional questions about whether this or that was within our mandate by saying that we as a field mission prefer to leave hair-splitting about these problems to more authoritative circles around the Permanent Council in Vienna. We ourselves, I maintained, were more interested in practical activities. Of course, this was a somewhat evasive approach, but astonishingly, it was accepted by all my interlocutors. What really counted was that we travelled at our own discretion, reported whatever we thought was the truth to the Chairman-in-Office and the Secretariat, and decided on the focus of our activities ourselves.

The OSCE Assistance Group was the only international organization, whose expatriate representatives were actually resident inside the Chechen Republic. We lived in Znamenskoye, north-western Chechnya, from where we could reach Grozny in little more than an hour, and, for example, Gudermes in less than two hours.

In my own experience, many local people were greatly surprised that foreigners (“*zamorskie*”) were moving around among people and talking Russian even among themselves, as we did. Most others were totally dependent on their interpreters, and meetings where everything had to be interpreted were generally very awkward.

Our security system, although it was robust and based on Ministry of Justice special forces, did not impede us from moving around freely. These special-forces officers were mostly individuals who themselves understood what we were trying to do, and often even showed a personal positive interest in our humanitarian tasks. Everyone has to have security guards in Chechnya. Those who neglect this rule are risking their lives. Some are assassinated, like our Upper Terek neighbour and head of administration Akhmed Gapurovich Zavgaev, who simply did not believe that he could be a target; others are kidnapped, like my Dutch friend Arjan Erkel, who was captured last summer in Makhachkala and is still missing.<sup>8</sup>

Most ordinary people were delighted to see us around. We operated in an atmosphere that was constantly supportive. On the other hand, people's expectations were occasionally over the top. And since we were unable to perform miracles, some people were inevitably disappointed. I used to tell them that we were not film stars from Hollywood but rather people who still remember what it is like to gather potatoes in the mud on a rainy autumn day. That was understood. Neither did we flatter the population by making excessive promises, or by taking an overly sentimental approach, in spite of the personal sympathy we felt as a result of their awful hardships.

One has to admit that some of the inhabitants of the temporary accommodation centres were already a little “institutionalized”. They were observing a certain pattern of behaviour that has also been noted in casual visitors' reports. They seemed to more or less take it for granted that there was help

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8 Editor's note: Arjan Erkel was released in April 2004.

available. It was not easy to encourage them to organize themselves to improve their own situation. For example, many of the centres' occupants complained that there were no beds in the buildings rather than making some out of the abundant scrap wood that was available. Before we left the area, I had very interesting discussions about the possibilities of increasing the motivation of the centres' residents with representatives of the Russian human-rights organization Memorial and our own local humanitarian assistants.

#### *What Did the Assistance Group Really Achieve in 2002?*

To give an idea of the actual events behind our formal reports, I have produced the following subjective reference list, which might give some insight into what we actually did:

Firstly, we wanted to be visible in Chechnya; we hoped that people would know that we were working on their behalf. We also wanted to know what was going on and made reports to the Chairman-in-Office, the Permanent Council and the Secretariat. To enable this, we travelled widely in Chechnya and included details in our reports.

Secondly, we established working contacts with the federal authorities and the Chechen administration, right down to the local level. We also contacted and established close co-operation with the main NGOs in the region such as Memorial as well as international organizations such as the United Nations High Commissioner for Refugees (UNHCR), the Danish Refugee Council, or the International Committee of the Red Cross (ICRC).

We were probably the only group to follow from the very beginning the constitutional procedure which led to the referendum on 23 March 2003. We reported on the plan as early as the summer of 2002 and were the first to distribute different editions of the draft constitution, the definitive version of which we fetched from Gudermes on 14 December 2002. In our reports, we analysed the draft texts, which originally contained numerous elements of genuine local autonomy. I think it was a pity that most of these were removed from the definitive version before it was subjected to the referendum.

We established contacts with the three universities in Grozny, which had miraculously survived as lively institutions throughout the conflict, struggling on in their temporary accommodation. They have a total of over 15,000 students. If these universities were – for whatever reason – to disappear, it would mean the end of the Chechen language and ultimately the Chechen people.

To demonstrate our support for Chechen culture, including the local, Noxchi, language, we also tried to assist the primary and secondary education systems as well as purely cultural activities. We also forged links with the Islamic community in Chechnya, something that was rendered difficult by the existence of so many prejudices on the part of the Westerners. These re-



sulted in, for example, the rejection of our request for teaching materials for the local madrasa (Koran school) in Znamenskoye. This was not only very short-sighted, but clearly demonstrated the prejudices of potential suppliers of funds.

We received and passed on the local population's complaints concerning serious crimes and other violations of law and order, and tried to help them make use of the local judiciary. This led to lamentably few results, basically due to the serious deficiency of the legal system (and the rule of law in general) in Chechnya.

We addressed the Federal Migration Service's (FMS) Chechnya branch about the international standards of voluntary return in dignity and safety of IDPs as early as April 2002. On this point, we were rather critical and built up a close relationship with UN representatives in Russia and the region. Thanks to our permanent presence on the spot, we were able to monitor the authorities' operations. We also undertook to follow up the fates of those lifted to the Grozny area and elsewhere. For example, we checked the situation of many families confirmed officially to have inhabitable housing left in the Grozny region – in most cases examined in our random survey, they did not. Even if we were in many ways the lead organization in following the fate of the IDPs, it did not help much in the face of the authorities' determination to send them back to where they had come from. In our view this took often place too early.

The two preceding points – the rule of law and IDPs – were very important to us and made up a permanent part of our ongoing reporting.

#### *What Could We not Achieve?*

Here I would now like to detail what we could *not* achieve:

We could not make contact with the armed militants (which would have meant violating both Russia's existing legislation and our mandate, and would have led to our immediate expulsion from the area). However, they did contact us occasionally via fax.

Neither could we mediate between the parties, as Russia was against this. Besides, it could hardly be said that there were parties to mediate between, as both the Russians and the Chechens are nowadays so splintered in their views. Instead, I had extremely interesting discussions about the political future of Chechnya with certain former politicians from the time of the Ichkerian Republic. Here I should mention that it was generally impossible to know for definite who one's interlocutors actually represented. This is a major problem with all personal contacts in Chechnya. One must always take care, as one can never know "who" one is talking to or what he or she is possibly being blackmailed to do.

We could not systematically follow up the numerous human-rights violations, which clearly do occur. Following up every allegation was not part of our mandate, and we did not have the personnel to do so. In certain cases, however, we did do a considerable amount, especially whenever we considered ourselves to be in possession of suspicions that were well-enough founded to entitle us to demand a follow-up investigation of a case. We frequently mentioned these cases in our reports. One of them even led to a non-public diplomatic *démarche*, although without a positive result.

We did not succeed in gaining access to the armed forces' inner circles. We were never able to visit the Khankala base near Grozny, for instance. The requests I made via intermediaries were fruitless.

#### *We also Developed Our Own Projects*

Given the acute need in Chechnya for humanitarian activities and the urgent requirement for democratic institution building, we launched a number of small and medium-sized projects of our own. These will now be passed over to other actors in the region. Some of these projects were already initiated before our Group's return from the exile in Moscow. Our locally employed workers – excellent people but now unemployed – have promised us they will try to locate new implementing organizations for some of our interrupted projects. If you should ever hear of a small new local NGO called "*Doverie*" ("Confidence"), it belongs to our former local employees, who have made the completion of their half-finished projects a matter of personal principle.

#### *Who Were Our International Partners?*

Following the closure of the office of the OSCE Assistance Group, there is no international organization left on Chechen soil that is officially represented by expatriate staff. Nevertheless, many international organizations still operate there from elsewhere. Here are some of our most important partners:

Until the start of 2003, two or three experts of the Council of Europe Secretariat used to live occasionally in the house next door to the building where we were based in Znamenskoye until our closure. They are not the Council of Europe's official representatives, but specialists in the office of the Special Representative of the President of the Russian Federation for ensuring human and civil rights and freedoms in the Chechen Republic. In the summer of 2002, this office was moved to Grozny, where the experts did not live. In the meantime, they have moved to Strasbourg for security reasons. If they return, they will either have to shuttle between Znamenskoye and Grozny, or move to Grozny, which is bound to be extremely difficult from a security point of view.

Because the Parliamentary Assembly of the Council of Europe includes members of the Russian State Duma, the Council of Europe also has a very important role as a location for official contacts. Because of this, its role in supporting the development of parliamentarism in Russia can hardly be overestimated.

The United Nations has a solid presence in Russia. Representatives of the UNHCR and the United Nations Office for the Co-ordination of Humanitarian Affairs (OCHA) are located in Moscow, Ingushetia (Nazran) and North Ossetia (Vladikavkaz). In close co-operation with the Danish Refugee Council in Nazran, and with the help of local employees, they organize large amounts of humanitarian aid, even inside Chechnya. The ICRC, with offices in Moscow and Nalchik (Kabardino-Balkaria), uses the same organizational model.

#### *Who Were the Assistance Group's Local Partners and Associates?*

Among local NGOs, Memorial, the Russian Human Rights Centre, is by far the most important in the North Caucasus. Its headquarters are in Moscow, but it also has a strong presence in Chechnya and Ingushetia, where its offices are run entirely by Chechens. I am one of those who hold the work of Memorial in great respect. It is the best primary source of critical human-rights information in the region. Many other human-rights organizations and the media frequently reuse Memorial's materials, often without adding very much value of their own, except perhaps in terms of reaching more people.

Even Memorial occasionally distributes information that is not entirely free of factual mistakes. It also reports relatively little on the activities of the armed separatists, compared to the attention it devotes to holding the federal government to account. But in a few cases where our Assistance Group happened to dispose of trustworthy independent sources of its own, Memorial's information has regularly proved to be reliable. Memorial's main message is that the rule of law and respect for human rights do not function normally in Chechnya. This fact is widely known in European capitals, and is not even denied by the Russian authorities in Moscow or Grozny. Unfortunately, this fact no longer seems to appear particularly significant to global public opinion – nor to the world's governments.

Our frequent visits to the Chechen Civilian Procurator's office in Grozny were absolutely necessary to show the judiciary that we were observing their activities on behalf of the population. But these contacts also aimed at supporting those individuals within the office who were unhappy with their limited room to act. I like to hope that our repeated visits might have motivated them to continue to pursue certain matters.

The first ever Special Representative of the President of the Russian Federation for ensuring human and civil rights and freedoms in the Chechen

Republic, Vladimir A. Kalamonov, was appointed on 17 February 2000. His main Chechen office was located in Znamenskoye. Shortly before his successor as human-rights representative, Abdul-Khakim Sultygov, took office on 12 July 2002, the main office was moved to Grozny.

Vladimir Kalamonov made an active start in 2000 to 2002. With the help of the experts from the Council of Europe, his office created a remarkable database of human-rights violations in the republic. In late 2001/early 2002, Kalamonov introduced a very useful institution of regular meetings between the authorities, including such enforcement agencies as the armed forces, the troops of the Ministry of the Interior and those of the FSB and local human-rights organizations including Memorial. With the active help of the Chechen administration, they tried to make the much-criticized "population screening operations" more transparent and less arbitrary. After a few months, however, in the spring of 2002, Memorial and the other local NGOs left these meetings, stating as their reason an allegedly passive and non-serious attitude on the part of the representatives of the enforcement agencies.

More recently, the activities of the Human Rights Representative seem to have focused less on addressing the federal government on behalf of the local population. Occasionally, he has even lent the impression of being President Putin's representative to the Chechens. Nevertheless, this institution clearly remains of the utmost importance to the population, as it is their only available direct channel to the Kremlin. It is also admittedly not an easy office to run. Many locals are inclined to consider it as merely an arm of the administration. In any case, the Human Rights Representative certainly deserves the support of the international community, if only to ensure that he can go on reminding the federal government about local human-rights matters. His office should be a natural partner of any renewed OSCE presence in the region.<sup>9</sup>

The Federal Migration Service (FMS), which is the federal entity charged with taking care of IDPs, was originally a department of the Federal Nationalities' Ministry. It was led by Vladimir Kalamonov from 1999 until his appointment on 17 February 2000 to the post of the Russian President's human-rights representative in Chechnya. In mid-October 2001, however, the Nationalities' Ministry was dismantled, and the FMS was moved to the Ministry of the Interior. This transfer was itself problematic, however, as the latter had neither the financial resources nor the experience necessary to provide aid to over 100,000 IDPs.

Colonel General Andrei Chernenko was appointed head of the FMS on 26 February 2002. He was also a Deputy Minister of the Interior. One is inclined to conclude that, now – and for the foreseeable future – the extremely complicated and costly task of dealing with the IDPs is being run with less humanitarian expertise than formerly. The FMS was virtually unable to operate effectively throughout 2002.

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<sup>9</sup> Mr Sultygov has since been relieved of his functions.

In practical terms, the FMS has been in charge of the administration and welfare of the IDPs, while their physical transport and lodging matters (especially the tent camps) have been dealt with by the Ministry of National Emergencies.

*Was the Referendum a Solution to the Problems? What Now, OSCE?*

The enforcement agencies (“*silovye struktury*” consisting of Ministry of Defence and Ministry of the Interior troops plus those of the FSB) still seem to be convinced that there is a military solution to the problems in Chechnya. I am personally convinced that this is not the case. Sooner or later, the soldiers will have to go home. The problem of Chechnya is also a huge problem for the whole of Russia. Not only is Grozny a city in ruins and an unsafe place to live. Eighty thousand armed servicemen are deployed in Chechnya. There are numerous IDPs all over Chechnya, as well as in Ingushetia and the rest of Russia. And the tent camps and temporary accommodation centres are just the tip of the iceberg. People do not wish to return to insecure surroundings. They and their families remain wherever they can find accommodation, in temporary and improvised living-places. In some tent camps (according to the *Kommersant* daily of 25 March 2003), participation in the referendum of 23 March 2003 was as high as 200 per cent. This was possible because voters from private accommodation had unexpectedly appeared in the camp, where many of them had not been registered.

The top Chechen administration and many decision makers in Moscow see that the situation is difficult. But all too often they seem to rest content with attempting to remove the symptoms rather than treating the underlying disease. They also have their own ambitions and interests that may completely distort the process in a short space of time. If the presence of an OSCE Assistance Group stigmatizes the country, in spite of its obviously constructive intentions, it has to leave. If IDPs are moved back to where they came from, they no longer provide evidence of anomalous circumstances. And if there is an evident lack of democracy, the rule of law and normal societal institutions, hold elections, and everything will be nice and democratic!

The referendum on 23 March 2003 was evidently not carried out in accordance with the norms and best practices of traditional European democracy. Even many Russian commentators did not deny this. The presidential elections of September 2003, which also took place under difficult security conditions, corresponded even less to Western democratic norms: Every candidate who could have posed a challenge to the eventual winner, Akhmad Kadyrov, had already been eliminated from the ballot before the vote took place.

Both the OSCE and the Council of Europe abstained from monitoring the referendum or the presidential election in an official capacity. Paradoxical-

cally, however, the referendum has had one major positive side effect: the reappearance of elected organs of power in the republic. There had been none since the fall of the Ichkerian Republic – and it would be wishful thinking to imagine that the Ichkerian regime could ever return. The elected organs that are now emerging may later turn into normal democratic institutions, if future circumstances allow. Such organs will certainly be a more effective and legitimate negotiating partner than the Moscow-appointed and so far locally unaccountable representatives of the Chechen administration they are to replace. This also applies to the President of the republic, who did at least have his position confirmed in a vote – however controversial it was. Prior to the election, he owed his position exclusively to a decree of the Russian President.

All in all, the Chechen administration proved to be quite a useful day-to-day partner for the Assistance Group. The emerging elected organs will probably be even better suited as partners for co-operation with the OSCE and the international community as a whole than the bodies they replaced, which were only answerable to Kadyrov as head of administration and, through him, to the Russian President. What is most important, however, is that these organs, being locally supported and locally accountable, could probably solve problems of internal security much more adequately than any federal bodies.

As long as the federal government in Moscow does not attempt to tackle the Chechen problem by showing a great deal more understanding and confidence, and providing a significantly higher level of material assistance to the population itself, the situation will remain critical. If more confidence is demonstrated towards the locals, on the other hand, it will improve their chances of taking care of their own matters. The Chechens are weary of the war. Nobody knows how popular the armed separatists are now – perhaps less than ever following the reckless terror strikes in late 2002 and early 2003. They are split into many small groups, with varying motives, ranging from “normal” nationalistically inspired separatism to fanatically motivated terrorism or just plain criminal greed.

The Russian side is extremely heterogeneous, too, and it also conceals criminal elements. In Russia there is evidently a strong demand for such old-time values as generosity, trust, magnanimity and respect towards one's neighbours, the long-suffering Noxchi people.

Contrary to all Western and Russian prejudices, traditional Islam in the region plays a positive role in mitigating the conflict and enhancing internal social cohesion among the population. It is a source of moderation and moral values when combating extremism and criminality. I really think that the time has arrived for the OSCE to improve and strengthen its contacts with this faith, which has a long history in this part of Europe. All too many commentators try to draw a connection between Chechen terrorism and Islam, despite the fact that the centuries-old conflict in the region is not primarily religious.

The OSCE Assistance Group has ceased to exist. But both the OSCE and the rest of the international community should now leave no stones unturned in searching for new ways to go on helping the long-suffering Chechen people.