

Tim Guldemann

## Supporting the Doves against the Hawks<sup>1</sup>

*Experiences of the OSCE Assistance Group to Chechnya*

### *Positions in the Conflict and its Provisional Solution*

This conflict, which led to a war beginning in late 1994, emerged from the clash of two positions. The position of the Chechen party to the dispute, now that of the Chechen government, was and remains that during 1991 and 1992 the Chechen Republic won its independence in legal fashion. The position of the Russian Federation has always assumed that Chechnya is an integral part of the Federation. The objective of military operations after December 1994 was the "restoration of constitutional order" in the Republic against resistance that was regarded as illegal. The actors in this resistance were viewed by Moscow as criminals and "bandits". However, in the course of the military conflict and its settlement Moscow came gradually to accept the Chechen side as a negotiating partner.

The conflict concerned itself both with *the question of relations between the Republic and Moscow* and that of the exercise of power within the Republic. Relations were the subject of bilateral negotiations and found a provisional solution in the Agreement of Khasavyurt of 31 August 1996 which stipulates 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". In Moscow's interpretation, this formulation referred to the settlement of relations between the centre of the Federation and a "subject of the Russian Federation". As far as Grozny was concerned, it did not contradict the claim to independence. On 12 May 1997 Presidents Yeltsin and Maskhadov signed a peace treaty that provided for renunciation of force and the establishment of mutual relations and established the basis for further agreements. Although the choice of words in this treaty favours the Chechen position ("high contracting parties", "relations on the basis of equality", "international law"), the question of status was still not dealt with.

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<sup>1</sup> The following look back at the work of the OSCE Assistance Group to Chechnya relates to the period from the beginning of January 1996 until the end of April 1997. It represents the personal views of the Group's Head from that period, not those of the OSCE or the Swiss Foreign Ministry. This article has appeared in modified form in: Laurent Goetschel (Ed.), *Vom Statisten zum Hauptdarsteller: Die Schweiz und ihre OSZE-Präsidentschaft* [From a Walk On to the Lead Role: Switzerland and its Presidency of the OSCE], Bern 1997.

The *question of the exercise of power within the Republic* was solved through the presidential elections of 27 January 1997. In an election with 80 per cent participation, Aslan Maskhadov was elected with 59 per cent of the votes. In a letter of 2 February President Yeltsin congratulated Maskhadov on his election and, by so doing, recognized the new government in Grozny as legitimate.

No country has recognized Chechen independence. The OSCE's position on the status question reflects the positions of the governments of the participating States and is thus based on the *territorial integrity of the Russian Federation*. But the Assistance Group has always acknowledged that the position of the Chechen party to the dispute is as described above. On the basis of OSCE principles and of its mandate the Group has supported all steps toward a peaceful settlement of the conflict on which the parties could agree, but without prejudging the content or direction of these steps. In this way it has been able to play an important role, both in the bilateral negotiations and in carrying out the elections.

### *Stages of Mediation*

It was during the Hungarian Chairmanship of the OSCE that Moscow agreed to the creation of the Assistance Group, which took up its work in Grozny on 24 April 1995. Following the Chechen terrorist attack in the southern Russian city of Budyonnovsk in June, a military agreement was concluded on 31 July 1995 under the chairmanship of the Assistance Group of that time. It provided for a cease-fire, exchange of prisoners, disarmament and an extensive withdrawal of forces. This agreement was not observed and fighting resumed. Moscow's strategy in the time thereafter was to drive the Chechen resistance further south by military force and isolate it while at the same time exploiting the local government of Doku Zavgayev, who had become "Head of the Republic" as a result of the controversial elections of 17 December 1995, to strengthen Russian political influence in the Republic.

By the time I took up my work in January 1996 the Assistance Group was in the difficult position of, on the one hand, having lost the confidence of the Chechen party to the dispute, which accused the OSCE of having remained silent in the face of the Russian violations of the military agreement. On the other hand, there was pressure both from Doku Zavgayev and the Russian supreme commander to support their policy of "peace agreements" with Chechen villages. In these agreements, which were in part forced upon them, the villages agreed not to tolerate any resistance fighters so that they, in return, would be spared any fighting.

In March 1996 the Assistance Group sent to the OSCE in Vienna two reports on the *human rights situation* in Chechnya, the second of which got into the

Viennese press. In that report, in addition to the mention of human rights violations (hostage taking) by the Chechen side, the Russian conduct of the war was described as "war against the civilian population" without any "military necessity".

Dzhokhar Dudayev, the Chechen President who had announced independence in 1991, refused to have any contact with the Assistance Group. On 17 April 1996 he fell victim to a Russian missile attack. His successor, Zelimkhan Yandarbiyev, received me on 9 May and expressed his willingness to meet with the Russian government at the highest level on hardly any preconditions. Two days later I reported this position to Prime Minister Chernomyrdin. Thereafter, there was a series of further meetings with the Chechen leadership in various villages and with representatives of the Russian government in Moscow, culminating in agreement on a *meeting between Yeltsin and Yandarbiyev in the Kremlin*.

At this first summit meeting on 27 May 1996 the parties to the conflict agreed to "reject forever the resort to, or threat of, force to resolve any difference", and decided on a cease-fire. The negotiations continued at a lower level the next day in Moscow and, on 4 June, in Nazran, the capital of the western neighbouring Republic of Ingushetia. The Assistance Group arranged the talks at Nazran and tried to bring the positions on elections, the central issue at dispute, closer together. Moscow's representatives insisted that presidential elections could be carried out without trouble on 16 June; the representatives of the resistance opposed the local elections called by Zavgayev for the same date. On 10 June two protocols on the implementation of the cease-fire and the exchange of prisoners were signed. Zavgayev's confirmation of the local elections immediately thereafter violated the spirit of one of the clauses in the first protocol, according to which local elections were to be held after the withdrawal of forces. The Chechen side exercised military restraint on election day and thus tolerated the carrying out of the presidential elections in the Republic. But relations with Moscow remained extremely tense in the following period and there were frequent violations of the cease-fire. Following the second round of the Russian presidential elections on 3 July there was a renewed escalation of violence. Moscow justified its extensive attacks against villages and positions in southern Chechnya by pointing to the "undiminished cease-fire violations" by the other side. In this increasingly tense situation the Assistance Group tried, with limited success, to arrange for further meetings on the exchange of prisoners and between military commanders.

On 6 August 1996 the Chechen separatists stormed Grozny and managed to bring most of the city under their control. While the fighting was going on the Assistance Group's contact with the parties to the conflict was reduced to a few telephone conversations. Alexander Lebed, the newly appointed Secretary of the

Russian Security Council, was made plenipotentiary for Chechnya and in direct contact with Aslan Maskhadov, the Chief of Staff of the Chechen armed forces, worked out a cease-fire agreement effective on 13 August. The Assistance Group was not drawn back into the negotiations until 28 August in Moscow when Lebed presented me with a draft agreement which I passed on to Yandarbiyev on the following day. The agreement was signed on 31 August in Khasavyurt in the eastern neighbouring state of Dagestan. The Assistance Group supplied communications equipment which made the meeting possible and my Polish deputy and I attended as observers.

During the two following months, when direct contacts between the parties to the dispute had become considerably more intensive, the work of the Assistance Group was concentrated on three areas: first, the Group worked to have the negotiations raised from the Lebed-Maskhadov level to the level of Chernomyrdin and Yandarbiyev; second, it participated in the Cease-fire Commission and the Prisoners Commission and followed some of the activities agreed upon by these Commissions; third, it used its influence to ensure that the still unsolved question of the presence of Federation forces was dealt with. On 23 November President Yeltsin signed the decree calling for the complete troop withdrawal. This decree eliminated the most serious obstacle to the holding of presidential and parliamentary elections. In connection with these elections, both Moscow and the Chechen side expected a great deal of the OSCE, especially with regard to international election monitoring.

There were three elements in the OSCE's contribution. First, the Assistance Group, with the agreement of the Russian authorities, obtained from OSCE participating States the financial support needed for the organization of the elections, which was turned over to the Chechen Election Commission; at the same time, it obtained from Vienna ballot boxes and other technical equipment needed for the elections, e.g. ultra-violet lamps and sprays for putting an invisible mark on the hands of voters to ensure that they would only vote once. Second, it helped the Election Commission with occasional organizational measures when necessary; for example, it had the 1.4 million ballot forms printed outside of Chechnya and transported them to Grozny. Third, it organized the visit of more than 70 OSCE election observers who came to Chechnya for four days under extensive security arrangements. The mere fact that elections could be held at all in the immediate aftermath of the war represented a considerable success. Both the OSCE observers and the other international and Russian observers unanimously confirmed the democratic character of the elections.

Following the elections and the inauguration of the new President, Maskhadov, both sides agreed that the Assistance Group should stay in Chechnya.

### *The Work of the Assistance Group*

The Assistance Group's work consisted mainly in seeking contacts with the parties to the dispute and developing those contacts.<sup>2</sup> Between January 1996 and March 1997 I made more than thirty trips from Grozny to Moscow, sometimes on my way to Vienna, Bern or Copenhagen. Apart from this shuttle diplomacy the contacts with Moscow consisted mainly in innumerable telephone conversations. The most important instrument for this purpose was the *satellite telephone* which was independent of the local - generally non-existent - telephone net and could also be attached to an auto battery. Without a satellite telephone this mission would not have been possible.

The objective of these contacts was, first and foremost, to pass on information and impressions and to hear about positions. In most cases the initiative for the contacts came from the Assistance Group. As the direct telephone contacts between the two sides increased after October 1996 the importance of our channel diminished; earlier, between May and August, it was certainly not the only channel but probably the most important one. For each side the Assistance

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2 Since May 1996, the most important contacts with Moscow were upheld by means of daily telephone conversations with Prime Minister Chernomyrdin's chief of administration, Sergei Stepashen, and later, after the new Secretary of the Security Council, Lebed, took over responsibility for the negotiations in August, with senior representatives of the Security Council; the contacts with the office of the Prime Minister were never broken off, however. After Lebed was replaced (20 October 1996) - during a time when the Assistance Group was only able to follow the negotiating process in a helpful way - there were various telephone contacts with his successor, Rybkin. Other conversation partners in Moscow were the Minister for Nationalities, Mikhailov; Lebed's deputy, Kharlamov; and later especially Rybkin's deputy, Beresovskii; senior officials of the Foreign Ministry; Duma Members Sorin and Baravoi; the deputy Minister of the Interior, Shkirko; the former Duma President, Khasbulatov, a Chechen; and the Presidential adviser, Pain. During the whole time Arkadii Ivanovich Volskii, President of the Russian Association of Industrialists and Deputy Head of the Delegation in the negotiations in 1995, was the Assistance Group's person of trust in the background, who arranged all important contacts with the Russian government (Prime Minister Chernomyrdin, Minister of the Interior Kulikov, Minister of Defence Grachev, Foreign Minister Primakov and Alexander Lebed). While the focus of contacts in Moscow shifted according to changes in fields of responsibility - Stepashen/Mikhailov, then Lebed, then Stepashen again and finally Rybkin - contacts with the Chechen side were consistently with the same group of about ten leading personalities: Zelimkhan Yandarbiyev (President until 12 March 1997); Aslan Maskhadov (Chief of Staff of the armed forces, then Prime Minister, after 12 March 1997 President); Movladi Udugov (Minister of Information); Said-Hassan Abumuslimov (Yandarbiyev's Vice-President); Khodshamed Yarekhanov (Minister of Education and then for Oil); Akhmed Sakayev (field commander, Minister of Culture and security adviser); Shamil Basayev (field commander); Kasbek Makashev (Minister of the Interior); Isa Idigov (President of the parliament); and Mummadi Saidayev (Chief of Staff and then Chairman of the Election Commission). Important contacts were also arranged through Ruslan Aushev and Boris Agapov (respectively President and Vice-President of the neighbouring Republic of Ingushetia), who enjoyed the confidence of both sides. The contacts with Doku Zavgayev and his government, which continued until the beginning of August 1996, served mainly to demonstrate our neutrality but were not of great importance for the mediation activity.

Group was a source of information about developments on the other which, unlike press reports, was based on confidential contacts.

Whenever the Assistance Group had to take on a certain task as a result of one of its contacts it was vital to sense the intentions of the people we were talking to so that the Assistance Group itself could formulate an appropriate proposal, which the interlocutor often enough only had to acknowledge by a nod of the head. A position or proposal of one side was never transmitted to the other as a wish but only as "willingness" to move in a given direction if a corresponding "willingness" existed on the other side. Willingness on both sides is sufficient to arrange a direct contact. After autumn 1996 it was possible to promote direct dialogue also by making the OSCE satellite telephone available to the Chechen representatives for their conversations with Moscow.

There were a number of situations in which the *Assistance Group also made proposals of its own*. Concerning the meeting in the Kremlin, for example, there was the protocol problem of media announcement. The solution was found in a declaration by the OSCE referring to the military agreement of 1995. In this declaration, mention was made of the "government of the Chechen Republic of Ichkeria" with a footnote, as in the military agreement, to the effect that "the Chechen Republic of Ichkeria is not recognized by the laws of the Russian Federation". On 24 May, after final confirmation from Moscow, the Assistance Group had the OSCE declaration distributed to the press by the Swiss Embassy in Moscow. This was followed an hour later, as had been agreed, by official confirmation from the President's press office along with a statement that the security of the Chechen delegation was guaranteed. Shortly thereafter we published a further press statement communicating, on behalf of Yandarbiyev, his confirmation of the OSCE announcement.

The willingness of both contending parties to negotiate is a necessary condition for the negotiating process and thus also for any mediation activity. But this kind of willingness does not exist in every quarter on either side, but only among those who desire peace. *Consequently, the chances of the peace process depend above all on whether, in the internal debate on both sides, the forces of compromise are able to carry the day*. The Assistance Group did not perceive this debate on the Chechen side as a struggle between openly declared positions but rather as a situation in which the radicals, whenever negotiations were in the offing, held back sceptically so as to be able to play an even bigger role in military actions, e.g. attacks on Grozny in March and August 1996. The Chechen resistance always tried to present to the world outside a picture of unity that contradicted the assertions of Russian media and politicians that they were no more than independently operating "bandit groups" (in July 1996 these sources spoke of about 40 such groups still in existence). On the Russian side, the Assistance Group dealt almost exclusively with representatives of those who were

willing to negotiate and make compromises - people whose influence and leeway to act varied according to the political situation.

*In the course of the peace process the forces of compromise on both sides were able to get international support for their internal debate from the OSCE.* This was a vital contribution which the Assistance Group and the OSCE as a whole made to the peace process. For example, the Zavgayev government, immediately after the signing of the above-mentioned protocols of Nazran on 10 June, confirmed that the local elections planned for 16 June would be carried out, in contradiction to the spirit of the first protocol. Shortly afterwards both Moscow and Zavgayev asked the Assistance Group to use its influence to persuade the other side to behave moderately on election day. I found out later that the fact that I had held out the possibility of an OSCE declaration on the local elections gave the moderates their decisive argument against the radicals in the Chechen Defence Council so that an attack on Grozny, which had been planned for election day, was called off. On 18 June the Swiss Ambassador to the OSCE issued a press statement saying that the OSCE had denied the democratic character of the elections. Responding to criticism from a TV journalist of the Khasavyurt Agreement, Lebed on 2 September defended the possibility of holding democratic elections in Chechnya by referring to the presence of the OSCE at the negotiations in Khasavyurt and to my signature at the end of the document.

International support for the peace process found expression in the official statements of OSCE participating States, especially the United States and the EU countries, and in their demarches to the Russian government. For the latter they were able to rely on the reports of the Assistance Group, which were generally sent to Vienna once a week. Other information was handled telephonically or in personal contacts and briefings with foreign diplomats in Moscow and Vienna. In this way the OSCE drew increased international attention to a conflict in whose solution international pressure could play a role.

*The Assistance Group was always very open to contacts with the media.* There were two reasons for this. For one thing, the Assistance Group was able, through its frequent appearances in the Russian media, to strengthen its own political role in the peace process. For another, it also helped the OSCE's reputation to have its concrete efforts in an area of conflict explained in the international media. But press contacts created problems, too. At the end of January 1997, replying at a press conference in Moscow to a question from a Chechen journalist who was close to Yandarbiyev, I confirmed that the OSCE even after the elections continued to regard Chechnya as part of the Russian Federation. For that, the departing government expelled me from the Republic on 4 February. A week later I returned upon the invitation of President Maskhadov to attend his inauguration.

*It is dangerous to mediate in a war.* On 11 June, during the return trip from the negotiations in Nazran, two bomb attacks were carried out against the convoy of

the Chechen delegation, which was accompanied by the OSCE. At the beginning of hostilities in Grozny in August 1996 the Mission's building was hit by two Russian helicopter missiles and by machine-gun fire. The four Mission members spent eight days thereafter in a small fruit cellar. In the period before the elections it seemed quite possible that there would be a politically motivated attack, in view of the fact that six employees of the International Committee of the Red Cross had been murdered on 17 December. Along with these politically motivated risks there was also the constant danger of a criminal hostage-taking incident. The Assistance Group continually adapted its security arrangements to the circumstances. Among these were the three armoured vehicles, continuous radio contact within the Group and with the local security authorities, and a guard force of our own with up to nine armed local employees. The fact that until now no one in the Group has suffered harm is part of the generally good luck that has accompanied the Assistance Group's work.

### *Conclusions*

*In a peace process, lack of clarity, as an instrument of constructive ambiguity, can be very useful.* The Khasavyurt agreement contains such ambiguity, as it can be interpreted differently by the two sides. As long as the most immediate problems can be solved there is no need for clarity about the ones that can be postponed; indeed such clarity ought not to be imposed by questions that can only evoke contradictory answers from the two sides. Thus the peace treaty of May 1997 continues to exclude the question of status.

In a peace process, it pays to work for steps whose immediate success still seems very doubtful. *Even a treaty that is violated can make a contribution to peace* and agreements can be useful independently of their observance. Not many hopes were attached to the military agreement of July 1995, for example; it was very quickly violated. Even so, it showed for the first time that it was possible to conclude a treaty between the parties to the conflict. The cease-fire worked out in the Kremlin and both of the protocols signed in Nazran were also not observed from a very early stage; nevertheless they provided useful points of reference for the peace process.

*Optimism can be used as a political instrument for a "self-fulfilling prophecy".*

In November and December 1996 the media did not think that the prospects for democratically conducted elections were very good. In its contacts with the press, however, the Assistance Group showed unbroken optimism in order to counter assertions that democratic elections - owing to the short preparation time, among other things - should a priori be ruled out. This optimism contributed to the success of the elections.

This *success of the Assistance Group and the OSCE as an organization of states working "in tandem"* was based on the permanent presence of a small group of four to eight diplomats and military officers in the crisis area, this being the only way to establish relations of trust with the main actors in the contending parties. Its multi-national character gave the Group varied cultural expertise which was important for understanding an inter-ethnic conflict. During this time the Group was made up of four to eight members from Denmark, England, Germany, Italy, Moldova, Sweden, Switzerland, Spain and the United States; generally they spent six months in Grozny. My deputy, Zenon Kuchciak, who has belonged to the Mission since its beginning in April 1995, is a Pole.

Moreover, the relatively small size of the countries holding the OSCE Chairmanship - Switzerland (1996) and Denmark (1997) - ensured that the contending parties could not accuse them of having any axes of their own to grind in the conflict. The *unified position of the United States, the European Union and of other individual European countries toward the conflict also had a very positive effect on the OSCE's ability to exercise influence*. In all of this the OSCE and, a fortiori, the Assistance Group had very limited means for exerting pressure; there were relatively few "sticks" and "carrots" at its disposal. This worked out favourably for the OSCE's ability to deal with the conflict at all because it was, a priori, not threatening. The Assistance Group had to argue and convince - it could not threaten.