

THE RELATIONS BETWEEN CHECHNYA AND RUSSIA SINCE THE ELECTION OF A. MASKHADOV (JANUARY-MAY 1997)

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After the signing of the Khasavyurt Peace Accord in late August 1996, which postpones the formal definition of future relations between Russia and Chechnya for up to five years, there appeared three contentious issues between the two sides:

- the Russian military presence on Chechen territory, whose status was not defined before
- the timing of presidential and parliamentary elections in Chechnya
- Russian economic assistance for the reconstruction of Chechnya's ruined infrastructure.

Due to its symbolic significance, the question of the withdrawal of the two Russian brigades which were deployed in Grozny, became the main factor threatening the fragile peace. The Chechen leadership repeatedly argued that the Russian forces constituted a serious obstacle to the signing of an interim agreement on the basic principles of relations. The Russian authorities, in turn, regarded the presence of their forces on Chechen soil as a necessary measure, demonstrating the subjection of Chechnya to the federal centre. Furthermore, the fact that the issue became a part of the power struggle among confronting interest groups within the Russian administration was deepening the crisis.

On 23 November, the Russian president, Boris Yeltsin, signed a decree ordering the withdrawal of Russian forces to be started before the elections in Chechnya, scheduled for 27 January 1997. Yeltsin's initiative was a sign of goodwill for the improvement of relations and the preservation of peace. It made clear that Russia not only lacked the capacity, but also the will to resume military activities. However, it was not unconditional. The bilateral negotiations over an agreement to end the state of war and define relations between the two sides was linked by Moscow to the election results in the breakaway republic.

With the inauguration of Aslan Maskhadov as president of Chechnya, which was attended by the Russian security chief, Ivan Rybkin, as a presidential envoy, the process of bilateral negotiations actually started. It was also a period of tactical struggles for both sides to arrive at genuinely acceptable decisions on Chechnya's political future. However, the treaty of May 1997, which is supposed to have ended the 'centuries long hostility', could not clarify the long-debated issue of Chechnya's legal status. By dwelling upon developments between January and May 1997, this paper will basically analyse the new policy considerations of Chechnya and Russia and their implications for the course of relations.

THE NEW STRATEGY OF RUSSIA AND THE RESPONSE OF MASKHADOV

Just before the elections in Chechnya, the Russian foreign minister, Yevgeny Primakov, told cabinet leaders in Moscow that Chechnya's secession from Russia, either de facto or de jure, was a real danger. According to the minister, the main task facing the Russian government was to place shock absorbers on this path in advance.¹ Rybkin, secretary of the Security Council of the Russian Federation, supported Primakov's concerns and added that Moscow must put brakes on that possible way of development of the Chechen republic.² Soon Russia threatened to cut diplomatic ties with any country that recognised Chechnya's proclaimed independence. These events made clear that the Russian leadership had not altered its general Chechen policy. Moscow continued to argue, that the Chechen question was a matter of Russian internal affairs and has been very determined to restrain international attention. According to a Russian daily for example, Moscow did everything in order to minimise the number of guests attending the inauguration of Maskhadov.³ With regard to tactics for handling the problem, however, there has been a change of vital importance: Russia will

no more resort to the use of force. Instead, a new strategy, the first step of which was the elections in Chechnya, began to be developed.

The Russian authorities on several occasions stated that the elections would symbolise the creation of new, legitimate political institutions in Chechnya. They would provide a serious chance for both sides to continue negotiations and arrive at mutually acceptable decisions on Chechnya's status. But the basic question Russia was interested in was who would rule Chechnya. There were 16 candidates, the majority of them field commanders, running for the presidency and another 900 competing for the 63 seats in parliament. All the candidates stressed, that they had regarded Chechnya as an independent state since 1991. Among them, the name of Maskhadov was already pronounced by Russian public circles. In fact, the Russian public has been divided on Maskhadov's role during the war. Whereas the communist Sovetskaya Rossiya claimed that Maskhadov personally organised field commander Shamil Basayev's raid on Budennovsk,⁴ the liberal-oriented Nezavisimaya Gazeta wrote that Maskhadov was against the act, but could not prevent it.⁵ Nevertheless, Kremlin officials and most Russian politicians viewed Maskhadov as the one they could deal with most effectively. He was considered to be the most acceptable among major Chechen political figures.

Russian perceptions of Maskhadov indeed were not baseless. In his statements Maskhadov made clear, that, contrary to the "emotional and rigid Dudayev, (he) always said that Chechnya shouldn't rush to war,"⁶ and that he was ready for talks with Russia at any time.⁷ Nevertheless, he was aware of the fact that whoever comes to power will be forced to speak of Chechen independence. He complained of the Russian authorities' conception of him as ready to compromise and to enter into any negotiations.⁸

The first days of Maskhadov's presidency thus witnessed a 'war of words'. Whereas Maskhadov continuously pledged to pursue independence, Moscow acknowledged the legitimacy of the Chechen leadership, but argued that "in real life, the distance between statements and reality happens to be great." Under these circumstances, the appointment of Basayev to Maskhadov's cabinet requires special attention. Basayev, a radical field commander who during his election campaign publicly accused Maskhadov of being too willing to talk with Moscow, became the centrepiece of tactical struggles between the two sides.

Boris Berezovsky, the deputy chairman of the Russian Security Council, in an interview with journalists, said that Russia must continue negotiations even with those Chechen leaders whom the public find most odious, including Basayev and Salman Raduyev, and added that he was working on this personally.⁹ With the exception of Raduyev's thoughts, the policy of the Security Council, the main body negotiating with Chechnya, did not contradict Berezovsky's line. The main priority of the Council with regard to policy options on Chechnya, has been to prevent the isolation of Chechnya. According to Rybkin, Russian ministries had to remain in daily contact with their Chechen counterparts so that Chechnya was not pushed out of Russia's legal system.¹⁰ For the Kremlin, the appointment of Shamil Basayev, thus, was signifying an important step of a strategy of gradual reintegration of Chechnya into the federal centre. It confirmed the Kremlin's desire to settle the struggle on a more legitimate basis and to eliminate radical Chechen opposition to the peace process.

Basayev described his raid on Budennovsk as an "extraordinary measure" to force Russia to end the bloody war in Chechnya.¹¹ But on February 1997, in an interview with a Lithuanian journal, he said that "war with Russia will continue,"¹² unless Russia recognises Chechen independence. And if the new Chechen leadership do not go for full independence, he would go into opposition by "using all permissible legal methods."¹³ For Maskhadov, therefore, Basayev's appointment demonstrated the fact that the situation in Chechnya was under his control, and contrary to expectations, he was ruling a united Chechnya. Besides, Basayev's radicalism has had an important intimidating effect on the negotiations, and in certain cases provided an excuse for this.

Moscow, nonetheless, has been facing the dilemma of what to call Basayev: a terrorist, or a leader who received a considerable proportion of the votes of the Chechen electorate. Coinciding with the Kremlin's newly developing approach, Rybkin just after the elections, admitted that the federal

centre had to come to terms with the fact that 25 per cent of Chechens voted for Basayev. He hinted that Basayev could be granted an amnesty.¹⁴

The fact that after the normalisation of relations between Chechnya and Russia the question of whether to grant an amnesty, as was done in the past, would become an instrument in the struggle between the opposition-dominated State Duma and the Kremlin was a factor overshadowing the newly emerging policy of the Russian government. Two bills were presented to the parliament: one by Viktor Ilyuhin, the chairman of the parliamentary Security Committee, which proposed that anyone who committed serious crimes in Chechnya should not be granted amnesty; and the more 'liberal' one of deputies Rybakov and Sheynis suggesting the exclusion from an amnesty only of those who have the blood of peaceful citizens on their hands.¹⁵ The Duma passed a decree, 12 March, concerning amnesty for people who have committed acts dangerous for society in connection with the armed conflicts in Chechnya. The decree failed to clarify whether the amnesty covered the separatist leaders. The deputies, instead, questioned how Maskhadov's automatic membership of the Federation Council could affect his legal status.¹⁶ The decision concerning the application of amnesty to every person is to be handled individually.¹⁷ Consequently, Ilyuhin argued that amnesty for Maskhadov should be decided by the general 'prosecutor' of the Russian Federation after investigating the evidence on Basayev's role in Budennovsk.¹⁸ In order to grant an amnesty to Basayev, on the other hand, Vladimir Zorin, the chairman of the parliamentary Commission for National Affairs, said that it was necessary to conduct special negotiations.¹⁹

On 1 April, Maskhadov announced his long-awaited cabinet. A considerable portion of the seats, mainly those of economic affairs, were allocated to field commanders. In the cabinet, Basayev, with his closest comrades-in-arms, Aslan Ismailov, Aslanbek Abdulkhaciyeu, and Ruslan Gilayev, formed a powerful bloc.²⁰ It was not surprising, therefore, that Maskhadov, just the day after his announcement of the cabinet, rejected all the Russian draft agreements and declared that the negotiations had reached a deadlock.

The news regarding the new Chechen government, and especially Basayev's appointment as deputy prime minister, were met with silence and caution in Moscow. But, contrary to expectations, the first statements from the Kremlin made clear that its determination to continue negotiations was not affected. The presidential representative in Chechnya, Chernyshev, argued that, whereas the election of its rulers was a Chechen affair, the task of the Russian government was to find ways to co-operate for the restoration and improvement of the republic's economy.²¹ Finally, *Nezavisimaya Gazeta* pointed out that after Basayev's first official meeting with a Russian representative (Security Council deputy chairman Berezovsky), the legitimisation of the organiser of the raid on Budennovsk could be taken as realised.²² As was the case during Yeltsin's meeting with Dudayev's heir, Zelimkhan Yandarbiyev, the Kremlin's pragmatism won against the stubbornness of the Duma.

BILATERAL NEGOTIATIONS TO END THE CENTURIES-LONG HOSTILITY

Bilateral relations are particularly important for the clarification of relations between Chechnya and the Russian Federation and to resolve war-related problems, like the exchange of prisoners. However, to arrive at mutually acceptable decisions has been more complicated than previously expected.

The first negotiations after the January elections in Chechnya, over a deal that would define the relations between the two sides, were conducted on 25-26 February. But, due to the controversial issue of Chechnya's legal status vis-à-vis the Russian Federation, no concrete results could be attained. According to Movladi Udugov, the head of the Chechen delegation, the priority for Grozny was the conclusion of a peace treaty by reaching an agreement on political questions. Only thereafter, he added, could economic questions be dealt with effectively.²³ The Russian side, however, insisted on discussing first the economic problem, and then to focus on political issues. For Moscow, the conclusion of a treaty on socio-economic affairs was necessary in order to assure the second phase of negotiations.²⁴ This has been an important indication of Moscow's intention to use economic matters as a policy of carrot and stick.

It has been a common belief of differing political circles in Russia that, due to Chechnya's desperate economic condition, the Chechen leadership will have no choice but to make a deal with Moscow. The oil industry and making Chechnya a free-trade zone with special tax concessions, which has successfully functioned in the Ingush case, have been generally viewed as Russia's strongest economic cards. Moscow hoped that, by the attraction of these factors, Grozny would accept some kind of political status for the republic that fell short of independence, such as a common economic space with Russia. The case of Tatarstan has been forwarded as a good example for that kind of a reasonable compromise.

However, Russian politicians feared that the Chechens would take the most advantageous way: in terms of the economy, to stay in Russia, while politically pursuing independence. The Russian public has had similar concerns. In a poll carried out among Moscow citizens in December 1996, more than 69 percent of respondents supported the statement that Chechnya "should not be given a single ruble until it confirmed finally and irrevocably that it belonged to Russia."²⁵ As a result, Moscow has been unwilling to render Chechnya large-scale economic assistance, unless the Chechen leadership agrees to power sharing between the federal centre and Chechnya as a 'member' of the federation. After the elections, Rybkin dismissed Maskhadov's demands for war reparations and said that Moscow could commit itself to paying only the 757 billion rubles allocated to Chechnya in the 1997 budget.²⁶

Details of the four draft agreements proposed by the Russian side during the February negotiations have not been made public. But, within the framework of the above points, we can speculate to a certain extent about what Moscow proposed and why Grozny rejected it.

According to Rybkin, the issue of Chechnya's legal status could be solved through a constitutional amendment concerning the legal status of federal entities.²⁷ Allegedly, the Russian government has already drafted such an amendment, but further steps were linked to the result of negotiations over such controversial issues as customs regulations, air and rail communications, the oil pipeline from Azerbaijan to Novorossiisk and monetary relations.²⁸ Whereas it is an open question what this constitutional amendment may target, it is obvious that the Russian delegation basically focused on economic factors which would strengthen Chechnya's political ties to the centre. One of the proposals of the draft project, for example, was a unified monetary system under the ruble.²⁹

Indeed, Grozny wanted to sign a full-scale agreement dealing with special economic relations between Chechnya and Russia.³⁰ Even the radical Basayev argued that both sides had an interest in having a common economic and energy area, a unified monetary system and a united defence.³¹ However, at the press conference after the first round of negotiations, M. Udugov, referring to the Khasavyurt Agreement, emphasised the political interrelation between the two sides as two sovereign states when the issue in question concerned economic matters.³² Consequently, on 1 April Maskhadov accused Moscow of applying pressure by linking economic aid to the signing of a historic document which was to put an end to the war.³³ According to Maskhadov, Russia tried to impose its terms on Chechnya and threatened the republic with an economic and political blockade.³⁴

After a period of stagnation, the two explosions in the southern Russian cities of Armavir and Pyatigorsk towards the end of April revitalised bilateral negotiations. At first, due to a new war of words and statements by 'hawkish' public figures on both sides, it was thought that the fragile peace process was under serious threat. Raduyev claimed responsibility for both bombings and said that they were the beginning of a series of strikes throughout Russia to mark the anniversary of the death of Chechnya's late president Dudayev. Combined with a string of kidnappings of Russian and foreign journalists in Chechnya, Raduyev's statement added fuel to the Russian public's smouldering fire. The Chechen government rejected terrorism and denied any connection with the events. The Russian interior minister, Anatoly Kulikov, however, accused Maskhadov of letting violence in Chechnya run out of control and for surrounding himself with terrorists. He warned that anti-Chechen pogroms may begin.³⁵ Due to his track record during the war, Kulikov's statements created suspicion, upon which many observers believed that the recent violence could be linked to officials who opposed signing the document because it would add to the humiliation Russia suffered in the Chechen war.³⁶ In response to Kulikov's allegations, the deputy prime minister of Chechnya,

Vaha Arsanov, said that all peace negotiations were off until Kulikov apologised to the Chechen nation for his statement.³⁷

During Rybkin's visit at the beginning of May, the two sides signed a document in Grozny pointing out their anxiety and condemnation of the terrorist acts in Armavir and Pyatigorsk. The document also stressed the necessity of continuing and strengthening the negotiation process.³⁸ The Chechen leadership began to talk about possible measures against Raduyev, including his arrest.³⁹ In Moscow, on the other hand, the Kremlin ruled that the activities of all Russian authorities in different branches of the Russian government, including the prime minister, deputy prime ministers and ministers, were to be co-ordinated by a single body, namely the Security Council. Without the agreement of the Council's Secretary, no minister could act individually.⁴⁰ After this decision, Rybkin argued that Kulikov, as a military person (*voenny chelovek*), would stick to the system of seniority.⁴¹

Except for one point on the political covenant which, according to the Chechens, Yeltsin and Maskhadov had to discuss personally,⁴² it was announced that the draft agreement amended by both sides' negotiators, was ready to be signed by the presidents. On 11 May, A. Zakayev, a member of the Chechen negotiating team, came to Moscow to work out the details of Maskhadov's visit and said that the conclusion of the treaty was possible if Yeltsin and Maskhadov agreed on a provision insisted on by the Chechen side, namely that "relations between Moscow and Grozny shall be based on international law."⁴³ The treaty, indeed, signed on 12 May 1997 stipulates that the sides will "maintain relations in accordance with the generally-recognised principles and norms of international law, and to deal with one another on the basis of specific agreements."⁴⁴ Besides this, the treaty envisages the conclusion of further agreements across the entire spectrum of relations. Consequently, some agreements on economic co-operation between Russia and Chechnya were signed, such as the "Treaty on Matters of Money Transactions and Non-Cash Payments" between the Central Bank of Russia and the National Bank of Chechnya. According to Udugov, a customs agreement may be the next document to be signed.⁴⁵

CONCLUSION

With the May treaty that legally put an end to the state of war between the Russian Federation and Chechnya, both sides obliged themselves to tackle all disputed issues without the use of force or threat of using force. Indeed, their approaches to developments from the advent of Maskhadov's presidency up to the conclusion of the treaty have corroborated the view that both sides have the goodwill necessary for the peaceful solution of problems. But the agreement failed legally to clarify the contentious issues of Chechnya's status. Accordingly, it is not clear how the concept of international law will be interpreted.

Just after the agreement, the Russian authorities argued that the territorial integrity of Russia was not in question and the Chechen republic could still be considered as a member of the federation. Moreover, under the Russo-Chechen agreements signed in Moscow, Nazran and Khasavyurt with the present Chechen leadership, the solution of the problem of Chechnya's status has been postponed until the year 2001. Some points embodied in the terms of the agreement, however, have been regarded by the Russian public, especially the opposition-dominated State Duma, with deep suspicion and criticism. In particular, the statement that the agreement ends the centuries long hostility, has been interpreted as the rejection of Russia's imperial past. Additionally, it has been argued that a peace treaty could only be signed between two independent, sovereign states, not between the federal centre and one of its members.

On the other hand, contrary to Russian policy preferences during the negotiations, the agreement does not include special principles on economic affairs in order to strengthen Chechnya's ties to the federal centre. After the treaty signed between the two national banks, the head of the Russian Central Bank, Rubinin, for example, argued that the National Bank of Chechnya is not part of the system of the Central Bank of Russia because at this time the Russian side could not conduct monitoring of banking activities in Chechnya. Therefore, it would not be wrong to claim that the May treaty rather expresses Russia's regional concerns.

Since the collapse of the Soviet Union, north Caucasia has faced an array of socio-economic, territorial and, to a certain extent, ethnic problems which Russian governments have failed to solve. The recent 'cold war' between Tbilisi and Moscow, as described by the Russian media, added new dimensions to the already existing crisis in the Caucasus in general and in north Caucasia in particular. Tbilisi repeatedly argued that it would not stay in the Russian sphere of influence unless Moscow helps Georgia resolve its conflicts with Abkhazia and South Ossetia. Consequently, the Georgian government began to flirt with some external, as well as regional actors. After the visit to Tbilisi of Xavier Solana, the secretary-general of NATO, Russian political circles accused the Georgian authorities of following an exaggerated pro-NATO foreign policy.

Establishing regional alliances in order to strengthen its position vis-à-vis the Russian Federation, has also been a priority for Grozny. Hence, Georgia's intention to renew its rapprochement with Chechnya, as was the case during the leadership of the two late presidents Cahar Dudayev and Zviad Gamsakhurdia, seems to be welcomed by the Chechen leadership. After his meeting with the Chechen president a Georgian minister, Vardiko Nadibaidze, said that Maskhadov supported the principle of the territorial integrity of Georgia and has been willing to use Georgian territory for Chechnya's exit to the external world.⁴⁶

While the Russian government has been trying to formulate a new policy in response to such strategic issues as the enlargement of NATO or different transport routes regarding Caspian oil, an alienated Chechnya with the potential to threaten regional stability, could not be risked. According to Berezovsky, the May treaty contains for the first time a geo-strategic understanding of the situation.⁴⁷

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