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## **Bringing Peace to Chechnya? Assessments and Implications**

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# Bringing Peace to Chechnya? Assessments and Implications

## Summary

Russia's then-Premier (and current President) Vladimir Putin ordered military, police, and security forces to enter the breakaway Chechnya region in September 1999, and these forces occupied most of the region by early 2000. Putin's rise to power and continuing popularity have been tied at least partly to his perceived ability to prosecute this conflict successfully. In the run-up to Russian legislative elections in December 2003 and a presidential election scheduled for March 2004, Putin has endeavored to demonstrate that peace has returned to the region.

Since Chechen terrorists held hundreds of Moscow theater-goers hostage in late 2002, the Putin administration has appeared unequivocally opposed to talks with the rebels and more dedicated to establishing a pro-Moscow government in Chechnya. This government will use its own forces to battle the remaining rebels, ostensibly permitting the disengagement and withdrawal of some Russian troops from the region. This "Chechenization" of the conflict, along with related pacification efforts, constitute the main elements of the Russian government's campaign to wind down the fighting. Pacification efforts aim to gain the support or acquiescence of the population to federal control and include rebuilding assistance and elections.

A consistent theme of U.S. and other international criticism of Russia is that Russian troops use excessive and indiscriminate force to quell separatism in Chechnya and commit serious human rights abuses. Several analysts have discerned a decrease in Bush Administration criticism of Russian policy in Chechnya, perhaps spurred to some degree by the Moscow theater hostage crisis and stepped-up terrorist bombings throughout Russia in 2003-2004. U.S. concerns before the Iraq conflict with gaining Russia's support also may have contributed to the shifts. There appeared to be fewer Administration suggestions to Russia that it should open peace talks with former Chechnya leader Aslan Maskhadov, more tolerance for Russia's argument that it was battling terrorism in Chechnya, and some hope that elections and rebuilding in Chechnya could contribute to a "political settlement." But some in the Administration also argue that Russia is showing declining interest in the adoption of Western democratic and human rights "values," and that such slippage could ultimately harm bilateral relations.

Consolidated Appropriations for FY2004, including foreign operations (H.R. 2673; P.L.108-199) continues a provision first included in FY2001 appropriations that cuts aid to Russia unless the President determines that Russia is not hampering access to Chechnya by non-governmental organizations (NGOs). One issue for Congress is whether to continue this ban. Conference managers for P.L.108-199 highlighted concerns about the harassment of U.S. citizens involved in aid programs by Russia's security services. Other issues raised by the conferees that may be reflected in further legislative action include Russia's reported coercion of displaced Chechens. The conferees requested that the State Department press Russia to terminate the forced return of displaced Chechens to Chechnya and to account for the "gross human rights violations committed by Russian troops against Chechen civilians."

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# Bringing Peace to Chechnya? Assessments and Implications

## Background

Russia's then-Premier (and current President) Vladimir Putin ordered military, police, and other security forces to enter the breakaway Chechnya region (with a population variously estimated at less than one-half to one million) in September 1999, and these forces occupied most of the region by early 2000.<sup>1</sup> The conflict has ebbed and flowed since then. Chechen rebel forces – estimated by Russian officials to number between 1,200 and 2,000 dedicated fighters – currently appear weakened but still tenacious.<sup>2</sup> In recent months, they increasingly have engaged in small-scale attacks and bombings – including suicide bombings – against both Russian troops and civilians in Chechnya and other parts of Russia.

Suicide bombings had been relatively rare occurrences in both Chechnya conflicts but appeared to increase in 2002. The deadliest incidents were the hostage-taking at a Moscow theater in October 2002 (although most of the 130 deaths of hostages resulted from the rescue effort) and a suicide truck bombing in December 2002 that destroyed a government building in Chechnya and killed more than seventy. Ten suicide bombings throughout Russia in 2003 – that resulted in over 200 casualties – seemed aimed in part to publicize the Chechnya conflict and to sway voters in upcoming elections in Russia and Chechnya. In the run-up to the Russian presidential election in March 2004, there have been several more suicide bombings, including one in the Moscow subway on February 6 that resulted in about forty casualties. Chechen rebel leader Shamil Basayev in late December 2003 reportedly took responsibility for at least two of the suicide bombings.<sup>3</sup>

Since the Moscow theater siege, the Putin administration has appeared unequivocally opposed to talks with the rebels and more dedicated to establishing a pro-Moscow government in Chechnya. This government will use its own forces to battle the remaining rebels, ostensibly permitting the disengagement and withdrawal

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<sup>1</sup>The first Chechnya conflict occurred in 1994-1996. For background on the first and second conflicts, see CRS Report RL30389, *Renewed Chechnya Conflict*, May 3, 2000; CRS Report RL31620, *Russia's Chechnya Conflict: Developments in 2002-2003*, April 16, 2003; and CRS Issue Brief IB92109, *Russia*, updated regularly.

<sup>2</sup>Both sides agree that the rebels have been forced to break up into small units or cells and to rely on unconventional warfare. Both sides deny that the number of rebel fighters has decreased. ITAR-TASS, January 14, 2004; *RIA-Novosti*, January 21, 2004; *Interfax*, January 17, 2004.

<sup>3</sup>Foreign Broadcast Information Service. *Daily Report: Central Eurasia* (hereafter, *FBIS*), December 23, 2003, Doc. No. CEP-268.

of some of the estimated 80-85,000 Russian troops from the region. This “Chechenization” of the conflict, along with related pacification efforts, constitute the main elements of the Russian government’s campaign to wind down the Chechnya conflict. Pacification efforts aim to gain the support or acquiescence of the population to federal control and include rebuilding assistance and elections.

The Putin government long claimed that the fight against terrorism in Chechnya required the suspension of some civil rights. However, it claimed in 2002 that ebbing fighting permitted the bolstering of civil rights and arranged a constitutional referendum and a presidential election in the region in 2003. In keeping with this new emphasis, in August 2003 the Russian government announced the transfer of control over public safety in about two-thirds of Chechnya from military and security agencies to the Interior (police) Ministry. Many human rights organizations nonetheless have documented or alleged ongoing human rights abuses by Russian and pro-Moscow Chechen forces, including artillery shellings, airstrikes, and sweeps of villages by troops in search of hiding rebels. Such sweeps result in civilian disappearances, summary killings, and hostage-taking for ransom. Although the scale and number of such sweeps may have declined somewhat since 1999, as many as 800-1,200 civilian abductions may have occurred in 2003, according to Russia’s Memorial human rights organization (the pro-Moscow Chechen government cites about 600 abductions). Chechen rebels also continue to commit abuses.<sup>4</sup>

The Putin government increasingly is pressing displaced Chechens outside the region to return to Chechnya, arguing that civil order has been largely restored and that rebuilding has commenced. Many have returned, but the U.N. High Commissioner for Refugees has estimated that there still are over 100,000 displaced Chechens outside the region (as well as over 190,000 within the region). About 10,000 still reside in tent cities in Chechnya’s neighboring Ingush region. During his January 2004 visit to Chechnya, U.N. Undersecretary-General Jan Egeland raised concerns about efforts to force the Chechens to return, such as by bulldozing camps or turning off electricity, especially since he found that living conditions in Chechnya were still harsh and unsafe.<sup>5</sup>

To encourage displaced Chechens to return to the region and to bolster popular support, the Russian government has announced rebuilding assistance, including compensation for the destruction of most housing during the conflict. Reconstruction in Chechnya is lagging far behind schedule, however, because of a lack of coordination between federal and regional governments and widespread corruption.<sup>6</sup> Noting this slow progress, a U.N. appeal for aid for 2004 stated that the region’s population still faced abductions, tortures, terrorist attacks, extrajudicial murders, and

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<sup>4</sup>*RFE/RL Newswire*, January 28, 2004; *Interfax*, January 4, 2004; *FBIS*, December 15, 2003, Doc. No. CEP-134; *Caucasus Times*, November 24, 2003. Most sweeps and abductions reportedly are still carried out by Russian troops. Targets allegedly have included Chechens who earlier placed cases before the European Court for Human Rights. *FBIS*, May 30, 2003, Doc. No. CEP-236.

<sup>5</sup>Ruud Lubbers, talk at the American Enterprise Institute, Washington, D.C., December 10, 2003; *Reuters*, January 29, 2004.

<sup>6</sup>*RFE/RL Newswire*, November 6, 2003; *RIA Novosti*, February 10, 2004.

rape. The appeal reported that most Chechens remained unemployed and in poverty, many without homes or basic services such as healthcare, education, electricity, water, and sewerage systems.<sup>7</sup>

## Elections and Peace-Making

The scheduling of popular elections in Chechnya has been a primary component of Russia's effort to foster peace. The Russian government has hailed elections as restoring civil order, affirming the region's status as a constituent part of Russia, establishing new pro-Moscow political institutions, and formally repudiating the former Chechen government of President Aslan Maskhadov. The Russian government hopes that the new political system will come to be viewed as legitimate by the international community, and that Chechens will at least acquiesce to the new system. The strategy has included holding a constitutional referendum, a presidential election, a legislative election, federal elections, and local elections.

### The Constitutional Referendum

The Russian government has portrayed the promulgation of a new Chechen constitution and the holding of a referendum as marking the will of the people to re-establish the rule of law. A pro-Moscow Chechen constitutional commission decided on a final draft constitution in August 2002. Despite promises by Putin that a constitutional referendum would be held in late 2002, pro-Moscow Chechen leader Akhmad Kadyrov argued successfully that unrest in the region precluded a referendum until March 26, 2003. Besides a question on approving the constitution, voters were asked to approve draft laws on electing a president and a legislature. Some Chechens protested against holding a referendum absent a peace settlement of the conflict, but Kadyrov reportedly dismissed such protesters as enemies.<sup>8</sup> Visiting representatives from the Organization for Security and Cooperation in Europe (OSCE) and the Council of Europe in early March appeared to view the referendum preparations with a few misgivings, including the absence of organized and open opposition to the constitutional draft. They determined that the unstable and inhospitable environment precluded deploying a full contingent of observers, but recommended that a handful of observers be sent to assess the referendum.<sup>9</sup>

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<sup>7</sup>U.N. Consolidated Appeal Process. *Humanitarian Appeal 2004*. Russian officials have announced that the first electric generator in Chechnya will begin operation in March 2004. *ITAR-TASS*, February 11, 2004.

<sup>8</sup>*Chechnya Weekly*, April 3, 2003.

<sup>9</sup>Joint Assessment Mission, Organization for Security and Cooperation in Europe, Office for Democratic Institutions and Human Rights, and the Council of Europe, Secretariat, *Preliminary Statement*, March 3, 2003. Russia strongly objected to a recommendation by the Parliamentary Assembly of the Council of Europe (PACE) in January 2003 to postpone the referendum because of the poor security situation, chaotic voter lists, and lack of critical public discussion. PACE, Resolution 1315, January 29, 2003.

The Central Electoral Commission (CEC) reported a very high 89.5% turnout among 569,000 eligible voters and that 96% approved the new constitution. The voting rolls reportedly included about 23,000-30,000 Russian troops who were considered “permanently based” in Chechnya. Also, the authorities deemed that up to 17,000 Chechens displaced in Ingushetia were eligible to vote. The OSCE observers described voting irregularities in the polling places they visited, and some journalists reported few observable voters and many voting irregularities. There were allegations that displaced and resident Chechens were threatened with food aid cutoffs or other sanctions if they did not vote. In some districts, the vote counts reportedly were higher than the number of registered voters.<sup>10</sup> Despite these problems, the OSCE voiced hope that the vote might lead to political talks and the end of human rights abuses. President Putin hailed the win as removing the last serious threat to Russia’s territorial integrity. Putin’s presidential spokesman dismissed criticism of the referendum by some representatives of the Parliamentary Assembly of the Council of Europe (PACE), asserting that they were needlessly badgering Russia.<sup>11</sup>

Before the referendum, the Venice Commission of the Council of Europe and others had raised concerns about the secretive constitutional drafting process and unsuccessfully had urged rewriting some sections they viewed as problematic. As approved, the Chechen Constitution appears to spell out fewer powers than those provided in other regional constitutions. The constitution does not provide the region with a special status in the Russian Federation, totally repudiating its uncertain autonomy in 1996-1999. Russian language is designated the exclusive language of official discourse. The Constitution prohibits advocacy of separatism and establishes strong federal control over the region, specifying the primacy of federal law, ensured in part by the center’s appointment and direct control over the regional Prosecutor. The federal government can remove the regional president and the federal legislature can dissolve the regional legislature. The Constitution creates a presidential system of administration in the region, with the president able to appoint many officials with no advice or consent by the regional legislature and to issue decrees with the force of law.<sup>12</sup>

## **Chechnya’s Presidential Election**

Soon after the constitutional referendum, Putin decreed that a popular election of Chechnya’s executive head would take place on October 5, 2003. This election would replace a system put in place in June 2000 whereby Putin directly appointed a head of administration. Many Russian officials publicized this race as demonstrating that local civil order was being restored. Prospective candidates were

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<sup>10</sup>*FBIS*, March 11, 2003, Doc. No. CEP-345; *Chechnya Weekly*, March 27, 2003; *Chicago Tribune*, March 25, 2003.

<sup>11</sup>Organization for Security and Cooperation in Europe, Office for Democratic Institutions and Human Rights, *Press Release*, March 28, 2003; *Interfax*, April 9, 2003; *FBIS*, October 6, 2003, Doc. No. CEP-117.

<sup>12</sup>European Commission for Democracy Through Law (Venice Commission). *Opinion on the Draft Constitution of the Chechen Republic Adopted by the Venice Commission at its 54<sup>th</sup> Plenary Meeting (Venice, 14-15 March 2003)*, Opinion no. 231/2003.

required either to gather signatures from 2% of the electorate or to pay a \$160,000 deposit. Eleven candidates were registered for the ballot, but three of the major opponents to Kadyrov – State Duma deputy Aslambek Aslakhonov and businessmen Malik Saydullayev and Khusein Dzhabrailov – dropped out before the election under circumstances deemed questionable, according to some observers. All three of them had been running ahead of Kadyrov, according to several polls. Dzhabrailov, deputy manager of Moscow's Rossiya Hotel, suddenly withdrew from the campaign on September 2 without giving a reason, although Russian media widely reported that he had received threats from top Putin administration officials. Both Aslakhonov and Saydullayev dropped out of the race on September 11, 2003. Aslakhonov accepted an appointment as Putin's advisor for the Caucasus and justified the move by strongly implying that he had expected to be disqualified as a candidate anyway through legerdemain by pro-Kadyrov officials in Chechnya. Saydullayev reported that he had received similar inducements from the government but had refused to drop out. Although the CEC chief on August 27 had praised Saydullayev for having few unverifiable signatures (only 2.5%) on his lists after a "thorough" examination, on September 11 the Chechen Supreme Court suddenly determined that over 40% of the signatures were invalid and disqualified him from running.

Just before political campaigning was to begin in early September 2003, Kadyrov's security forces seized control of Chechnya's television and radio stations and newspapers. These media highlighted Kadyrov's activities and gave scant coverage to other candidates, and Kadyrov was virtually the only candidate shown on posters and billboards. On election day, journalists and observers from *Agence France Presse* and the Moscow Helsinki Commission reported a low turnout at several polling places they visited in the region, perhaps partly because many Chechens feared venturing out because of rebel threats of violence. Nonetheless, electoral officials reported that 88% of 562,000 registered voters turned out, of which 81% voted for Kadyrov. Kadyrov allegedly had electoral support throughout Chechnya, including in all mountainous conflict areas. He also presumably enjoyed automatic support from the 23,000-30,000 permanently deployed Russian troops in the region. Reportedly, Chechens being detained at Russian prison camps also voted.<sup>13</sup>

The OSCE and the Council of Europe decided that because of security concerns they would not send observers to monitor the election. Afterward, then-chairman of the OSCE Jaap de Hoop Scheffer suggested that media manipulation and a lack of viable opposition candidates had rendered the race non-pluralistic. However, other observers from the Organization of the Islamic Conference (OIC) and the Arab League did monitor the election and declared it unobjectionable, after which they were praised by Putin.

The COE and Russia reached agreement in December 2003 for the COE to monitor a prospective Chechen legislative election. Kadyrov in mid-January 2004

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<sup>13</sup>*AFP*, October 5, 2003. *Interfax*, October 7, 2003. Analyst Alexey Malashenko argues that the majority of the population of Chechnya tends toward conformism and were hesitant to increase tensions with Moscow by voting against its preferred candidate. Carnegie Moscow Center, *Briefing Papers*, September-October 2003.

announced that the election would take place in October or November 2004, pending the construction of legislative buildings. The 122 deputies will be elected for four years and the legislature will consist of two chambers, the Council of the Republic and the National Assembly.

## Federal Elections

Marking Chechnya's full participation as a subject of the Russian Federation in the elections to the State Duma (the lower legislative chamber of the Federal Assembly), polling purportedly took place throughout the region on December 7, 2003. The head of Russia's Central Electoral Commission later reported, however, that the vote count in Chechnya had exceeded the number of registered voters by about 11%, but attributed the discrepancy to returnees who were added to the electoral rolls when they turned up to vote.<sup>14</sup> Perhaps marking contempt for the Duma as a symbol of Russian power, suicide bombers allegedly targeted the building in early December 2003, but the bombs went off prematurely just short of the legislative building.

Both of Chechnya's seats in the Russian Federation Council (the upper legislative chamber, where members are selected by the regional governments) became vacant in late 2003. One seat became vacant when Zavgayev won election to the State Duma. On January 5, 2004, Kadyrov appointed Umar Dzhabrailov – a wealthy Chechen who ran against Putin in 1999 – to fill this seat (in 1996, the State Department had revoked Dzhabrailov's visa for entry into the United States in connection with the unsolved Moscow murder of U.S. investor Paul Tatum). According to some speculation, Dzhabrailov's appointment may have been a partial reward for the sudden withdrawal of his brother, Khusein, from the presidential election in Chechnya.<sup>15</sup> Chechnya's other seat in the upper chamber became vacant when Kadyrov removed Adnan Muzykayev and appointed Musa Umarov, another wealthy Chechen who had withdrawn as a candidate for the State Duma election.<sup>16</sup>

**The Federal Presidential Race.** In the face of Putin's strong candidacy, many democratic, communist, and other parties and groups are calling for a boycott of the election to register displeasure with the Russian government, since the electoral law requires a turnout of over 50% for the election to be valid. In January 2004, a Chechen web site called for Chechens also to boycott the race as a symbol

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<sup>14</sup>Russian Commentator Ilya Ferapontov termed the vote disparity a sign of "massive falsification of the election results." *Polit.ru*, December 27, 2003, as reported in *Chechnya Weekly*, January 7, 2004; the *Caucasus Times* on December 12, 2003, alleged that local electoral officials had been directed well before the race to ensure that Zavgayev won the constituency contest and that United Russia win the party list vote. *FBIS*, December 12, 2003, Doc. No. CEP- 61.

<sup>15</sup>*Chechnya Weekly*, January 7, 2004; Maria Tsvetkova, *Gazeta.ru*, January 5, 2004; *FBIS*, January 9, 2004, Doc. No. CEP- 65.

<sup>16</sup>Analyst Lawrence Uzzell points out that according to federal law, Umarov was supposed to be chosen by the regional legislature, in Chechnya's case its interim State Council. *Chechnya Weekly*, January 14, 2004.

of protest against the Chechnya War.<sup>17</sup> While the Russian government made claims during the 2000 presidential race that some areas of Chechnya were peaceful enough for polling to take place, during this election cycle it claims that peace and “normalization” are region-wide.<sup>18</sup>

## Implications for Chechnya and Russia

The Russian and pro-Moscow Chechen governments have hailed elections in Chechnya as marking an emergent peace and rule of law in the republic. Some independent Russian media, however, were highly critical and pointed to the rise in suicide bombings and other violence as proof that questionable elections exacerbate tensions and cannot precede or substitute for a peace settlement.<sup>19</sup> Such voting raises questions about its representativeness or inclusiveness and hence its legitimacy, since some portion of the rebel population could not or would not participate, they argue. Reflecting this view, one Russian publication ruefully noted that “life in Chechnya did not improve ... it was not safer, and therefore the threat to Russia did not decrease.”<sup>20</sup>

**Impact on Russian Elections.** By hailing elections in Chechnya, Putin planned to minimize the conflict as an issue in the December 2003 Russian legislative elections and his own March 2004 presidential race. Whereas he presented himself during his first presidential election in 2000 as dedicated to a military solution to Chechen separatism, he is presenting himself in his current re-election campaign as a peacemaker.<sup>21</sup>

In the run-up to Russia’s State Duma elections in December 2003, the authorities asserted that peace and “normality” had come to Chechnya, but several major terrorist bombings in Moscow and elsewhere outside of Chechnya belied these claims. However, these bombings may have had consequences unintended by the bombers, since voters heavily supported parties that backed existing government policy on Chechnya, and may have rendered a negotiated peace settlement less likely, according to some observers.<sup>22</sup> Vladimir Zhirinovskiy, who advocated that the families of Chechen bombers be imprisoned and that their villages be annihilated,

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<sup>17</sup> *Kavkaz-Tsent News Agency*, January 19, 2004, as reported in *FBIS*, January 20, 2004, Doc. No. CEP-279.

<sup>18</sup> Russia: Normal Voting Not Possible in Chechnya, *RFE/RL Feature Article*, March 23, 2000.

<sup>19</sup> Juan J. Linz and Alfred Stepan, *Problems of Democratic Transition and Consolidation*, Baltimore, Johns Hopkins, 1996, pp. 366-400.

<sup>20</sup> *FBIS*, December 15, 2003, Doc. No. CEP-134.

<sup>21</sup> Carnegie Moscow Center. Alexey Malashenko, *Briefing Papers*, September-October 2003.

<sup>22</sup> Basayev stated that his mujahidin were carrying out attacks in Moscow and elsewhere outside of Chechnya because Russia had “created an information blockade” around Chechnya to hush up the conflict, and that his mujahidin “will give the citizens of Russia the opportunity to savor the delights of this war.” *FBIS*, January 12, 2004, Doc. No. CEP-333.

received more votes for his party than previously. The newly created pro-Putin Motherland-Patriotic Union (MPU) siphoned votes away from the Communist Party, with MPU co-head Dmitriy Rogozin accusing the Communist Party of supporting Chechen terrorism since it advocated peace talks.<sup>23</sup>

While the Chechnya conflict appeared to play a peripheral role in the State Duma races, it appears somewhat more salient to the Russian presidential election campaign. Although Putin entered the presidential race with very high standing in public opinion polls and faced only minor opposing candidates, he stressed his pacification and Chechenization efforts to show that the conflict he helped launch in 1999 was essentially won. He announced the pull-out of a token number of Russian troops from Chechnya and pledged to eliminate human rights abuses against Chechen civilians. Although the almost-daily deaths of Russian troops in Chechnya as well as suicide bombings in Moscow and elsewhere belied Putin's claims, they seemed nevertheless to galvanize popular support for him.<sup>24</sup> Some of the minor candidates running against Putin attempted to use the Chechnya conflict as a campaign issue. Irina Khakamada blamed the government for the deaths of civilian hostages during the Moscow theater siege. Candidate Ivan Rybkin blamed Putin for the renewed conflict in Chechnya and advocated peace talks.

Some observers have argued that Russia's actions in Chechnya have had negative repercussions on its democratization. They point out that central and local governments throughout Russia have come routinely to commit civil rights abuses against ethnic Chechens and similar "swarthy" ethnic groups because of fears that they are separatists or terrorists. Also, Russian police who commit abuses in Chechnya allegedly have continued such abuses – even against non-Chechens – when rotated back to their home districts. Military units allegedly have been emboldened by freedom of action in Chechnya, weakening civilian control over the military. Zbigniew Brzezinski has argued that the conflict is "helping to reverse" democratization in Russia as it strengthens the power of the security apparatus.<sup>25</sup>

**International Response.** During 2003-2004, the international community variously assessed Russia's peace-making efforts in Chechnya, with European bodies appearing recently to become more critical. Having earlier called for Russia to cancel the constitutional referendum, PACE in April 2003 approved a resolution

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<sup>23</sup>One Russian commentator argued that since Putin's interior (police) minister was the head of the Putin-endorsed United Russia Party, the police had to downplay the threat of Chechen terrorism, since such threats belied the success of Russia's peace-making in Chechnya. *FBIS*, December 15, 2003, Doc. No. CEP-134; *RFE/RL Newslines*, November 21, 2003.

<sup>24</sup>*FBIS*, February 9, 2004, Doc. No. CEP-148.

<sup>25</sup>Zbigniew Brzezinski and Fred Hiatt, presentations at the American Enterprise Institute, December 10, 2003. Putin has justified beefing up security forces throughout Russia by asserting that they protect the country from foreign Islamic terrorists who aim to dismember it. *Interfax*, December 18, 2003; *ITAR-TASS*, December 25, 2003. Rogozin and other officials have gone farther, depicting the conflict in Chechnya as an attempt by foreign "organizations" to destroy Russia. *RFE/RL Newslines*, November 21, 2003; *ITAR-TASS*, December 17, 2003.

warning that the international community might create a war crimes tribunal if Russia did not remedy human rights abuses in Chechnya. However, PACE has not followed up on this warning. The European Parliament in July 2003 appeared less dismissive of the referendum, but echoed PACE in criticizing the non-inclusiveness of the vote, condemning Russian “war crimes” in Chechnya, and urging Russia soon to agree to peace talks under international auspices.

Disagreements within the EU regarding Chechnya policy were highlighted during Putin’s visit to Italy in early November 2003. Premier and EU president Silvio Berlusconi suggested that Western media had exaggerated Russia’s human rights abuses in Chechnya, prompting the European Commission on November 7, 2003, to announce that Berlusconi’s remarks did not represent its official position. Even before Berlusconi’s comments, the European Parliament’s Committee on Foreign Affairs had undertaken an assessment of EU-Russia ties. Its report in January 2004 stated that the EU should place more emphasis on Russia’s human rights abuses in Chechnya and issues such as Chechnya’s “illusory” presidential election.<sup>26</sup>

Faced with Russia’s refusal to extend an expiring 2000 agreement for the cooperation of COE human rights advisors with Putin’s Special Representative for human rights in Chechnya, the two sides in December 2003 agreed to some future *ad hoc* COE programs in Chechnya, such as technical assistance for holding elections. These programs were to be coordinated with the special representative. Seeming to place the agreement in limbo, however, Russia abolished this post in late January 2004 and stated that the duly elected Kadyrov would guarantee human rights. Following COE criticism, Russia demurred that a new representative would be appointed.

Outside these European institutions, the U.N. Human Rights Commission in mid-April 2003 failed to pass a resolution that accused Russia of grave human rights violations in Chechnya.<sup>27</sup> Russia’s actions in Chechnya also appeared to receive legitimacy in the Muslim world when Saudi Arabia shifted its critical stance toward Russia’s policy in Chechnya in January 2004 by hosting Kadyrov on a state visit as a bonafide regional leader. According to Kadyrov, the Saudis agreed to further crack down on financiers of the Chechen rebels and offered increased humanitarian and rebuilding aid to the region.

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<sup>26</sup>Council of Europe. PACE. *The Human Rights Situation in the Chechnya Republic*, Res. No. 1323, April 2, 2003; *Chechnya Weekly*, April 10, 2003. In July 2003, the COE’s Committee for the Prevention of Torture issued a statement that Russia was not complying with the European Convention on Torture, and warned Russia that it should not abandon civilized values. See also EU. European Parliament. *Resolution on Chechnya*, P5\_TA(2003)0335, July 3, 2003; and *Report with a Proposal for a European Parliament Recommendation to the Council on EU-Russia Relations*, A5-0053/2004, February 2, 2004. The European Commission endorsed the *Report* on February 9 as a basis for EU-Russia discussions.

<sup>27</sup>United Nations. Economic and Social Council. Commission on Human Rights. *Situation of Human Rights in the Republic of Chechnya of the Russian Federation*, E/CN.4/2003/L.13, April 9, 2003. The United States did not help sponsor the resolution but voted for it.

International observers and some Russians and Chechens who reject current Russian government policy have made various proposals for peace negotiations.<sup>28</sup> In February 2004, nearly 150 European Parliament deputies endorsed a peace proposal first submitted to the body by Chechen “foreign minister” Ilyas Akhmadov in April 2003 that calls for deploying U.N. peacekeepers, withdrawing Russian troops, and disarming rebels. In mid-December 2003, Chechens who had been elected to the regional legislature before the 1999 Russian incursion met with Kadyrov and urged political talks to end the conflict. Reportedly, Kadyrov rejected holding such talks, and in turn urged the legislators to convince rebels to surrender.

Chechen factionalism is widely expected to make it difficult to arrange peace talks (Russia insists they would be impossible to arrange). Besides including pro-Moscow Chechens, many advocates of talks urge Maskhadov’s inclusion as a moderate separatist. Most observers exclude Islamic extremists such as Basayev, because of their terrorist acts, although some argue that all parties to the conflict should be invited to take part in talks. Both Maskhadov and Basayev demand full independence for Chechnya, but with varying emphasis on whether it should be an Islamic state.<sup>29</sup>

**Chechnya’s Future.** Alternative futures facing Chechnya include not only Russia’s hope to wind down the conflict but also the possibilities of continued low-level fighting or greatly escalating violence.

The Russian government argues that its pacification and Chechenization efforts, along with attrition of the rebel forces, will result in a largely peaceful and secure Chechnya. The success or failure of these efforts is highly dependent on the character of the Kadyrov government. They could backfire, since Kadyrov appears to view the presidential election as providing a wide mandate to rule and to seek a high degree of autonomy for the region, some observers warn.<sup>30</sup> Even if his election initially was viewed as illegitimate by many or most Chechens, Kadyrov might even come to be supported by many rebels if he seeks maximal regional autonomy, in this view.<sup>31</sup>

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<sup>28</sup>Analyst John Dunlop argues that barring talks with moderate rebels, Russia’s objective is “the enemy’s unconditional surrender. In a guerrilla war, such a stance is clearly unrealistic.” Talk at the American Enterprise Institute, December 10, 2003.

<sup>29</sup>Basayev has criticized the Akhmadov peace plan’s concept of “conditional independence” for Chechnya under a U.N. provisional administration. *FBIS*, January 5, 2004, Doc. No. CEP-67; January 12, 2004, Doc. No. CEP-333; February 2, 2004, Doc. No. CEP-124; *Chechen Times*, January 1, 2004.

<sup>30</sup>Among some of his demands for greater autonomy, Kadyrov has requested that his Interior Ministry have “operational control” over all Russian troops in Chechnya. He also has proposed opening Chechen missions abroad and controlling regional oil resources, since the new Chechen constitution “states that rivers, forests, and oil are the property of [Chechens], and we will do everything to ensure that this is the case.” *FBIS*, December 25, 2003, Doc. No. CEP-81; January 13, 2004, Doc. No. CEP-74; January 20, 2004, Doc. No. CEP-147.

<sup>31</sup>According to one poll, most Chechens think that the region should be part of Russia, although given maximal autonomy. Carnegie Endowment, *Policy Brief No. 28*, November (continued...)

According to some observers, the Putin administration is divided on how far to accommodate Kadyrov's jockeying for greater self-rule and autonomy. Some observers suggest that the apparent strengthening of Russian nationalism as a result of the State Duma election and the strengthening of the security apparatus within the Putin administration may make the government less supportive of Kadyrov and the Chechenization process. A Russian government after Putin's re-election in March 2004 could do a *volte face* and re-impose a greater degree of direct rule and exclude ethnic Chechens from political and economic control over their region. Reflecting this more nationalist viewpoint, some Russians argue that Chechnya's oil and other resources should serve as reparations to Russia for the economic costs of the conflict.<sup>32</sup>

Analyst Rajan Menon and some others argue that low-level conflict may well continue indefinitely, contributing to a downward spiral of "further barbarization of the Russian military, the erosion of Russian democracy, and a Chechnya that breeds ... radicalism and terrorism."<sup>33</sup> These analysts point to evidence that major human rights abuses including kidnappings and killings continue despite the supposed establishment of the rule of law in the region. Pointing to such abuses as fueling the determination of some Chechens to continue to fight, Akhmadov stated in January 2004 that "nothing can persuade us that Russia is able to guarantee [our] legitimate rights and freedoms."<sup>34</sup>

Some observers warn that the Chechnya conflict appears to be intensifying again, including not only clashes between Russian forces and Chechen rebels, but also intra-Chechen clan conflict and vendettas that Moscow seems to be overlooking as part of its Chechenization effort. According to the London-based International Institute for Strategic Studies, deaths suffered by Russian forces during the period from August 2002 to August 2003 were higher (up to 1,200) than at any period since 1999. The Kadyrov government also has asserted that rebel ("terrorist") attacks were greater in 2003 (543) than in 2002 (351).<sup>35</sup>

Some observers have warned that Islam is becoming a motivating factor in what formerly was mainly a secular struggle for Chechen independence. Some even caution that Islamic fundamentalism also is increasing among the wider Chechen

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<sup>31</sup>(...continued)  
2003.

<sup>32</sup>*Interfax*, January 12, 2004; *The NIS Observed*, January 2004; Dunlop, American Enterprise Institute, December 10, 2003.

<sup>33</sup>Rajan Menon, presentation at the American Enterprise Institute, December 10, 2003.

<sup>34</sup>*Chechen Times*, January 1, 2004. One poll in late 2003 seemingly indicated that Chechens continue armed resistance toward Russia and become suicide bombers mainly to revenge past abuses, rather than for independence. Carnegie Endowment, *Policy Brief No. 28*, November 2003; *AP*, December 2, 2003.

<sup>35</sup> (Mil Balance 2003-2004); *Chechnya Weekly*, January 14, 2004.

society. These trends could make it increasingly difficult for Russia to engage in future peace talks that consider less than full independence.<sup>36</sup>

## Implications for U.S. Interests

A consistent theme of U.S. and other international criticism of Russia has been that Russian troops are using excessive and indiscriminate force in quelling separatism in Chechnya and otherwise are committing serious human rights abuses. As stated by U.S. Ambassador to Russia Alexander Vershbow in January 2004, Russia's operations in Chechnya "lead ... to needless suffering of the civilian population ... they are not holding enough of their own troops accountable when they commit excesses."<sup>37</sup>

On other issues, several analysts have discerned shifts in Administration policy in recent months, perhaps spurred to some degree by the Moscow theater siege in late 2002 and stepped-up terrorist bombings throughout Russia in 2003. U.S. concerns before the Iraq conflict with gaining Russia's support and concerns afterward with terrorist bombings against coalition forces also may have contributed to the shifts. There appeared to be fewer Administration suggestions to Russia that it should open peace talks with Maskhadov, more tolerance for Russia's argument that it was battling terrorism in Chechnya, and some hope that elections and rebuilding efforts in Chechnya could contribute to a "political settlement."<sup>38</sup>

The Administration's view that elections could contribute to a political settlement was highlighted by the U.S. Mission to the OSCE on March 27, 2003. The U.S. emissary stressed that problematic voting could harm the legitimacy of Russia's peace process, which the United States hoped could create "institutions of self-government acceptable to the people of Chechnya."<sup>39</sup> In the case of the regional presidential race, President Bush reportedly urged Putin at a September 2003 U.S.-Russia summit to ensure a free and fair election.<sup>40</sup> After the race, however, State Department spokesman Richard Boucher on October 6 criticized the elimination of viable challengers to Kadyrov and constraints on the media and concluded that "given these problems, it's unclear whether the election will have sufficient credibility and legitimacy [among Chechens] to advance the settlement process." He also called on the "people of Chechnya on both sides ... to work with the Russians

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<sup>36</sup>*Chechnya Weekly*, January 14, 2004; *FBIS*, January 20, 2004, Doc. No. CEP-147; *AP*, February 10, 2004.

<sup>37</sup>Alexander Vershbow, *Russia After the December Elections and U.S.-Russian Relations*, Carnegie Endowment for International Peace, January 8, 2004.

<sup>38</sup>*Voice of America News*, October 7, 2003; The State Department. *Amb. Southwick Explanation of Vote at U.N. Commission on Human Rights*, April 16, 2003.

<sup>39</sup>U.S. Mission to the OSCE. *Statement to the OSCE Permanent Council*, March 27, 2003.

<sup>40</sup>State Department. *Daily Press Briefing*, October 6, 2003. At the summit press conference, however, President Bush emphasized that "terrorists must be opposed wherever they spread chaos and destruction, including Chechnya." White House. Office of the Press Secretary, September 27, 2003.

to resolve this conflict peacefully.”<sup>41</sup> Putin downplayed this criticism by stressing “understanding ... from the President of the United States,” regarding Russia’s efforts to combat “Islamic radicalism” in Chechnya, and that “it serves U.S. interests to shore up” such efforts.<sup>42</sup> Secretary Powell reiterated during his January 2004 Moscow visit that the United States was “not satisfied with” the presidential election.<sup>43</sup>

This U.S. disappointment with elections in Chechnya contributed to a rising concern in the Administration that Russia was showing a lessening interest in the adoption of Western democratic and human rights “values,” and that such slippage could ultimately harm bilateral relations.<sup>44</sup> While Secretary Powell during his Moscow visit in January 2004 highlighted this rising U.S. “strategic concern,” he nonetheless reiterated that the conflict was “an internal matter for [Russia] to deal with,” and that U.S. concern would not jeopardize friendship and cooperation with Russia on higher priority strategic issues such as anti-terrorism and combating weapons of mass destruction. Other observers such as Zbigniew Brzezinski have decried such a prioritization on the grounds that it results in U.S. government “indifference” to the plight of the Chechens.<sup>45</sup>

The United States has urged dialogue between Russia and mainline Chechen groups, while acknowledging the difficulty in distinguishing terrorists from separatists. The U.S. government and the U.N. Security Council have labeled some Chechen factions and individuals as terrorists. While there also appears to be ample evidence of foreign Islamic fundamentalist support for some Chechen rebel groups,<sup>46</sup> the questions of support by al Qaeda and recent rebel support for terrorist actions outside Russia remain controversial. Analyst Brian Williams argues that there is no evidence of Chechen rebel involvement in Afghanistan or other ties with al Qaeda.<sup>47</sup> Other analysts argue that there are some al Qaeda members in Chechnya and other links, but discount the significance of the links to the current Chechnya conflict or to the suicide bombings in Russia.<sup>48</sup>

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<sup>41</sup>State Department. *Daily Press Briefing*, October 6, 2003.

<sup>42</sup>*New York Times*, October 6, 2003.

<sup>43</sup>U.S. Department of State. Secretary Colin L. Powell. *Opening Remarks at the Civil Society Event*, Moscow, January 27, 2004.

<sup>44</sup>Alexander Vershbow; *U.S.-Russian Relations after the Duma Election*, Carnegie Endowment for International Peace, January 8, 2004.

<sup>45</sup>State Department. Secretary Colin L. Powell. *Interview with Vladimir Varfalomeyev at Ekho Moskvyy Radio*. January 27, 2004; Voice of America. *Editorial*, February 3, 2004; Zbigniew Brzezinski, presentation at the American Enterprise Institute, December 10, 2003.

<sup>46</sup>U.S. Department of State. *Patterns of Global Terrorism 2002*, April 2003, pp. 31-34; U.N. Security Council. *The New Consolidated List of Individuals and Entities Belonging to or Associated with the Taliban and Al-Qaida Organisation as Established and Maintained by the 1267 Committee*, January 26, 2004; *Washington Post*, February 15, 2004.

<sup>47</sup>*Chechnya Weekly*, October 2, 2003; *FBIS*, January 8, 2004, Doc. No. CEP-13.

<sup>48</sup>*Time*, May 26, 2003; *Christian Science Monitor*, July 8, 2003. For evidence of al Qaeda (continued...)

Congress consistently has criticized Russia's human rights abuses in Chechnya since the conflict resumed in 1999 and has called for various sanctions. Even after 9/11 – when the Administration's focus was on forging an international anti-terrorist coalition that included Russia – Congress retained a provision first included in FY2001 appropriations that cut aid to Russia unless the President determined that non-governmental organizations (NGOs) were given access to Chechnya. Consolidated Appropriations for FY2004, including foreign operations (H.R. 2673; P.L.108-199) continues this provision. The President has made determinations consistently reprogramming Russian aid on this and other scores.

Issues for Congress include weighing the benefits of Russian support for U.S.-backed anti-terrorism efforts against continuing a ban on some aid to Russia. While Kadyrov recently has invited NGOs and international aid agencies to set up offices in Chechnya, many of the groups remain troubled by ongoing violence, and are suspicious that Russian forces may be among those targeting aid workers. U.N. Undersecretary General for Humanitarian Affairs Jan Egeland in February 2004 stressed such concerns about a Dutch aid worker who had been kidnaped in 2002 while being accompanied by Russian security agents. Russia also continues to severely restrict the movement of aid workers within Chechnya. The U.N., EU, and others prefer to have aid offices outside of Chechnya, and have pressed Russia to facilitate freer access by these offices to Chechnya.<sup>49</sup> Conference Managers for P.L.108-199 likewise highlighted concerns about the harassment of U.S. citizens involved in aid programs by Russia's security services.

Other issues raised by the Conferees on P.L.108-199 may be reflected in further legislative action. These include Russia's reported coercion against displaced Chechens to get them to return to Chechnya. The Conferees called for added aid for these displaced Chechens, and requested that the State Department press Russia immediately to terminate such forced returns. Resurrecting some legislative language from earlier years, they also called on the State Department to press Russia to account for the "gross human rights violations committed by Russian troops against Chechen civilians." More generally, they raised concerns about backsliding in democratization in Russia and called for a large portion of U.S. aid to Russia to be dedicated to democracy and rule of law programs.

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<sup>48</sup>(...continued)

links just across Chechnya's borders, see CRS Report RS21319, *Georgia's Pankisi Gorge*.

<sup>49</sup>*The Guardian* (London), February 11, 2004, p. 16; *Europe Information Service*, February 14, 2004.