

**CONFLICT RESOLUTION IN RUSSIA:
COMPARISON BETWEEN CHECHNYA AND TATARSTAN**

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INTRODUCTION

Chechnya and Tatarstan, the two Republics of the Russian Federation, appear as two contradictory models of conflict resolution in Russia. Military measures have been used in Chechnya resulting in two ruinous wars while low intensity conflict still continues. Through terrorist attacks, perpetual threat of the Chechen rebels remains. This clearly proves the point, complete military subjugation is impossible for long term of Chechnya. The military solution to the Chechen conflict has failed and in fact made matters worse. A stable conflict resolution requires managing the conflict from the roots, which go deep into the Soviet history. On the other hand, failure in Chechnya highlights the success of conflict resolution in Tatarstan. As one tries to understand the problem in Chechnya, a comparative study of the Tatarstan arrangement becomes a compulsion. Although Chechnya and Tatarstan have their own peculiar problems, a comparison is essential when one looks from the conflict resolution angle.

Both these republics have been in conflict with the Russian state demanding self determination through ethno - nationalist mobilization. Also, both the conflicts begin with memories of the past, as both the Chechens and Tatars had fiercely resisted the Tsarist domination in the 16th century and then onwards.¹ Islam is one of the major factors in the ethno-nationalism mobilization and political socialization. Moreover, The latent resentment in the both the situations found its epicentre in the *Perestroika* and *glasnost* phase of Soviet history.

¹ Hosking Geoffrey & Robert Service, ed., *Russian Nationalism: Past and Present* (London: MacMillan Press Ltd., 1998).

However, both the ethno-political movements followed different paths altogether. Tatarstan went through all the pangs of an ethno-nationalist movement and matured into an agreement with the Russian State, which by and large has proved stable one, peaceful, therefore successful. While Chechnya is on the path of destruction at all levels, social, economic, political, cultural and ecological. Also, Chechnya became the barometer of domestic politics, measuring political victories for both the Russian Presidents, Boris Yeltsin & Vladimir Putin, showing clear and direct linkages with Russia's internal power politics.

The wars lack legitimacy.² They have led to massive destruction and bitterness. There are no provisions in federal law allowing the state to engage the army against Russian citizens. The Constitution states that the armed forces can only be used to defend the state against outside threats, and that additional uses for the military must be specified by federal law. But no such laws have been passed. The Constitutional Court considered the case and interpreted the President's responsibility for the territorial integrity of Russia as justifying the use of army in Chechnya.

The army's ineffectiveness and brutality in Chechnya are a direct result of the vague mission with which it was charged.³ The army cannot be sent to achieve some abstract goal like preserving territorial integrity and constitutionality because these goals mean nothing to it. From the start, soldiers did not know what they were supposed to do in Chechnya while surrounded by a hostile population and guerrilla fighters. Inevitably, when the army fails to fulfill vague objectives which it was given, it becomes a scapegoat for political mistakes that had been

² Mahmut Gareev, *The Role of Military Factors in Preventing and Resolving Armed Conflicts*, <http://www.crinfo.org>

³ Ibid.

made. Even if goals were better defined, this is not sufficient to guarantee victory. Guerrilla wars are inherently difficult to combat, as Henry Kissinger once argued, guerrillas win if they do not suffer a major defeat. In contrast, a regular army always loses unless it scores a major victory. When guerrillas have the support of the majority of the local population, they cannot be defeated by the regular army without massive civilian casualties. While guerrilla fighters may be disadvantaged in technical capacity and arms, their advantage is that they choose the time and place of their attacks. No contemporary democracy can put up with such losses.

A resolution of the Chechen conflict will require non-traditional methods. Normal political practices will not work to end this kind of situation. Also, the Chechen crisis has profoundly undercut Western hopes regarding cooperation with Russia on many issues, The sooner that Russia can manage to solve the Chechen conflict in an honourable way, the sooner cooperation can resume. The direct and indirect costs of the conflict are immense for both the Chechens and Russian. The conflict resolution paradigm provides alternatives for peaceful resolution of conflicts. Various objectives can be weighed by Russia and decisions need to be made only after an indepth analysis of the problem through the conflict resolution angle. A cost and benefit analysis seems to suggest solution within the federal framework of Russia. A study of various agreements and treaties between Russia and Tatarstan (in the appendix) make obvious the resiliency and effectiveness of such an approach. If a similar agreement could reach between the Russian state and Chechnya, at least the violence could end. The masses represented through the political elite would find an answer to their "human needs and aspiration". At least this would provide first step to a stable conflict resolution ahead.

Chapter 1

THE CONFLICT IN CHECHNYA AND TATARSTAN: PAST AND PRESENT

For an understanding of the conflict a historical analysis of the situation in Chechnya and Tatarstan is required. Both the regions have a separate and otherwise unrelated history. Infact a parallel chronology can be sketched. Comparisons and reference to each other become important from the post-*perestroika* – *Glasnost* period when relations with the centre is compared.

Thus to begin with the history of Chechnya, it is the history of Chechnya – Ingushetia till 1991, when Ingushetia separated from Chechnya. Then onwards present Chechnya and its history till date is dealt with.

The Republic of Chechnya-Ingushetia covers an area of 7,350 square miles. The Chechen and Ingush are ethnically related Turkic peoples, mainly Sunni Muslim, who speak Caucasian languages. About 52% of its 1.27 million people are Chechnya, 12% Ingush and 29% Russian. It contains a major Soviet oil field as well as chemical factories, food canneries, timber and furniture industry. The Chechno-Ingushes are natives of the Caucasus. Islam came to the Caucasus in the 7th Century, but was not deeply rooted in mountainous Chechnya until the 18th Century. The dominant ideology of Chechnya is Islamic nationalism. It unites 150 clans (teips) which represent a and largely egalitarian society. From the 13th Century until the end of the 19th century, the Chechen people have always had to defend their land against foreign invaders. These centuries have moulded their character. Their independence

and courage were noted in Russian literature at the time of the Caucasian War in the 19th Century (Lermontov) and in "The Gulag Archipelago" (Solzhenitsyn). In 1722, during the Persian Campaign, Peter the Great visited Chechnya.⁴ The process of colonization of Chechnya by Tsarist Russia dates from that time. In the 1780s the Vaynakhs (Chechens and Ingush) rose up to fight against Tsarist Russian domination. The movement which began in Chechnya under Sheikh Mansur engulfed virtually all the Northern Caucasus. The movement was suppressed by the Tsarist Russian army in 1789.

The Caucasian War (1817-1864). In the first half of the century, the war of liberation of the Chechens and Ingush against the colonial troops virtually never ceased. It became especially intense after General Yermolov was appointed Governor General of the Caucasus in 1816. Russia had decided to speed up the process of colonization of the Northern Caucasus because its link with Transcaucasia was extremely tenuous. Georgia and Azerbaijan had already been annexed into the empire in the early 19th century. General Yermolov's tactics was a planned incursion deep into Chechnya and Mountainous Dagestan followed by surrounding the mountain rayons by a tight circle of fortifications, clearing lines through nearly impenetrable woods, laying roads, and destroying villages which resisted. The result of Yermolov's activity in the Caucasus was the relatively stable subordination of Dagestan, Chechnya, and the Transkuban. After Yermolov, Paskevich headed the Russian troops in the Caucasus. He decided to abandon the tactics of planned incursion and seizure of territory and returned to

⁴ Mariya Yevsyukova, The Conflict Between Russia and Chechnya, Conflict Research Consortium, <http://www.crinform.org>

the practice of conducting punitive expeditions. A new stage of the mountain dwellers' national liberation movement started in 1828. A Muslim movement to strictly observe the rules of the Shariat (the Muslim religious rules) in the life of the mountain peoples began in Dagestan.⁵ Gradually Vaynakhs, who observed the rules of the Adat (the traditional civil law), joined the movement of Kazi Magomed, who was declared Imam in December 1828; he promoted the idea of uniting the peoples of Chechnya and Dagestan. Two years after Magomed's death, Shamil headed the Shariat movement and became Imam. Shamil's struggle under the slogan of a holy war lasted 20 years; however, the strength of his state was severely undermined. During the war, Chechnya's entire territory was the site of constant battles. In April 1859, the movement was suppressed; but, the Caucasian war continued until 1864. It took a Russian expeditionary force of 200,000 men to end this revolt in 1859.

In order to strengthen Russian influence in the Caucasus, the Tsarist government expelled the Chechens and Ingush from the 'flat' territories and moved Cossacks to their lands. As a form of protest against such a policy, abreks [Caucasian mountain bands who fought the Russians in the 19th century] appeared. The abreks attacked the representatives of the local administration, military officers, and Cossacks, they robbed the farms established on their lands which had been confiscated. Overall, unrest in Chechnya did not cease until 1917.⁶

Chechnya-Ingushetia during the years of the Civil War (1918-1920), and Ingushs supported the Bolsheviks. After the occupation

⁵ *ibid.*

⁶ Roman Szporluk, ed., *National Identity and Ethnicity in Russia and The New States of Eurasia*, (New York: M.E. Sharpe, Inc., 1994)

of the Northern Caucasus by the Red Army in 1921, the Gorskaya ASSR was formed in the Northern Caucasus. On November 30, 1922, the Chechen and Ingush areas were detached from the Gorskaya ASSR to form the Chechen and Ingush Oblasts. Several small oblasts were created to prevent the Caucasians from consolidation. On January 15, 1934, the two oblasts were merged to form the Chechen-Ingush Autonomous Oblast; on December 5, 1936, this became the Chechen-Ingush ASSR. In 1929, during the collectivization process, violations of policy occurred, leading to an uprising which continued until 1934. In August 1936, as the result of operations to eliminate 'anti-Soviet elements', 10,000 people were arrested in Chechnya and Ingushetia, and numerous trials were held. Virtually all the leaders -- from the rayon authorities to the employees of the republic organs of Chechnya-Ingushetia -- were arrested. At the same time, there were uprisings and the break-up of the Kolkhozes began in the territory of Chechnya-Ingushetia. The Provisional People's Revolutionary Government of Chechnya-Ingushetia was proclaimed. The war of 1941-1945 revived the rebel movement in the mountains of Chechnya -Ingushetia. In June 1942, the rebel government issued an appeal to the Chechen-Ingush people. It stated that the Caucasian peoples were awaiting the Germans as guests and would be hospitable to them only if they granted complete recognition of the independence of the Caucasus. In the spring of 1942, Soviet planes bombarded Chechnya-Ingushetia twice. The Germans were unable to capture the territory of Chechnya -Ingushetia. Stalin's government accused the Chechen and Ingush peoples of treachery and organized their mass expulsion to Kazakhstan and Uzbekistan in February 1944.⁷ In

⁷ Hosking Geoffrey & Robert Service, ed., *Russian Nationalism: Past and Present* (London: MacMillan Press Ltd., 1998), pp. 77-106.

February 1944, the Chechen-Ingush ASSR was liquidated. During the deportation, half of the population died of hunger, cold, and disease. Consequently, the rebel movement erupted in the mountains of Chechnya -Ingushetia with new force in 1944. Representatives of this movement used the pre-Revolutionary tactics of the abreks: they attacked the administration and the military from the mountains.

Several NKVD (internal security) divisions were sent to Chechnya-Ingushetia to eliminate this movement; by the end of the mid- 1950s, the rebel uprising had been virtually eliminated. But, even into the 1960s, there were partisans hiding in the mountains who had suspended terrorist activity after the restoration (1957) of the republic. They hid from the authorities and continued to seek vengeance on representatives of the KGB (successor organization to the NKVD).

Chechnya-Ingushetia in 1985-1991 witnessed the phenomena unleashed by *perestroika* which had begun in March 1985.⁸ Although initially though not much impact occurred on the political life of Chechnya-Ingushetia. The first sign of changes was the criticism of the historical writings of professor Vinogradov, the author of the concept of the 'voluntary inclusion of Chechnya-Ingushetia in Russia, the theory by historians of Dagestan in 1987. During 1987, tension in the society steadily increased and by the end of the year only a pretext was needed to spur the spontaneously forming opposition into action. The news of the construction of the Gudermes Biochemical Plant (BCP) to produce

⁸ Ben Fowkes, *The Disintegration of The Soviet Union: A Study in the Rise of the Triumph of Nationalism* (London: MacMillan Press, 1997), pp. 121-150

lysine became such a pretext. By the summer of 1988, organizers of the movement to stop the construction in Grozny had united into the 'Union To Promote Perestroika'. They soon reorganized into the Popular Front of the Chechnya-Ingushetia ASSR. Until the fall of 1990, the Popular Front was the main opposition to the party-Soviet leadership of Chechnya-Ingushetia. The slogan of restoring historical truth about the past of the Vaynakh (Chechen-Ingush) people and exposure of the semiofficial concept of the 'voluntary inclusion of Chechen-Ingush in Russia' became some of the main policies of the Popular Front.

In June 1989, the organization bureau of the Chechen-Ingush Obkom of the CPSU (Communist Party) elected Doku Zavgayev as first secretary; he became the first Chechen to hold the post of head of Chechnya-Ingushetia in all the years of Soviet power. When he assumed leadership, liberalization of the party regime began.

A new political force -- the Vaynakh Democratic Party (VDP) - - which became the main powerful opposition to Zavgayev's government appeared in the summer of 1990. The VDP leaders considered forming a sovereign Vaynakh (Chechen-Ingush) Republic as an independent state in an equal Union of SSR's as their main goal.

On November 1990, the Chechen National Congress was held in Grozny. The idea of sovereignty became the main slogan of the Congress. On 27 November 1990, the session of the republic Supreme Soviet adopted the 'Declaration on State Sovereignty of the Chechnya-Ingush Republic'. According to the Declaration, the Chechnya-Ingush Republic (ChIR) was declared a sovereign state which would sign the Union and federative treaties on an equal

basis. In actual fact, the Declaration did not change the state of affairs in the republic and made almost no change in the character of Chechenya - Ingushetiya's ties with the Union and the Russian center.

In December 1990, the VDP and organizations close to it created an opposition bloc, the 'National Movement of the Chechen People', whose main goals were the struggle to realize the idea of 'national sovereignty' of the Chechen Republic and the desire to unite the peoples of the Northern Caucasus into a confederative state outside the RSFSR. Major General Dzhokhar Dudayev was elected chairman of the executive committee of the Chechen National Congress. He began to support the radical nationalists in the committee who openly announced their goal: to overthrow the ChIR Supreme Soviet and seize power. The attempted coup in the USSR of 19-21 August 1991 became the catalyst for a sudden social explosion in Chechnya-Ingushetiya which was renamed the 'Chechen revolution'.

On 22 August 1991, the leadership of the NCChP executive committee and the leaders of the opposition parties demanded the resignation of the ChIR Supreme Soviet, which had been unable to take a principled position during the days of the coup. In the evening of that same day, the demonstrators surrounded the republic television building and seized it after a minor scuffle with the militia. Members of the RSFSR Supreme Soviet Presidium arrived on 26 of August and warned Zavgayev not to use force. On 1-2 September, the third session of the National Congress of the Chechen People met and declared the ChIR Supreme Soviet overthrown and handed power over the territory of Chechnya over to the NCChP executive committee. Another two delegations of

Russian officials conducted negotiations with Chechen leaders in order find a solution to the crisis.

On 14 September, the acting chairman of the RSFSR Supreme Soviet, R. Khasbulatov, flew to the republic and firmly demanded the resignation of the ChIR deputy corps; the deputies passed a decision on the resignation. New parliamentary elections were set for 17 November; during the transition period, power was handed over to the Provisional High Council of the ChIR (PHC ChIR). Later, Khasbulatov said that it was Boris Yeltsin who wanted Zavgayev out of office so that Khadziev, 'a more suitable person', could replace him.⁹

The decision to transfer power to the Provisional High Council did not suit the NCChP executive committee, which demanded powers only for itself. During the night of 7-8 October, soldiers from the national guard seized the PHC residence; the members of the council, in fact, found that their status had been changed to illegal.¹⁰ On 9 October, the RSFSR Supreme Soviet Presidium issued a decree: 'On the Political Situation in the ChIR'; the Russian leadership demanded that the unlawful paramilitary formations disarm and declared that the Provisional High Council was the only lawful organ of power on the territory of the ChIR.

However, the leaders of the NCChP executive committee continued to make preparations for the election of the president and parliament of the Chechen Republic (ChR); the elections were held on 27 October 1991. As observers and the press emphasized, the

⁹ Mariya Yevsyukova, *The Conflict Between Russia and Chechnya*, Conflict Research Consortium, <http://www.crinfor.org>.

¹⁰ *ibid.*

elections campaign took place in conditions of an aggravated standoff among various political forces; television and radio were blockaded by General Dudayev's guardsmen. Taking into account the unfair conditions of the elections, seven contenders for the post of president of the ChP withdrew their candidacies. The chairman of the NCChP executive committee, (Ret) General D. Dudayev, was elected the president of the ChR. Later, the make-up of the ChR parliament was announced. The RSFSR Supreme Soviet, the ChIR Council of Ministers, and a number of influential sociopolitical movements of Checheno-Ingushetia did not recognize the election results.¹¹

On November 10, 1991, Russia's President Yeltsin sent 650 troops to enforce a state of emergency in Chechnya-Ingushetia. Dudayev defied Yeltsin's decree and mobilized thousands of armed supporters to challenge the troops. The troops withdrew when Russian lawmakers and the Kremlin made it clear that they did not support military action in the region. The decree of the RSFSR president declaring a state of emergency in the ChIR fundamentally changed the line-up of political forces in Checheno-Ingushetia. D. Dudayev held a press conference where the president of Chechnya announced the firm intention of the ChR to create an independent state.

The Provisional High Council of the ChIR and its militia dissolved without notice on the very first day of the crisis. Thus, the attempt to introduce a state of emergency in Checheno-Ingushetia led to the legitimization of the president and parliament of the ChR and to the disappearance of the opposition. The 'Chechen

¹¹ *ibid.*

revolution' was victorious. The first attempt to resolve conflict by force failed. A year after these events, a state of emergency was declared in the Chechen-Ingush republic as a result of ethnic fighting between Ingushes and Ossetians; after the deportation of the Ingush in 1944, some of their lands ended up in the hands of Ossetians. Dudayev threatened to declare war on Moscow if it didn't withdraw troops from around the borders of Chechnya-Ingushetia. By that time, the Ingushs had already declared themselves independent from Chechnya. Russia agreed to pull troops back from the disputed border.

The period of the struggle for independence was over. Moscow established economic, financial, and air blockades of the republic. Chechen leaders were unable to establish a democratic administration.¹² After a year of independence, there was an economic and political crisis in the republic. The only economic reform was the passing off of the state business to mafia clans. The state farms were robbed and crime grew at a frightening rate. The Chechen parliament came out decisively in opposition to the president after Dudayev tried to prevent the referendum (that the Chechen parliament had declared) on the form of the government in the republic and on the need for sovereignty and independence. The president accused parliament -- which had tried to negotiate with Russia about the status of the Chechen Republic -- of betraying the cause of independence. Parliament was liquidated by an edict of the president in April and direct presidential rule was introduced. A new 'parliament' was created on the base of a

¹² Svante E. Cornell, "A Chechen state? ", *Central Asian Survey*, Vol. 16(2), pp.201-213

national radical faction which had unconditionally supported Dudayev; very similar events were taking part in Russia at that time.

Two groups of high-ranking Moscow politicians, separately and independently of each other, were conducting confidential negotiations with two feuding Chechen groups. The aim of negotiations was to return Chechnya to the Federation. The Ministry of the Russian Federation on Nationality Affairs, headed by Sergey Shakhray, was building bridges with the irreconcilable Chechen opposition, which promised Moscow numerous concessions. Leaders of the opposition were asking to be helped materially and to be recognized as the legal authority in Chechnya. On their part, they pledged themselves to overthrow the present regime, to organize parliamentary elections, and to transform their republic into a valuable component of the Russian Federation. At the same time, the administration headed by Sergey Filatov, was trying to fix relations with Dudayev. Filatov transparently hinted at an alleged planned meeting of the two presidents. He intended to sign a treaty with Grozny on the division of powers and subjects of jurisdiction similar to the Russian-Tatar treaty. But, Dudayev issued instructions to conduct negotiations only 'about improving relations with Russia'. Shakhray insisted that it was impossible to come to an agreement with Dudayev and that it was necessary to rely on 'other sociopolitical forces in the republic'.¹³

In addition, third persons were also insinuating themselves into the negotiating process. Viktor Chernomyrdin received Deputy Prime Minister Mugodayev of the Dudayev government and settled

¹³ Mariya Yevsyukova, The Conflict Between Russia and Chechnya, Conflict Research Consortium, <http://www.crinfo.org>

certain problems about the Grozny oil refinery plant and a number of other local enterprises. Russian leaders chose to support the opposition. Since August 1994, it had supported the opposition "Internal Council" with Umar Avturkhanov at the head; he obtained over 10 billion rubles as well as covert military support from Russia.

The Russian Government hoped Dudayev would lose control over a significant part of the territory and for the opposition to arm itself so that he would really become a negotiable partner. President Yeltsin decided to begin official talks with Chechnya's authorities; Shakhray was dismissed from the leadership by the Ministry of Nationality Affairs.¹⁴

Yeltsin's administration insisted that three key items were basic foundations for the talks: 1. Chechnya would sign the Federation treaty as an entity of the Russian Federation. 2. It would hold elections for the Federal Assembly; 3. It would stop the anti-Russian propaganda campaign. In exchange for these conditions, the Russian State, as was evident from V. Shumeyko's declaration, was ready to recognize Dudayev's presidential powers and, thus, the legitimacy of his regime.

However, Shumeyko's intention to recognize Dudayev's regime in exchange for Chechnya's sovereignty prevailed over Shakhray's, who stated that it was impossible to declare the elections in Chechnya invalid from a legal standpoint. The Russian State insisted that representatives from the political forces opposed to his regime also participate in the talks. Dudayev declared that he would not negotiate if his opposition would participate in the talks

¹⁴ *ibid.*

and that he intended to conduct the talks at the highest level. In his letter to Chernomyrdin he still talked about a single independent state ready to become a CIS member. At that time, Sergey Filatov declared that Russia had two solutions to the problem: a mild one (talks and political means) and a harsh one (forceful means).¹⁵

Unfortunately, because of a new power arrangement in the Russian government, the second alternative was chosen. In November 1994, the Russian Air Forces started bombing Grozny, the Chechen capital. Russia sent thousands of troops backed by tanks and aircraft to end Chechnya's independence bid on December 11, but, it was unable to quell dogged resistance by the local fighters.

On December 12, talks between Russians and Chechens began in Vladikavkaz. December 15 was the deadline that President Yeltsin had given for the "secessionists" to lay down their weapons. "The Chechen leaders say they will never lay down their arms until Russians troops retreat from their land. On December 14, the Chechen delegation walked out of truce negotiations in Vladikavkaz. On December 15, the Chechen government tried to get the United States involved by asking Vice President Al Gore to act as a mediator between the Russian and Chechen negotiators. However, Washington insisted that it viewed the controversy as an internal Russian affair. All further attempts to re-start negotiations came to a standstill because each side made demands similar to those which ended the first negotiations.

Yeltsin responded to the events by immediately declaring a state of emergency in Chechnya. This tactic proved counter-

¹⁵ *ibid.*

productive, however as the emergency decree effectively mobilized nationalist feelings and unity among the Chechens in light of the Russian threat and weakened anti-Dudaev forces. The same day Yeltsin declared emergency rule, Dudaev canceled the declaration and installed martial law in its place. Chechen national guerrilla troops mobilized to surround the 1000 Russian Interior Ministry troops that had arrived and 30,000 demonstrators took to the streets. The Russian Parliament voted overwhelmingly to rescind the emergency order two days after it was imposed, and subsequently voted to conduct negotiations with Dudaev.¹⁶ The Parliamentary response reflected Russian opposition to Gorbachev's recent use of force to counter nationalist movements in Latvia, Lithuania, Georgia and Azerbaijan.

An extended stalemate ensued through 1992-93. Reaching the negotiating table proved difficult, as Dudaev's support was founded upon his unwavering defiant nationalism, with Russia as his most ready and most effective target. Russia offered to recognize the legitimacy of Dudaev's presidency in exchange for his signature on the Federation Treaty acknowledging Chechnya's membership in the Russia Federation. Dudaev refused to waver from his earliest vow to accept nothing less than full independence for Chechnya. In response, Russia increased military pressure and imposed an economic blockade on the region. The critical economic situation that ensued led to the Chechen Parliamentary opposition's support of normalizing relations with Moscow while retaining Chechen sovereignty.

¹⁶ Wendy T. Atrokhov, "The Khasavyurt Accords: Maintaining the Rule of Law and Legitimacy of Democracy in the Russian Federation Amidst the Chechen Crisis", *Cornell International Law Journal*, Vol.32, 1999, pp.368-392.

The Dudaev regime responded to the opposition by becoming increasingly undemocratic. Dudaev dismissed the Parliament, Constitutional Court, and the Grozny National Assembly, and disbanded demonstration calling for a referendum on the matter. These actions alienated many of Dudaev's allies and powerful Chechen leaders. The Parliament struck back at the leader by initiating impeachment proceedings against him and scheduling a public referendum on the competence of the President and the necessity of the office of president. On the evening before the scheduled referendum. Dudaev's forces stormed opposition headquarters and dispersed opposition demonstrators, killing as many as fifty people. When the Constitutional Court ruled that his disbandment of the Chechen Parliament was unconstitutional, Dudaev responded by shutting down the Court.¹⁷

Massive conflict erupted among the various opposition factions and the Dudaev government in 1994. The Russian government actively supported the opposition and was accused of supplying them with funds, weaponry. And eventually the assistance of Russian intelligence services who conducted air attacks in Russian helicopters and engaged in a "hidden war". This played right into the hands of Dudaev, who pointed to the groups as traitorous pawns of the Russian Government. In November, the Russian Federal intelligence Service (FSK) mounted an ill-fated invasion of Grozny. Most of the Chechen opposition that pledged to participate in the attack backed out at the last minute. The mission was disastrous for the Russians, who were overwhelmingly soldiers, and after initial denials, the Russian Government eventually acknowledged the involvement of Russian troops in the operation.

¹⁷ *ibid.*

The first meeting between a senior Russian official and Dudaev took place on December 6, 1994. While they reached no resolution to the conflict, both Dudaev and Russian Defense Minister Pavel Grachev vowed publicly that there would be no resort to military action. Two days later President Yeltsin issued Decree No. 2166, "On Measures of End the Activity of Illegal Armed Formations on the Territory of the Chechen Republic". The decree authorized "Operation Wave", directing the Russian Government "to use all available state means to ensure the security of the state, the rule of law, civil rights and liberties, the defense of public order, the fight against crime, and the disarming of all illegal formations". Yeltsin kept this decree secret from the public, the Parliament, and most of his own advisers. On December 11, the Russian armed forces commenced attack and invaded Chechnya from the north, east and west.¹⁸

Yeltsin's course of action illustrate his reliance on Grachev's boastful assurances that the Russian offensive against Chechnya would take a couple of hours. In reality, the Russian troops had barely more than a week to prepare for this invasion, in contrast to the Chechen forces who had been preparing since Dudaev declared Independence four years earlier. Lacking well-trained ground forces, the Russians relied on heavy artillery and extensive air raids to destroy the relatively small bands or rebel fighters. Their forces destroyed countless villages and cities and killed thousands of civilians with indiscriminate shelling. Huge segments of the Chechen population that had been neutral throughout the conflict wholeheartedly supported Dudaev after seeing their homes

¹⁸ B.I. Kagarlitskii, "Chechnya- Preliminary Results", Russian Social Science Review, Vol. 40. No. 4, Jul-Aug 1999, pp. 30-47.

destroyed and family and friends murdered. Russian Human Rights Commissioner Sargei Kovalev estimated that there were 24,000 civilian casualties between November 25, 1994 and January 25, 1995. Grozny fell to the Russians by mid-Feb. 1995. The tactics employed by the Russians could be called emergency management. To put the intensity of the firing in perspective, the highest level of firing recorded in Sarajevo was 3500 heavy detonations per day. The war raged on for twenty-one months, punctuated by failed cease fires, annihilation of Chechen Villages and their civilian population, and the invasion of Chechen rebels into neighbouring Russian towns.

Rebel leader Dudaev was killed in April 1996. Over 1500 Chechen rebels recaptured most of Grozny in a surprise offensive in early August 1996. On August 12, 1996, the newly appointed head of Yeltsin's National Security Counsel, retired Russian General Aleksandr Lebed, traveled to Khasavyurt, Dagestan to negotiate with Chechen representatives. Less than three weeks later on August 31, Lebed and rebel leader Aslan Maskhadov signed a landmark accord in Khasavyurt, Dagestan, averting an all-out Russian offensive in Grozny. The Khasavyurt Accords ended the war and demilitarized Chechnya, while postponing a decision on the region's political status until December 31, 2001. The casualties of the Chechen war are estimated between 30,000 and 90,000.¹⁹

The Khasavyurt Accords were expected to end the violence however low an intensity war continues. Terrorist activities

¹⁹ Wendy T. Atrokhov, "The Khasavyurt Accords: Maintaining the Rule of Law and Legitimacy of Democracy in the Russian Federation Amidst the Chechen Crisis", *Cornell International Law Journal*, Vol.32, 1999, pp.368-392.

including kidnappings, extractions bombing activities have defamed the cause of the Chechens. On the other it has given an upper hand to Moscow to launch and "anti-terrorist campaign".²⁰

Shamil Basayev emerged as the chief Islamic warlord. By in mid 1999 in the outfit of Islamic Jihadis, rebels under him were not only tampering with the oil pipelines passing through Chechnya, but they were also busy trying to spread Islamic influence into the other Islamic areas of the Caucasus. The Second Chechen War started in August when Shamil Basayev mounted an invasion of the neighbouring Russian province of Dagestan. The main areas of operations from August 2-24, 1999 was in the area of Botlekh (south of Vedeno Gorge). This was also the initial area of incursions this time. Subsequently the fighting shifted to the North of Novalaksya between September 5-18, 1999. The Russians then launched trans border artillery and air attacks on now referred to as the "Jihadi" Islamic bases in south Chechnya. Since the Chechens also had artillery support, they retaliated equal measure. The initial Russian reactions thus failed to stem the Chechen aggressiveness. There was a wave of terror bombings: A rash of terrorist bombings was launched by the Chechnya based Jihadis in various cities of Russia. These included the following the September 4, 1999 bomb explosion in Dagestan killing 64. On September 8, 1999 in the blast in Moscow 94 were killed. In September 13, 1999 blast in Moscow, 119 were killed. These terrorist bombings created an uproar in Russia. Never, in recent times, had the Russian citizens felt so insecure and humiliated. The Russian armed forces had carefully studied the lessons of the First Chechen War. The initial

²⁰ G.D. Bakshi, "The War in Chechnya: A Military Analysis, *Strategic Analysis*, Aug 2000, pp. 883-898

systemic and organisational turbulence of the early 1990s had by now stabilised.

The Russian response therefore was coloured entirely by domestic compulsions. They paid scant regard to international reaction and global opinion. They did not launch any skillful information/media campaign to shape either the global or the regional information environment. They went purely by their perceived national security considerations and the need for assuaging outraged domestic public opinion. The Russians therefore launched an all out military invasion of Chechnya as a full fledged proactive option to carry the war to the enemy territory and liquidate the Chechen Islamic fighters in their own lair.

Russians approved of government actions. Overnight the government approval ratings shot up to 70 percent. However the global and regional information environment had not been managed well. The global media was full of the details of the collateral damage to civilians that the Russian campaign was causing. The Russians however paid no heed to the Western human rights criticism. With single mindedness of purpose they launched an all out military assault to destroy the Chechen rebel fighters and their home bases in a purely military solution. Media estimates put the total number of Chechen fighters at 10,000. Of these some 3000 to 5000 were reportedly holed up inside Grozny the capital city itself. Some 3500 were in the hills/mountains of southeast Chechnya (some recent media estimates have put the figures as high as 7000).

On February 29, 2000 Vladimir Putin, then Prime Minister, declared the Russia had won the war.²¹ Again there were heavy casualties on both sides, heavy losses and directly proportional was bitterness on both sides. Military victory in Chechnya also had Putin's political victory in the presidential elections. The coming of Putin signified new era in Russian politics. The rapid transitional pace of Russian political social economic had stabilized. Economy had been showing recovery. The new president, Putin made the promise of a "strong state". It clearly implied settlement of the existing conflicts, particularly Chechnya in the near future.

Going on to Tatarstan, the first settlements date back to Paleolith period (100,000 years ago). In the 8th and 9th century, tribes of the ancient Bulgars, ancestors of the modern Tatars, began to populate the Volga region. Tatarstan is located on the eastern frontier of Europe at the confluence of the Volga and the Kama rivers. The Republic of Tatarstan covers the territory of 68,000 sq. km. The Republic stretches for 290 km from North to South and for 460 km from West to East. In the North it borders Kirovsky region (oblast), in the North-East Republic of Udmurtia, in the North-West-Republic of Mari-El, in the West-Chuvashia, in the East-Republic of Bashkortostan, and in the South-Samara Region (oblast), Orenburg region, Ulyanovsk region. Relief of the Republic of Tatarstan unlike Chechnya is of flat character, 90% of the territory is 200 meters above sea level, with average height of 170 meters.²²

The main wealth of Tatarstan is oil. More than 2.6 billion tons has been produced for the whole period of oil extraction are

²¹ "Russia Bombs Chechnya: Putin Denies Major Assault Planned", Sept. 23, 1999, CNN.dot.com

²² General Information About Tatarstan, <http://www.kcn.ru>.



estimated to be 0.8-1.0 billion tons. The most well-known oil fields are Romashkinskoye, Nova-Yelkhovskoye, Pervomaiskoye and Bondyuzhskoye. Along with oil, gas is extracted in the amount of 40 cu. M per ton oil. The Republic holds rich stocks of petroleum bitumen. Copper ores, gypsum, cement raw material, sand-gravel mixtures, mason's and glass-making sand, limestones and dolomites, clays, phosphorites, mineral waters, medical muds. The Republic has huge water resources-annual flow of rivers of the Republic exceed 240 billion cu. m. Soils are very diverse, the best fertile soils covering 1/3 of the territory. Due to high development of agriculture in Tatarstan, forces occupy only 16% of its territory. The largest rivers of the Republic are the Volga, the Kama and its two navigable tributaries, the Belaya and the Vyatka. The total flow of the four rivers makes 234 billion cu. m per year. Certain part of the territory of the Republic is occupied by reservoirs –the Kuibyshev and the Nizhnekamskoye.²³

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The first state the Volga-Kama Bulgaria was set up at the end of the 9th beginning of the 10th century. For a long time it was the only developed state in the eastern border of Europe. In 1236 the Volga-Kama Bulgaria was invaded by mongol-Tatars and became the part of the Turkic state Zolotaya Orda (Golden Horde). The collapse of Zolotaya Orda resulted in formation of a number of new states including the Kazan Khanate. It inherited ethnic, languages, religious, cultural Orda. After numerous wars and the seizure of Kazan in 1552, the Kazan Khanate was annexed by the Russian state by Ivan, the Terrible.²⁴ However, Kazan remained the religious and cultural centre for Muslims of middle-Volga region.

²³ ibid.

²⁴ Hosking Geoffery & Robert Service, ed., *Russian Nationalism: Past and Present* (London: Macmillan Press Ltd., 1998) pp.107-128

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After the Bolshevik revolution of 1917 the Tartar Autonomous Soviet Socialist Republic was founded (1920).

With the launch of Glasnost and Perestroika political mobilization was witnessed in Tatarstan also. Nationalist politics was developing along a trajectory similar to that of the most aggressive union republics. In 1988 the nationalist Tatar Public Center (TOTs) was formed, explicitly modeling itself on the Baltic popular front organizations. It began by calling for the protection of Tatar culture and ended up championing full independence for Tatarstan. On the 30th of August, 1990, the Supreme Council of the Republic adopted the Declaration on State Sovereignty of Tatarstan, confirmed by the referendum of March, 1992. In 1991 a radical wing broke off from TOTs and formed *Ittifak*, or Alliance. *Ittifak* promoted an exclusivist nationalist agenda, openly hostile to Russians in Tatarstan. As *Ittifak* attempted to win support away from the moderate Tatars, pro-Russian and profederalist groups organised in response.

In the radicalization of the Tatar nationalist movement and in the growing popular support for these groups, we observe the origins of an ethnic outbidding scenario. Ethnic outbidding takes place when political entrepreneurs in a multiethnic polity attract political support by advocating a more ethnically exclusivist program than other politicians. In Tatarstan, despite early mobilization, neither outbidding nor mass nationalist mobilization ultimately occurred.²⁵ Unlike the union republics, the autonomous republics remained a part of the Russia Federation. Popular support for the

²⁵ Elise Giuliano, "Who Determines the Self in the Politics of Self-Determination? Identity and Preference Formation in Tatarstan's Nationalist Mobilization", *Comparative Politics*, Vol.32, No.3, April 2000, pp.295-316.

nationalists in Tatarstan weakened as the more moderate President Shamiev and his government emerged as the political victor. With the conclusion of a bilateral treaty between Tatarstan and Moscow in 1994, the republic backed away from national secession. By 1996 nationalist opposition groups had become practically irrelevant. According to the Constitution adopted on the 6th of November, 1992, the Republic of Tatarstan is a sovereign state, subject of the International Law, associated with the Russian Federation on the basis of the Treat on mutually delegated powers. In relationship between citizen and the State the Constitution established priority of human rights as the highest of the social values. All citizens are guaranteed equal rights in all spheres of political, economic, social and cultural activities. Thus, since the end of the 7th century predominant on the territory of Tatarstan is Turkic-speaking people, and, later, their descendants the Tatars. However, multicultural contacts with Russians led to exchange of agricultural methods, specific construction methods, certain crafts and many social institutions. The Russians took from the Tatars their cultural achievements and considerable mixing through inter-ethnic marriages. In fact some of the Russian the noble families trace to Tatar origin.

After tracing the history of both the republics one clearly observes that Tartarstan followed a different course, despite the same irritants, problems, and issues of conflict as Chechnya. The reason for this primarily being a strong economic footing of the Tatarstan in past history as well as in the present situation compared to Chechnya.²⁶ Besides it is not just "oil and oil pipe line"

²⁶ David C. Lewis, "Ethnicity and Religion in Tatarstan and the Volga-Ural Region", *Central Asian Survey*, Vol. 16, No.2, June 1997, pp215-236.

dependent economy like Chechnya, which sees control of oil pipe lines as the sole power relation and bargaining point with Moscow. Also the most important reason was the failure of extremist-populist agenda in Tatarstan that moulded its political course differently. More rational considerations dictated the choices of the political elite and the masses in Tatarstan.

Voters preferences are constructed through multi-layered interaction among politicians' framing of issues, the competitive rhetoric of parties, and voters' preexisting beliefs. Furthermore, although some theorists of ethnic politics maintain that certain issues, usually termed "symbolic", automatically evoke nationalist political preferences, even symbolic issues are subject to the negotiation, manipulation, and coalition building of normal politics. Issues commonly labelled "ethnic", "symbolic", or "indivisible" do not lead to polarized preferences any more. Thus, there is nothing inherent in particular issues that produces a typical bimodal distribution of political preferences. Issues can be framed in such a way that they generate heterogeneous preference within groups, common preferences across ethnic groups, and a constituency of political moderates backing certain issues. Political alternatives are rarely located along a fixed, one-dimensional issue space.²⁷

The Tatars in Tatarstan initially developed a sense of group identity following a nation-building project by Tatar intellectuals in the early twentieth century and that this identity was strengthened and in many ways transformed during subsequent decades by the policies of the Soviet state. Prior to the Twentieth century (and

²⁷ Elise Giuliano, "Who Determines the Self in the Politics of Self-Determination? Identity and Preference Formation in Tatarstan's Nationalist Mobilization", *Comparative Politics*, Vol.32, No.3, April 2000, pp.295-316

even later in certain rural regions of Tatarstan) people displaying cultural characteristics associated with present-day Tatars identified themselves simply as “Muslims”. Only in the late *perestroika*-era did some people (western academics and locals alike) assume that being “Tatar” meant belief in and support of a set of political preferences put forward by nationalist groups.²⁸

In the erroneous assumptions that preferences within an ethnic group are uniform, shared, and fixed and that preferences across groups are conflicting and opposing.

First, intra-group heterogeneous preferences may form among ethnic communities because preexisting demographic, religious, or other social cleavages can either lay a ground work for different intra-group preferences or lend themselves to manipulation by political leaders. Despite a strong sense of individual ethnic identity among group members, other social cleavages contribute to varied interests within the group. In Tatarstan, this variation is demonstrated by an urban/rural intra-Tatar split at the mass level and a socio linguistic demographic divide among Tatar elites.

Furthermore, intra-group heterogeneity of preferences can also develop when politicians reframe an issue into one that members of the nationalizing ethnic group understand to be a public good rather than an ethnic one. For example, in Tatarstan's referendum on republican state sovereignty the issue of sovereignty, introduced by Tatar nationalist in ethno-symbolic terms, was ultimately recast and supported by many Tatars as a good benefiting all residents of Tatarstan regardless of their ethnicity.

²⁸ *ibid.*

Finally, common preferences can exist across groups. The ethnic "other" may support what appears to be nationalist issue when politicians reframe it in ethnically inclusive terms. In Tatarstan, for example, Russians support the issue of republican sovereignty. Issues from Tatarstan's national revival that expressed strong ethno-symbolic content yet won among a broad constituency of republican voters included languages policy and the referendum on state sovereignty.

Thus despite similar backgrounds of ethno-nationalist movements one finds a unifying political elite emerging in Tatarstan which led forward the masses towards peace and prosperity in the republic while Chechnya did not evolve in this front. This caused the peculiar course of events to occur in these republics. However, Chechnya could still build on the experience of Tatarstan towards a peaceful settlement with Russia.

Chapter 2

CHECHNYA AND TATARSTAN IN

THE CONFLICT RESOLUTION PARADIGM

The conflict resolution paradigm offers alternatives to transform a conflict situation into a **competitive – cooperation model**. As Morton Deutsch explains, that most conflicts involves a mix of cooperative and competitive motives.²⁹ Thus, a key element in understanding cooperation – competition is the type of **goal interdependency** found between the involved parties. Goals may be negatively interdependent--one party's success correlating with the other's failure. Such situations tend to yield competitive relationships with a win-lose orientation. Parties' goals may be positively interdependent--success correlating with success, or failure with failure. These situations tend to yield cooperative relationships where the parties have a win-win orientation. Cooperative relationships display a number of positive characteristics, including more effective communication and coordination, open and friendly attitudes, a sense of mutuality and a willingness to increase the other's power. **Competitive processes tend to yield the inverse, negative effects:** obstructed communication, inability to coordinate activities, suspicion and a lack of self-confidence, desire to reduce the other's power and to dominate them.

Deutsch's research suggests that constructive processes of conflict resolution are similar to cooperative processes of problem

²⁹ Morton Deutsch & Peter T. Coleman, eds., *The Handbook of Conflict Resolution: Theory and Practice* (San Francisco: Jossey-Bas Publishers, 2000) pp.21-40

solving, and destructive processes of conflict resolution are similar to competitive processes.³⁰ A key question then is how to foster cooperative relationships. In response Deutsch offers his Crude Law of Social Relations: "The characteristic processes and effects elicited by a given type of social relationship also tend to elicit that type of social relationship." Thus friendly, empowering gestures tend to evoke cooperative responses. Suspicious, domineering attitudes tend to provoke competitive responses.³¹

Deutsch identifies some of the implications the theory of cooperation and competition for understanding of conflict, for practice of conflict management, and for training in conflict resolution. A cooperative orientation on the part of the parties will facilitate constructive resolution of a conflict. Social support is key to creating and maintaining such a cooperative orientation. Constructive resolution is also more likely when the parties can reframe their understanding of their goals and conflict, coming to see their respective goals as positively interdependent and the conflict as a joint problem. This initial reframing, and so constructive resolutions, will be facilitated by the parties' adherence to the norms of cooperation. These norms include honesty, respect, responsiveness, **acknowledging responsibility**, and **extending forgiveness**, emphasizing the positive and seeking common ground. Constructive conflict resolution rests on the very basic values of reciprocity, human equality, human fallibility, shared community, and nonviolence. These values are widely shared, and can provide common ground between otherwise starkly opposed parties.

³⁰ Morton Deutsch, "Cooperation and Competition", pp.21-40 in Morton Deutsch & Coleman

³¹ *ibid.*, p.29

In addition to these attitudes and values, effective conflict management requires skills and knowledge. 1) First are the skills required to establish and maintain effective working relationships between the various parties and third parties to a conflict. 2) Second are the skills needed to sustain a cooperative conflict resolution process over the course of the conflict. 3) Third are the skills for developing effective group problem-solving and decision-making processes.³²

Conflict resolution provides theoretical insights which have implications for practitioner training. The teaching methods and the learning context embodies the cooperative, constructive problem-solving orientation. Thus, practitioners will also need access to a supportive environment, if they are to maintain their own cooperative attitudes in the face of unfavourable or even hostile conflict situations. Finally, Deutsch emphasizes the need for practitioners to reflect upon their own practice and their own frameworks for conflict resolution, so that they may both learn from and contribute to the growing understanding of conflict and its resolution. Such an approach is opposed to the "power politics" and "zero sum game" analysis of conflict situation. In fact this is exemplified in the Chechen conflict. The Chechen elite demanded secession because it saw relations with Russia as a zero sum game where it would be the loser. Russia on the other hand also viewed the Chechen demands in the same angle and used blatant power to suppress the challenge to the central authority. At the same time, success achieved by Russia in Tatarstan through bilateral treaty relations made Russia's failure in Chechnya more pronounced. Tatarstan weighed the outcomes of both cooperation and competition and went

³² *ibid.*

for a peaceful conflict resolution. While Russia did its own cost and benefit analysis and agreed to treaty relations.

Attempts to exactly squeeze Chechnya and Tartarstan into the different models of conflict resolution would be incorrect. The models under investigation are the core strategies for resolving ethnic conflicts.³³ Although these three approaches represent independent models, but in reality there is a great deal of overlap in the implementation of these strategies.

The three models are:

- 1). Distributive Bargaining
- 2). Integrative Bargaining
- 3). Interactive Problem solving

DISTRIBUTIVE BARGAINING

The distributive bargaining model originated within the field of labour negotiations and can be described as a set of behaviors for dividing a fixed pool of resources. This model has been extended to a wide range of conflict situations, including international negotiation in fact, almost all negotiations have a distributive competitive component.

Also referred to as "hard bargaining," distributive bargaining is a competitive, position based, agreement-oriented approach to dealing with conflicts that are perceived as "win/lose" or zero-sum

³³ Susan Cross & Robert Rosenthal, Three Models of Conflict Resolution: Effects on Intergroup Expectancies and Attitude", *Journal of Social Issues*, Vol.55, No.3, 1999, pp.561-580.

gain disputes. The negotiators are viewed as adversaries who reach agreement through a series of concessions. The objective of distributive bargaining is the maximization of unilateral gains for each party in trying to obtain the largest possible share in a "fixed pie". Gains for one party translate into equal losses for the other. The process involves such tactics as withholding information, opaque communication, "power positioning", and making overt threats.

This model differs from the integrative bargaining and interactive problem solving models in two fundamental ways: (a) the single aim of the negotiator is to maximize self-interest, and (b) the two parties in conflict interact with each other as though have no past history or future involvement.³⁴

INTEGRATIVE BARGAINING

In the late 1970s, theoretical interest began to shift from distributive bargaining to a more integrative approach to resolving conflict. The integrative bargaining model also evolved primarily within the field of labour negotiations is currently one of the most frequently used models of conflict resolution. Integrative bargaining is cooperative, interest-based, agreement-oriented approach to dealing with conflicts that are intended to be viewed as beyond the existing resources, aiming to expand the alternatives and the pie-model. It looks beyond the existing resources, aiming to expand the alternatives and increase the available payoffs through the process of joint problem solving. Negotiators work to increase the sum as well as to distribute it.³⁵

³⁴ *ibid.*, p.64

³⁵ *ibid.*

The integrative bargaining process involves both concessions making and searching for mutually profitable alternatives, to search for better proposals than those explicitly before them. From this perspective, negotiators are viewed as partner who cooperate in searching for a fair agreement that meets the interests of both sides. Some common integrative bargaining techniques include clear definition of the problem, open sharing information, and exploration of possible solutions. This approach encourages the generation of, and commitment to, workable, equitable, and durable solutions to the problems faced by the parties. The preferred outcome of this model is one of maximum joint gains.

INTERACTIVE PROBLEM SOLVING

A transformation-oriented, needs-based approach to resolving conflict that originated within the field of conflict resolution has been applied to a wide range of protracted conflicts (e.g., conflicts in the Middle East, Cyprus, Rhodesia, Sri Lanka, and Northern Ireland). This non-traditional approach emphasizes analytical dialogue, joint problem solving, and transformation of the conflict relationship. It is designed to facilitate a deeper analysis of the problem and the issues driving the conflict, including an exploration of the underlying motivations, needs, values and fears of the parties for diplomatic negotiations (e.g., a prenegotiation phase) or as an adjunct to traditional techniques (e.g. para and postnegotiation process), providing antagonists with an opportunity to engage in conflict analysis and creative problem solving before they become involved in difficult and binding negotiations.³⁶

³⁶ *ibid.*

The interactive problem solving model begins with analysis is of the political needs and fears of each of the parties and a discussion of the constraints faced by each side that make it difficult to reach a mutually beneficial solution to the conflict. One of the goals is to help the parties perceive the conflict as problem to be jointly solved, rather than a fight to be won.³⁷ Other goals include improving the openness and accuracy of communication, improving intergroup expectancies and attitudes, reducing misperceptions and destructive patterns of interaction, inducing mutual positive motivations for creative problem solving, and ultimately, building a sustainable working relationship between the parties. This model is less focussed on directly helping parties reach binding agreements and is more devoted to improving the process of communication, increasing perspective taking and understanding, and enabling the parties to reframe their substantive goals and priorities, and ultimately, to engage in more creative problem solving.³⁸

The interactive problem solving model is assumed to be most appropriately applied to conflicts that involve underlying unmet needs for identity (e.g., security, recognition, and belonging) that are often the roots of ethnic clashes. The key difference between this model and the first two models is that it addresses the substantive issues of a conflict from a more social - psychological perspective. Interactive problem solving recognizes and addresses the importance of expectancies and attitudes in perpetuating and escalating protracted conflict and attempts to address the underlying needs and fears of the parties in order to create a transformed, mutually beneficial

³⁷ *ibid.*, pp.65-66

³⁸ Frank Dukes and John Burton, ed., *Conflict: Reading in Management and Resolution*, 3 (New York St. Martin's Press, 1990).

continuing relationship. This social - psychological component is largely absent from the other models.³⁹

OPERATIONALIZING THE THREE MODELS

The operationalization of the three models for conflict resolution are based on the two primary differentiating features of the models: instructional framing and outcome orientation. The instructional framing of the different approaches refers to the level of conflict analysis (i.e., emphasizing positions, interests, or needs and fears) that is prescribed by each of the models. In distributive bargaining, the parties are instructed to focus their dialogue on the positions held by each of the parties. Positions can be understood as the "stance the parties take on the issue; they are usually conclusions reached by each party that express their preferences as to how the issues of the conflict should be resolved".⁴⁰ In the integrative bargaining, they are instructed to identify and focus on the interests of the parties, which can be defined as "the perceived reasons why the parties hold the position they have taken".⁴¹ Interests have also been defined as "the preferences or utilities that each person has for the resources to be divided". Interactive problem solving encourages a need-based analysis of the conflict, focusing on the human needs and fears of both parties. Needs may be defined as "the deeper physical, social, or psychological interests and concerns that drive the parties to take the positions that they take" such as the needs for identity, security, belonging, and justice.⁴² Few theorists have made an effort to identify and

³⁹ *ibid.*

⁴⁰ *ibid.*, p.66

⁴¹ *ibid.*

⁴² John Burton, *Conflict: Human Needs Theory*, Vol.2 (New York: St. Martin's Press, 1990)

separately define these levels of analysis, consequently interest and needs have been used interchangeably in most negotiation theories, even though they may represent distinctly different motivational orientations.

The second differentiating feature guiding the operationalization of these three conflict resolution models is the outcome orientation: whether the approach is agreement oriented or transformation oriented (such that the goal is to transform to conflict relationship). Distributive bargaining is completely agreement oriented, meaning that the goal of the dialogue is to strike an agreement to achieve some sort of full or partial settlement of the conflict. Although integrative bargaining utilizes a very different approach than distributive bargaining and does seek to maintain a functional relationship between the parties, it is also an agreement – oriented approach to conflict management. Interactive problem solving is a transformative model that is most concerned with helping the parties engage in a deeper analysis of the problem, focusing on the needs and fears of both sides, and facilitating creative joint problem solving based on this deeper understanding of the causes and dynamics of the conflict. There is no expectation that the individuals participating in interactive problem solving should reach a binding agreement by the end of the dialogue. However, it is hoped that the new learning, insight, understanding, and ideas for a resolution generated in interactive problem solving workshops will then be fed back into the political processes of the disputing communities, providing leaders and decision makers with new ways of thinking about and approaching the conflict.⁴³

⁴³ Morton Deutsch, "Cooperation and Competition", pp.21-40 in Morton Deutsch & Coleman

However it has to be acknowledged that the problem in Chechnya is potentially less negotiable than some of the other ethnic conflicts. Rather than shying away from dealing with the "real issues" concentration should be on issues more negotiable in nature, e.g. the control and regulation of oil and oil pipe line in the region.

Attitude change as an important measure, and one that be extremely difficult to achieve in protracted interethnic conflicts. Agreement orientation of the different approaches may play a critical role in determining the changes in conflicts expectancies and intergroup attitudes. There are frequently multiple layers of issues involved in complex negotiations (e.g., economic items, territorial interests, and identity needs) that require different kinds of negotiator strategies.⁴⁴ However the sequencing of the models may systematically and predictably change the way the negotiation process unfolds and the way that the issues are framed and discussed. The most effective approach to resolving intractable conflict might involve the sequencing of different strategies in a coordinated manner, by matching different stages of the conflict with the appropriate intervention.⁴⁵

Before formatting any conflict into the conflict resolution model one has to understand certain invaluable insights provided by the conflict resolution paradigm. A common threat that runs through all conflicts is the perception of injustice. Enunciated by Morton Deutsch it is evident that destructive conflicts often generate "new

⁴⁴ *ibid.*

⁴⁵ Susan Cross & Robert Rosenthal, "Three Models of Conflict Resolution: Effects on Intergroup Expectancies and Attitudes", *Journal of Social Issues*, vol. 55, No. 3, pp. 561-580

injustices".⁴⁶ Deutsch explores different type of justice, and considers their implications for understanding of conflict and for training in conflict resolution. Chechnya and Tatarstan both bear memories of the past. In fact the 1944 deportation of Chechens remains a fresh wound. Deutsch distinguishes five aspects of that concept, or types of justice. 1) First is distributive justice, which is concerned primarily with fair outcomes. Different principles of distribution may seem fair for different goods. For instance, justice requires that votes be distributed equally, medical care be distributed according to need, and wages be paid equitably, according to work done. People's sense of whether they are unjustly deprived depends on how they compare with others, and on which others they choose to compare themselves. Conflicts may also arise over which principles of distribution are most appropriate for some good.

2) Procedural justice focuses on fair treatment. Deutsch says, "fair procedures yield good information for use in decision-making processes as well as a voice in the processes for those affected by them, and considerate treatment as the procedure is being implemented."⁴⁷ Fair procedures are often assumed to generate fair outcomes, and thus make it easier to people to accept disappointing outcomes. Third is the sense of injustice. The psychological need to maintain a positive self-image, and the social power to define justice and injustice, often prevent those who perpetrate injustice from acknowledging it. Typically the victims of injustice are more likely to recognize its existence, given the strong stimulus of its negative effects. Even so, the need to maintain self-esteem may lead some people to deny that they are victims of injustice, and even to identify

⁴⁶ Morton Deutsch, "Justice and Conflict", pp.41-64 in Deutsch Morton & Coleman, ed.

⁴⁷ *ibid.* p.45.

with their victimizers. The sense of injustice may be activated by challenging social ideologies and stereotypes that rationalize the injustice, and by community -building among the victims.

3) Retributive and 4) reparative justice concerns determining the appropriate response to moral wrongdoing. Deutsch observes that generally a person's response to wrong doing will be "influenced by the nature of the transgression, the transgressor, the victim, and the amount of harm suffered by the victim, as well as by the person's relations to the transgressor and victim."⁴⁸ Retribution in general serves a number of purposes. It reinforces the violated norm. It may serve as deterrence to others or to reform the transgressor. It may provide emotional release to the wronged community, or restitution to the victim. A fifth issue concerns the scope of justice.⁴⁹ Terrible injustices have occurred when some group considers another to be outside the bounds of their moral community, that is, as beings to whom issues of justice or fairness are not relevant. Nazi excluded Jews in this way, and white slave owners excluded blacks. Exclusion is more likely to occur under conditions of perceived material hardship and political instability, and in the presence of authoritarian social institutions, chauvinist ideologies, and culturally sanctioned violence. Targeted groups are usually socially isolated from the aggressor, and perceived as a threat. The target group may simply be a scapegoat for the aggressor's internal conflicts and dissatisfactions.

A more thorough understanding of justice has implications for understanding conflict. Firstly, perceived injustice may itself be a

⁴⁸ *ibid.*

⁴⁹ see Richard E. Rubenstein, "Conflict Resolution and Distributive Justice: Reflections on the Burton-Lave Debate", <http://www.cinfo.org>.

source of conflict. Secondly, unfair processes undermine peoples' commitment to the associated institutions or policies. Thus a conflict resolution is more likely to be stable if the conflict resolution procedure is perceived as being just. Third, some conflicts may be reasonable disagreements over which principles of justice apply in a given situation. Such conflicts are best managed by reframing them as shared problems. Finally, seeking to portray one's own position as the more just (and implicitly oneself as morally superior) is often used as a negotiating tactic. However this tactics has the negative effects of hardening one's own position, provoking a defensive response from the other side, turning the conflict toward a win-lose orientation, and of escalating the conflict overall.⁵⁰

Deutsch also list several implications for training in conflict resolution. 1) First is that effective training must include knowledge of the role of injustice in conflict, and must educate the practitioner regarding current sources of structural injustices. 2) Second, training should explore the practitioner's own scope of justice, the ways in which that scope can be enlarged, and the dynamics which tend to narrow it. 3) Third, effective training develops the practitioner's empathy. Empathy in turn fosters helpfulness toward and better understanding of others. 4) Finally, Deutsch argues, "it is well for students of conflict to be aware that exposure to severe injustice can have enduring harmful psychological effects unless the post-traumatic conditions are treated effectively."⁵¹ When a conflict involves such injustice, an effective resolution will need to include mechanisms to foster reconciliation and forgiveness, to join the opposing parties in a shared moral community and facilitate

⁵⁰ Morton Deutsch, "Justice and Conflict", pp.41-64 in Deutsch Morton & Coleman, ed.

⁵¹ *ibid.*, p.59.

cooperative relations between them. This could be the first step towards resolution of the Chechen conflict.

The next step would be as Lewicki and Wiethoff explain focus on the role of trust in personal and professional relationships is indispensable.⁵² They explore the importance of trust to effective conflict management and suggest techniques for managing distrust and rebuilding trust. The authors define trust as "an individual's belief in, and willingness to act on the basis of, the words, actions, and decisions of another."⁵³ Distrust is not merely the absence of trust, but is an active negative expectation regarding another. They identify two bases for trust (or distrust). Calculus-based trust rests on assessments of costs and rewards for violating or sustaining trust, and is more typical of professional relationships. Identification-based trust rests on the parties' mutual understanding and affinity, and is more typical of personal relationships such as friendship. As relationships develop and change over time, so does the nature of trust in those relationships. Our trust in another person also varies in different situations and contexts, and so different types of trust, and even trust and distrust, may coexist in the same relationship. The authors draw on their account of trust to characterize relationships based on four variables: calculus-based trust, calculus-based distrust, identification-based trust, identification-based distrust.⁵⁴

Research shows that calculus-based trust can be built by engaging in predictable, constant, reliable ways. The authors offer several strategies for managing calculus-based distrust. 1) First,

⁵² Roy J. Lewicki & Carolyn Wiethoff, "Trust, Trust Development, and Trust Repair", pp.86-107 in Deutsch Morton & Coleman, ed.

⁵³ *ibid.*, p.87.

⁵⁴ *ibid.*

have explicit agreements on goals, deadlines and penalties, and on monitoring procedures. 2) Develop alternatives to relying on another, and use those alternatives as a threat. 3) Show the other how their performance may be (unintentionally) provoking distrust, and attempt to understand the logic of another's seemingly inconsistent behavior.⁵⁵ Identification-based trust can be fostered if the parties take time to develop their common interests, values, perceptions, motives and goals. Identification-based trust has a strong emotional component, and so is sensitive to a number of non-logical factors. This makes managing identification-based distrust difficult. One strategy is to increase the parties' calculus-based trust. Another is to openly acknowledge areas of distrust, and jointly develop ways to work around those areas.

Frequent or severe violations of trust (or conversely of distrust) are likely to change the trusting relationship. Violations of calculus-based trust are likely to encourage calculus-based distrust (and vice versa). Such violations of trust can be managed in a relatively straightforward manner, by determining the cause of the lapse and the likelihood of further such lapses. Violations of identification-based trust have a greater effect on the parties' emotional well-being. Violations of identification-based trust are likely to end the relationship itself, if they are not properly addressed. To repair such a violation parties must first communicate in an attempt to identify and understand the breach, and then explicitly recommit themselves to their trusting relationship. This account of trust has a number of implications for conflict management. 1) First, trust facilitates effective conflict resolution. 2) Second, conflicts diminish trust and build distrust. 3) Third, the authors argue that "creating trust in a

⁵⁵ *ibid.*

relationship is initially a matter of building calculus-based trust."⁵⁶ Identification-based trust can further strengthen a relationship, as the parties come to have a shared interest in maintaining their relationship. Distrusting relationships are more prone to conflict, and those conflicts are more prone to increase distrust. Most relationships are a mixture of both types of trust and distrust, and so are marked by varying degree of ambivalence. Finally, trust can be rebuilt. However, since the rebuilding process is often lengthy, conflict management may be more effective if it emphasize managing distrust. Tatarstan has already reached a calculus-based trust. While for Chechnya even the first step towards it has not begun. However, effective steps suggested by the conflict resolution paradigm could lead towards it.

Another important contribution of the conflict resolution paradigm is the reconstruction of the notion of power. Power plays an important role in most conflicts. Coleman draws on a variety of sources from the social sciences to develop a working definition of power.⁵⁷ He then explores the implications of this definition for conflict resolution, focusing on power strategies commonly used during conflicts. Finally, he examines the implications of his findings for training in conflict resolution. Popular misconceptions about power include the belief that it has some physical location, that there is only a fixed amount of it, that it operates in only one direction, and that the use of power is basically adversarial or competitive. Within the social sciences Coleman finds four perspectives on power. 1) Some theorists emphasize "power over" the ability to compel

⁵⁶ *ibid.*, p.101

⁵⁷ Peter T. Coleman, "Power and Conflict", pp.108-130 in Deutsh Morton & Coleman, ed.

someone to do something. This view suggests a view of power as coercive and competitive. 2) Other theorists have developed the concept of "power with" which emphasizes the effectiveness of joint or cooperative action. 3) A third set of theorists focus on issues of powerlessness and dependence, while other explore the obverse: empowerment and independence. 4) Empowerment theorists employ the notion of "power to" as in the power to act effectively without constraint or disability.

Coleman draws on Deutsch's work to synthesize a working definition of power, that power can be usefully conceptualized as a mutual interaction between the characteristics of a person and the characteristics of a situation, where the person has access to valued resources and uses them to achieve personal, relational, or environmental goals, often through using various strategies of influence. Thus, power is understood in relational terms, distinguished from sources of power, the effective use of available power and strategies for deploying power. Coleman then seeks to identify which aspects of persons and of situations are most relevant to power. Personal factors include different cognitive, motivational and moral orientations regarding power. In their concepts of power, people may adopt any of the four perspectives commonly found in the social sciences. In terms of motivation, some people have an authoritarian orientation that stresses obedience to authority. People may be motivated to pursue personal power, or power for their group. Peoples' moral orientations toward power vary with their degree of moral development, their degree of egalitarian sentiment, and with their perception of the scope of justice.⁵⁸

⁵⁸ *ibid.*

Understanding situational factors requires examining the larger structural and historical context. One significant aspect of situation is role a person plays. Also significant is the individual's place in the hierarchy. Culture is also an important factor, influencing, for instance, peoples' attitudes toward power inequalities. This approach to understanding power has significant implications for understanding conflict. As, Coleman argues that the predominant understanding of power is the competitive "power over" view. Given this understanding, power conflicts are then viewed as win-lose competitions, thus impairing their chances of a satisfactory resolution. More emphasis on cooperative, dependent and independent power is needed. Cooperative conflicts, for instance, actually generate power, understood as "power with".⁵⁹ Second, parties' conceptions of power shape the strategies the employed in a conflict. Here again a broader understanding of power would offer alternatives to the competitive strategy.

Third, when evaluating the balance of power between parties in conflict, it is important to note that some of the parties' power may be irrelevant or useless in that particular situation. Assessments of relative power must focus on relevant power.⁶⁰ Similarly, parties should reflect carefully on their goals in a conflict, and ask **themselves which types of power could be effective, and which detrimental**, in reaching those goals. Finally, research shows that high-power groups "tend to like power, use it, justify having it, and attempt to keep it."⁶¹ They pay less attention to low-power people, and have an "unreflective tendency to dominate." High-power groups tend to alienate low-power groups, and to elicit resistance. Low-

⁵⁹ *ibid.*

⁶⁰ *ibid.*

⁶¹ *ibid.*

power groups, on the other hand, tend to be shortsighted and discontent. They may express their discontent by projecting blame onto even less powerful groups, undermining their ability to empower themselves through cooperation and coalition building. In Chechnya the situation can be exactly understood on this basis. The power elites in Moscow and Grozny are facing "prisoner's dilemma" characterised by deep distrust. On the other hand Russia and Tartarstan were able to overcome this factor. Thus, Chechnya and Russia have a long way ahead in building trusting relationship.

The next question that arises is under what conditions does communication reduce conflict? The four models of communication can explain this.⁶² From these models they derive seven principles of conflict-reducing communication.

The encoding-decoding model views human communication as a matter of encoding information (e.g. formulating a sentence), transmitting that message (e.g. speaking), and decoding the message (e.g. listening and understanding). Successful communication requires clear channels of transmission, and shared codes. Misunderstandings result from mistranslated messages, or from gaps or extraneous noise in the message. From this model the authors derive their first principle: "Avoid communication channels with low signal-to-noise ratios; if that is impossible, increase redundancy by restating the same idea in various forms."⁶³

2) The intentionalist model recognizes that the same words can have different meanings. On this model communication involves

⁶² Robert M. Krauss & Ezequiel Morsella, "Communication and Conflict", pp.131-143, in Deutsh Morton & Coleman, ed.

⁶³ *ibid.*, p.133.

recognizing each other's communicative intentions. Effective communication requires a background of shared knowledge, particularly a common language and shared culture. Miscommunication results from a lack of common background. Miscommunication happens during conflicts as speakers' words are interpreted according to their listeners preconceived notions of their intentions. Thus the second principle directs listeners to try to grasp the speaker's intended meaning. The third principle directs speakers, when deciding what to say, to consider what their listeners will take them to mean.⁶⁴

3) The perspective-taking model recognizes that even individuals with a common language and culture have different perspectives on the world. This model directs speakers to design their messages to fit their audience's perspective. Miscommunication may occur when the speaker assumes more similarity in perspective with the listener than actually exists, or when the speaker's understanding of the listener's perspective is based in prejudice and inaccurate stereotypes. Another difficulty arises when a speaker is simultaneously addressing different audiences. Thus, the fourth principle directs speakers to take their listener's perspective into account in formulating their message.

4) The dialogic model views communication as a cooperative, collaborative process. Meaning arises from the communicative situation, and can only be understood within that context. This model, unlike the others, treats the listener as an active participant in the creation of a shared understanding. "Active listeners raise questions, clarify ambiguous declarations, and take great pains to ensure that

⁶⁴ *ibid.*

they and their counterpart have the same understanding of what has been said."⁶⁵ Principle five is: to be an active listener. In conflict situations, principle six suggests "focus initially on establishing conditions that allow effective communication to occur; the cooperation that communication requires, once established, may generalize to other contexts."⁶⁶

In general, it is important to remember that the form of a message can obscure or undermine its content. For instance, an ironic form of address can reverse the usual meaning of words. The authors' seventh principle then is this to pay attention to message form. Communication does not assure conflict resolution. Indeed, research has shown that in certain cases, communication can actually worsen bargaining outcomes. However, poor communication is very likely to exacerbate conflicts. Good communication, coupled with a genuine desire to resolve a conflict and with quality proposals, makes conflict resolution more likely. While in cases of both Tartarstan and Chechnya there were bad words, propaganda and misinformation, but ground realities dictated choices in case of Russia and Tartarstan. While Chechnya succumbed to it. For future both Russia and Chechnya need to be careful in order to begin first **step towards bettering of relations.**

Coming down to the basics of conflict resolution mechanism an overview of persuasion theory, directed toward negotiators is essential.⁶⁷ Persuasion is defined as "the principles and processes by which people's attitudes, beliefs, and behaviors are formed, are

⁶⁵ *ibid.*, p.140.

⁶⁶ *ibid.*, p.141.

⁶⁷ Shelly L. Chaiken, Deborah H. Gruenfeld & Charles M. Judd, "Persuasion in Negotiations and Conflict Situations", pp.144-165, in Deutsch Morton & Coleman, ed.

modified, or resist change in the face of others' attempt at influence."⁶⁸ To better understand these principles and processes, a dual-process model of information processing, which combines aspects of both systemic and heuristic models is applied. The authors Shelley L. Chaiken, Deborah H. Gruenfeld, and Charles M. Judd hope that a better understanding of persuasion will improve negotiators' competence and success.

Systemic processing involves thinking deeply about information, examining its background reasoning or causes, searching for further information, and formulating subsequent attitudes and behaviors in light of the information. It takes significant time and mental effort, and so requires an able and motivated subject. In contrast, heuristic processing is more nearly automatic. Heuristic thinkers focus on relevant cues, and automatically apply simple rules (heuristics) to evaluate information. Cues include such elements as the speaker's credibility or the number of supporting arguments. Rules include "experts' statements are trustworthy" and "argument length implies argument strength." Heuristic processing is quick and requires little effort.⁶⁹

Both types of processing can be valid, or can be fallible. Heuristics rules may be well grounded in experience, and allow for effective decision-making in a complex, fast-paced environment. Yet they will yield poor judgements in cases which deviate from prior experience. Some heuristics are little more than bias or prejudice. Systemic processing can yield more depth of understanding and be more responsive to the particular situation. Systematic processing

⁶⁸ *ibid.*, p.144.

⁶⁹ *ibid.*

yields less overconfidence, less bias, more tolerance for alternative viewpoints, and deeper and more lasting cognitive changes. Research has also associated systematic processing with improved performance in-group problem-solving, identifying integrative solutions, facilitating political compromise and avoiding war. However, systematic processing may serve to reinforce existing bias, as people tend to select, remember and more positively evaluate information that agrees with their existing attitudes.

Unbiased, systemic processing is more likely to be used when people need very accurate judgements. People who are primarily defensive, or who are trying to make a specific impression on another, typically use heuristic processing or biased forms of systematic processing. Persuasion plays a crucial role in successful conflict resolution. The authors explain, "negotiated settlements most typically fail apart if the parties to the settlement do not truly believe that it is in their self-interest. For a negotiated settlement to stand the test of time, both parties have to be persuaded that the settlement is in some sense optimal."⁷⁰ Negotiators will be more persuasive if they understand which type of information processing is predominates at each particular stage of negotiations, and if they formulate their persuasive appeals in light of that understanding.

Early in negotiations, parties tend to be dominated by impression and defense motives. Heuristic processing predominates and systematic thinking tends to be skewed toward reinforcing existing attitudes. Persuasion is unlikely, since these forms of information processing tend to reinforce existing attitudes and

⁷⁰ *ibid.*, p.157.

habitual way of thinking.⁷¹ Unbiased, systematic processing is more conducive to persuasion and creative problem-solving.⁷² The authors suggest two approaches to changing parties' modes of information processing toward unbiased systematic processes. 1) The first is to decrease the parties' impression and defense motives and increase accuracy motivation. This can be done by acting in ways that explicitly violate the other party's heuristic expectation of self-interested action: making concessions, focusing on the other party's interests and gains. A direct way to increase parties' accuracy motivation is to focus interests rather than positions.

2) Second, parties can facilitate a shift toward a more open, information seeking process by asking questions rather than making assertions. This constitutes a direct shift to information-seeking on the part of the questioner. Answering questions often causes parties to think more systematically about their own interests and goals. In addition, questions may be targeted to elicit information that disconfirms heuristic norms, and hence encourage a shift toward systematic thinking.

Then comes problem solving and decision making for achieving conflict resolution. The conflict resolution process as composed of two component processes: decision-making and problem solving. Weitzman and Weitzman describe each component, and develop a simple model of their interaction within the broader conflict resolution process.⁷³

⁷¹ *ibid.*

⁷² see James C. Melaned, "Conflict Resolution Theory & Skills," <http://www.cinfo.org>.

⁷³ Eben A. Weitzman & Patricia Flynn Weitzman, "Problem solving and Decision Making in Conflict Resolution", pp.185-209. in Deutsh Morton & Coleman, ed.

The problem solving process involves two main parts: 1) diagnosing the conflict, and 2) developing alternative solutions. Diagnosis emphasizes identifying the parties' underlying interests. The goal of problem solving approaches is to find mutually acceptable solutions to problems. Solutions may take the form of a compromise, or agreement on a fair procedure for generating an outcome. Integrative, or win-win, solutions are the most desirable. Strategies for reaching solutions include increasing contested resources (expanding the pie), finding alternative forms of compensation (nonspecific compensation), trading off small concessions (logrolling), or creating new options that satisfy underlying interests (bridging).

Thus, problem solving approaches to conflict resolution generate more agreements, more win-win outcomes, more outcome satisfaction in the short and long terms and more durable solutions. Also, the problem solving approaches are more likely to be used by people in fair and cohesive organizations that recognize success and are open to innovation. Problem solving is more likely when parties are concerned for the others welfare, as well as their own.

Cognitive psychologists describe problem solving as a four stage process: Identifying the problem, generating alternative strategies, selecting and implementing a solution, and evaluating consequences. Cognitive psychology also suggests a model of interpersonal negotiation strategies that focuses on the different developmental levels of perspective taking by the parties. An egoistic perspective sees the other party as an object, and typical reactions include whining, ignoring, or hitting. The unilateral perspective recognizes the other as an individual, but interacts with them in terms of obedience, command or avoidance. A reciprocal perspective

acknowledges the others' interests but still considers them secondary. Interactions take the form of exchange-oriented negotiations. From a mutual perspective, "the needs of both the self and the others are coordinated, and a mutual, third-person perspective is adopted in which both sets of interests are taken into account."⁷⁴ Interactions are collaborative. Adoption of the mutual perspective is very important for high quality problem solving.

Individual and group decision making occurs throughout the conflict resolution process. Individual decisions include choosing strategies, deciding to trust, evaluating offers, and prioritizing concerns. Rational choice theory says that people make decisions based on their calculation of the utility of the desired outcome and the chance of that outcome occurring. There are a number of factors that affect these calculations. Whether an outcome is perceived as a gain or a loss depends on a person's reference point. Anchor points-- for example, the perceived best and worst possible outcomes--can also affect assessment of a choice. Generally people are loss-averse; they see avoiding loss as more important than achieving gain. Stress and emotional reactions also affect decision making.⁷⁵

Group decisions include whether to continue problem solving, **whether to get help, which procedures to use, and which solution to choose.** The authors identify common biases that interfere with good decision making. These include irrationally escalating commitments, assuming resources are fixed and outcomes must be win-lose, using information because it is available rather than relevant, and overconfidence. People may also be biased by the way information is

⁷⁴ *ibid.*, p.193.

⁷⁵ *ibid.*

presented, by irrelevant anchor points, or by failing to take the other party's perspective into account. Generally, people's notions of fairness tend to be biased in their own favor. Groups are more likely to reach integrative solutions when the parties' power is equal and their aspirations are high. When power is unequal, the low-power party is more likely to make mutually beneficial offers. Parties in negative or business relationships often want to do much better than their rivals, whereas parties in positive or personal relationships prefer more equal outcomes.

Thus, the first step in conflict resolution involves deciding what sort of conflict it is and understanding the problem by identifying parties interests, goals, reasons, options, etc. Parties need to coordinate their perspectives. The next step is to think of alternative solutions to the problem. The third step is to evaluate the alternatives and decide on a solution. Individual evaluative decisions must be brought together to reach a group decision. Here parties must be on guard against the various factors and biases that can undermine rational decision making. Finally, the parties must commit to their decision. Thus, the various guidelines offered by the conflict resolution paradigm could help solve the Chechen crisis. Translating theory into practice, is the work of the political actors, requiring immense patience, understanding and the will to resolve the conflict. Coming to the first possible step towards conflict resolution in Chechnya, in comparison with the Tatarstan case, points towards the federal framework of Russia into which Chechnya could be assimilated through a similar bilateral treaty.

Chapter 3

A SOLUTION WITHIN

THE FEDERAL FRAMEWORK OF RUSSIA

The only solution which seems practical and possible, draws both the theorists as well as political actors, towards the federal framework of Russia. It requires accommodating Chechnya within the federal structure according to the possibilities offered by the Russian Constitution. For this one has to understand the peculiar nature of the Russian federation.

Specific Features of the Russian Federation

Contemporary Russia in its constitution (1993) has declared itself a federal state, based on distribution of power between the centre and the states. The federal system of Russia is characterized by a number of specific traits making it different from more classical examples of a federation, such as Germany, USA or Canada. This fact is accounted for by history of Russia as the part of the Soviet Union and the subsequent collapse of the USSR. The Russian Federation is still in a period of transition from the former largest republic of the USSR to an independent, sovereign state. Also from a former unitarist state to a true federation. Prior to adopting the Declaration about state sovereignty on

June 12, 1990 the Russian Federation could not be regarded as a sovereign state. However, the Constitution of the USSR, which Russia was a part of, declared all union republics to be sovereign. Dependence on the Centre was, however, absolute. The union and autonomous republics, as well as other state formations including those which were a part of the Russian Federation, were administered directly from Moscow. It was Moscow that actually determined, in a unilateral manner, the scope of their authorities. Ethnic peculiarities of the state formations which were a part of the Russian Federation were not taken into due account. Only 16 republics were a part of Russia on the principles of federalism earlier.⁷⁶

Since the adoption of the Federation Treaty in 1992, Russia consists of 89 "subjects of Federation". Currently that implies 21 republics, 6 krais, 49 oblasts, 2 cities of federal significance, 1 autonomous oblast and 10 autonomous okrug (see map).

It is essential to understand that the subjects of the federation which are a part of Russia do not enjoy equal rights. The broad categories are: (1) the republics are nation-state formations, which have the characteristics of independent states: their own presidents, constitutions, national anthems, flags etc., They have the right to

⁷⁶ Igor Kossikov, "The Russian Model of Federalism: Problems and Prospects", <http://www.criinfo.org>

establish their own state language together with the state language of the Russian Federation, etc. (2) the autonomous oblast do not have these features of statehood, though they are also the subjects, or nation-territory formations, (3) another group of subjects in the Russian Federation are administrative-territorial formations: krais, oblasts, cities. Many of these territories in Russia are superior to republics as what concerns their size, population and the economic potential. However, they do not have any state attributes and corresponding rights. This peculiar trait of the Russian Federation brings about many disputes both between the subjects, and between them, on the one side, and the federal centre, on the other hand. Relations between the subjects are also complicated due to the fact that some of them are "built into" others which greatly hampers dealing with economic issues. For instance, two okrugs - Yamalo-Nenets and Khanty-Mansi are located on the territory of the Tjumen oblast. All three are the subjects of the Federation and conflict arises on the question of owning natural resources i.e. oil in this case.⁷⁷

The Russian Federation emerges as an asymmetrical structure with regard to its economy, geography, politics, social and cultural sphere. However it is symmetrical by the law, since all its subjects enjoy

⁷⁷ *ibid.*

equal rights in accordance with the Constitution.⁷⁸ At the present stage the Russian Federation is a specific model of state system which combines traditional Russian and Soviet unitarism with the principle of nation-statehood. This model was in some sense inherited from the time the USSR had been created when on ideological grounds some ethnic groups were granted the status of nations and called union or autonomous republics with the titular ethnic groups mentioned in their names. Ethnic groups of different sizes which became autonomous *oblasts*, national *okrugs* and regions, were given lesser rights, and, thus, found themselves in a less favourable position.⁷⁹

In the Soviet period all this was not of a paramount importance, for the real decision-making was performed by the centre in Moscow. The difference in the state status in fact entailed inequality in the ethnic sphere. Ethnic territories, which were created, were not representative of the historical boundaries, and were to a larger extent determined by political considerations of the moment. When in the process of a democratic rule part of the real power was delegated to the regional authorities, it resulted in local élites enjoying different degree of power. Inequality in the status of certain ethnic groups and regions has become

⁷⁸ *ibid.*

⁷⁹ *ibid.*

one of the leading factors of social injustice which, in its turn, fosters the growth of ethnic tension.⁸⁰

The problem is the asymmetry in the degree of independence, level of autonomy and the rights of the regions ultimately results in the asymmetry of the rights of the citizens.⁸¹

The second specific feature of the Russian Federation is found in the fact that it is being formed by means of reforming the old system, yet within the same boundaries as unified Russia had prior to the reforms. That is why the Russian Federation should not be approached with usual criteria. A federation in its classical form is created from "below", and a federal formation is established on the basis of already independent states (and territories) and the subjects delegate some of their authorities to the "top", i.e. the federal structures. A new, previously non-existent state is being built from below. In the Russian case the state is being reformed, when the federation emerges from above, by means of decentralizing the power structures. And since the subjects in the Russian Federation are not equal but asymmetrical as they can not have the equal scope of rights and authorities. The initial slogan which was put forward by President Yeltsin and addressed republics and *oblasts* "ake as much sovereignty as you would be able to swallow!" proved to be

⁸⁰ *ibid.*

⁸¹ *ibid.*

wrong.⁸² Not all of them managed to "swallow" or exercise the powers which were delegated by the federal authorities.

Evolution of Russian Federation

Two tendencies emerge when one analysis the Russian federation. (1) Russia stands united and integral, as the historical and territorial community of different peoples build on democratic federal principles and (2) a number of the subjects of the Russian Federation emerge who would like to build their relations with Russia on different principles preserving their culture and identities.

Towards Decentralization

The trend towards decentralization and self-determination of the peoples was observed in the first years after the declaration of Russia's sovereignty (June 12, 1990). It coincided with the centrifugal processes in the then USSR. Autonomous republics from Russia began to seek the upgrading of their status. Tartarstan and Bashkortostan initiated this process. As a result 16 autonomous republics in Russia were replaced by 21 republics (nation-state ones). In many of them the titular nation (the ethnic group which gave the name to the republic) was not even a majority.

⁸² *ibid.*

The upgrading of the political and legal status of the former autonomies implied broadening of political and international rights up to that of the level of former union republics which were a part of the USSR. But subsequently it evolved in the movement for sovereignty of the new republics, and, as its consequence - for the right to secede from the Russian Federation and establish the relations with it proceeding upon the principle of interstate, i.e. international relations. Two former autonomies - Tatarstan and Chechnya - upgraded their status up to that of an independent state in an unilateral manner and did not sign the Federal Treaty in March, 1992. Thus, they challenged the territorial integrity of Russia. In the case of Chechnya this was worsened by the fact that it is a border territory, whereas the secession of Tatarstan looked more problematic due to the fact that it is located right in the centre of Russia.

The Federation Treaty 1992

The adoption of the Federation Treaty in March 1992 prevented Russia from becoming fragmented and breaking into many territories independent of each other. The federal Treaty provided a new differentiation of authorities. The Federation is in charge of the most important issues - protection of the rights of citizens, defence, foreign policy, space, meteorology and standards, large development programs, legislative guarantees of a common market, federal budget, taxation,

money creation, common infrastructure (power and transportation systems etc.). The regions deal with all above-mentioned issues by means of their representation in the upper chamber of the federal parliament. In accordance with the Treaty, the republics-members of the Russian Federation are in full control of their natural resources, may act independently in foreign policy, and enjoy considerable economic independence, etc.⁸³

Signing of the Federation Treaty, however, did not reduce tension in ethnic relations. And even though this document appeared to be the most possible compromise as of the moment of its ratification, it failed to be satisfactory for neither unitarists, nor separatists. At that time the Russian *oblasts* and *krais*, having been deprived of their statehood, also initiated the movement for upgrading their status and state self-determination. "Local constitutions" began to appear there. Such constitutions are officially named "State Charter of *oblast* (or *krai*, correspondingly). The first one was made in Irkutsk *oblast*."⁸⁴

The Federation consists of the subjects of different status, which breeds conflicts, First and foremost, in the economic sphere, especially

⁸³ *ibid.*

⁸⁴ *ibid.*

as what concerns budget federalism.⁸⁵ However, it became possible to preserve the territorial integrity of Russia. The next step in the development of federalism was marked by the adoption of the new Constitution of the Russian Federation in December 1993. It included the Federation Treaty as one of its parts.

The Constitution of the Russian Federation December, 1993

Subjects of the Federation enjoy very favourable conditions for self-realization within the framework of the new Russian Constitution. It guaranteed most extended powers to them, in dealing with its internal issues. All rights of the state authority are ascribed to them, except for those listed as federal prerogatives. To reflect the peculiarities of lifestyle on their territories they are entitled to draw their own legislation - statutes and constitution.

Federal Relations based on Treaty Agreements: Within the Federal Framework: Unique Feature of the Russian Federation

In 1994 Russia as a federation made progress both in the sense of differentiating the rights as well as delegating powers between the Centre and the regions. A new formula for the relations - : "the bilateral treaties" - was found which is unique to the Russian Federal system for

⁸⁵ Roman Szporluk, ed., *National Identity and Ethnicity in Russia and The New States of Eurasia* (New York: M.E. Sharpe, Inc.)pp.21-57

sharing power between the state and subjects. This is provided by the provisions of the constitution. Treaties with Tatarstan, Bashkortostan, Northern Ossetia and Kabardino-Balkaria have already been signed. Treaties with Yakutia, Komi and Buryatia are to be signed. It means that the "Centre" is ready to share authority with the regions. However the presidential draft on this matter also states: "should the regions fail to exercise in a satisfactory manner the powers which had been delegated to them, the central authority is entitled to take these powers away".⁸⁶ Deputy Minister on the issues of nationalities commented on it in the following way: "When someone was given a driving license, it does not mean that he is being given a car to drive!".⁸⁷ Treaties with Tartarstan, Bashkortostan, Kabardino-Balkar republic, Northern Ossetia and Udmurtia fostered improvement of the federal relations in the Russian Federation in general. At the same time, the degree of republics' independence varies and is determined by their actual capability of social and economic development. Treaties with the republics exercised their **function of lessening the tension in the relations between the centre and the regions.** Today transition from separate statements and agreements to a common federal mechanism of interacting with the subjects of the Russian Federation is needed.⁸⁸

⁸⁶ Igor Kossikov, "The Russian Model of Feralism: Problems and Prospects", <http://www.cinfo.org>

⁸⁷ *ibid.*

⁸⁸ *ibid.*

Naturally, there continue to be quite many problems in the relations between the centre and the republics. For instance, in 1994 Tartarstan paid back one fifth of the taxes to the federal budget stipulated in a special agreement. However, significant as the issue of working out the fiscal relations between Moscow and the republics is, it does not threaten the integrity of the country today.⁸⁹ In the end of 1994 and in 1995 not a single republic of the Russian Federation (except for Chechnya) realistically was close to raising the issue of political self-determination. The type of relations between the Centre and Chechnya, characterized by confrontation, as well as the military conflict which has not been resolved yet entails consequences for the whole system of federal relations. Even if Russian federal authorities conclude a bilateral treaty with Chechnya which will secure "a special status of the Chechen republic", which has become the subject of negotiations now, the consequences of prolonged confrontation are quite obvious.⁹⁰

The central authorities have not gained strength as a result of the Chechen conflict, it has actually weakened and, what seems to most important, is panic-stricken with the fear of yet another military hotbed emerging. In such case it may be easier for the regions to succeed in

⁸⁹ see Ramazan Abdulatipov, "Russian Federalism: Problems and Prospects at the threshold at the 21st Century", eklodges.com.cy.

⁹⁰ see Robert Sharlet, "The Prospects for Federalism in Russian Constitutional Politics", Publius, Vol.24, No.2, Spring 1994, pp.115-127.

getting concessions, including unjustified benefits. One can notice, that by the end of 1995 there appears to be an increase in the activity aimed at signing bilateral agreements: a Treaty with a large republic of Udmurtia, with significant oil resources and high military Industrial potential, was signed. Signing agreements with two more bordering subjects of the federation which will secure their special rights - Kaliningrad oblast (North-West of the Russian Federation) and Krasnodar krai (the South, the Black Sea coast, Novorosiisk - important seaport of international significance).

There is again the "parade of sovereignties", in which the subjects of the Russian Federation are taking part. However today it is reduced not as much to political ambitions of regional politicians and their desire to secede from Russia, but to ensuring higher living standards among the population of the regions as well as further development of the social and economic sphere there.⁹¹

Thus it can be concluded that national separatism is being replaced by economic regionalism. This appears to be a long-term trend, It requires skilful regional politics with all the corresponding elements - structural, budget, tax policy and foreign economic relations. Today the character of this all-federal national policy is being determined (and that

⁹¹ Igor Kossikov, "The Russian Model of Federalism: Problems and Prospects", <http://www.crinfo.org>

is of importance for Russia) by the results of agreements between the central authorities and regional political élites. The idea that a titular ethnic group should be a priority and that of "cultural nationalism" are not commonly used, and when they are articulated, it is being made with great caution.⁹² At the same time one can trace the elements of "economic nationalism", which is related to semi-concealed struggle of national and regional authorities with the federal ones over natural resources (oil in Tatarstan, Bashkiria, Komi; gold and diamonds - in Yakutia, etc.). The centre and the regions are fighting over control of local economy and finances.

Prospects of a federation in Russia

The Russian Federation, is the product of a transitional period, It is still in a process of change. The most likely directions of these changes are be related with the legal status of the subjects of Russian Federation and, in particular, with their current number which is inordinately huge as no other federation in the world consists of this many subjects (89).

Three main positions have been formed in Russia, which have different views on the future national and state system of Russia and the main principles of its national policy. They may be conditionally designated as "unitarist-provincial", "federalist-national" and "sovereign-

⁹² *ibid.*

separatist". The national leadership has till now broadly assured a "federalist-national" model. Presidential address of 1995 declared the creation of a modern federation state. The unitarist - provincial model seems quite impossible for now as the Russian state cannot afford the resistance from the subjects likely to follow. However in order to prevent the sovereign separatist model from occurring in reality the Russian Federal structure will have to evolve more resiliency into its system. Urgent task at hand is to solve the Chechnya by accommodating it into the federal system on the Tatarstan model. This is possible through bilateral treaty negotiation, which broadly confirm to the Russian Constitution and federation. The constitution provides for concluding bilateral treaties between the Russian state and its subjects (Article 1, Part 3 and Article 78, Part 3). This is a unique pattern for establishment of federal relations between the Russian state and its subjects.

Bilateral Treaties as A Tool For Conflict Regulation

Bilateral treaties between the federal government and the republics were possible because they benefited both sides. Neither was interested in conflict escalation. Yeltsin wanted to normalise relations with the republics and to demonstrate his ability to put down the threat of secession.

Tatarstan was the pioneer in concluding such a treaty.⁹³ The republic is situated in the heart of the country. Hence, possible sanctions against it included a withdrawal of export quotas on oil and isolation from the transport, pipeline, engineering, and financial systems of the country. As Tatarstan's presidential adviser Rafael Khakimov wrote, "Moscow has become a financial empire. It can swallow Tatarstan's entire banking system within 24 hours."⁹⁴ Or, as the former prime minister of Tatarstan, Mukhamad Sabirov, said, "We could demonstrate our pride and proclaim ourselves independent, but in two to three days, events might take an unpredictable path, and people would never pardon us for that."⁹⁵ In agreeing to the bilateral treaty (signed in February 1994), President, Shamiev, made a responsible and prudent decision. Many interpret this step within the framework of a patron-client relationship. Kazan received low-interest loans to restore its industrial giant, KAMAZ, a considerable amount of money for agricultural needs, stable financing for its military-industrial complex, construction of a bridge over its Kama River and funds for reconstruction of the Kazan kremlin. In addition, Tatarstan was forgiven its debt to the federal treasury. In return, Tatarstan declared itself a member of the Russian Federation and began paying its taxes to the federal budget. The primary gain for both sides, however, was a

⁹³ Leokadia Drobizheva, "Power Sharing in the Russian Federation: The View from the Centre and from the Republics", <http://www.criinfo.org>.

⁹⁴ *ibid.*

⁹⁵ *ibid.*

political one. Tatarstan's leadership could save face by claiming it was freely entering into negotiations with the federal authorities. As Shamiev wrote on the first anniversary of the treaty, "Sovereignty for us means the possibility of defining for ourselves which authority we leave for ourselves, and which we delegate to the Russian Federation."⁹⁶

Shamiev's decision to enter into treaty relations with Russia disarmed the extremist nationalist movement in Tatarstan, which was among the most radical and influential in the country. In the republic's parliamentary elections, F. Bairamova, the leader of the nationalist movement, lost in the first round. Boris Yeltsin also emerged from this conflict a victor. Not only did he demonstrate his willingness to solve conflict peacefully, but he also erased the image of the federal government as an "imperial enemy."⁹⁷ Tatarstan's treaty was followed by similar treaties with eight other republics, and later with a number of oblasts (regions). Several stages in the development of Russia's treaty-based federal relations can be delineated. The process began with the division of powers in the Federation Treaty of 1992. The Treaty confirmed the status of republics as sovereign states (in accord with the 1977 Soviet constitution). However, in contrast to the Soviet federal constitution, which recognized republics only as full members of the

⁹⁶ *ibid.*

⁹⁷ *ibid.*

Federation, the Federation Treaty was signed by all of its members: republics, oblasts, krais, okrugs, and federal cities. This difference created the basis for believing that what was being created was not Soviet-style federalism.⁹⁸

The second stage began with the adoption of the new constitution in 1993, which guaranteed equal rights (but not equality) for all subjects of the Federation, and permitted the signing of bilateral treaties and agreements (Article 78). This article was intended for those ethnic republics that had not yet concluded such a treaty. The signing of the initial treaties with Tatarstan, Bashkortostan, and Sakha-Yakutia was a means of using power sharing to resolve tension with the most confrontational republics of the Federation. The final stage-signing treaties with oblasts such as Sverdlovsk, Orenburg, Kaliningrad, and with Krasnodar krai-extended the possibility of treaty-based relations to all subjects of the Federation, hence confirming their equal rights.

The treaties have different motivations and nuances. Tatarstan's was pursued primarily for political aims. Hence, it contains some points absent from other treaties. For instance, it grants Tatarstan the right to decide issues of republic citizenship (Article 2, part 8), to develop alternative forms of civil service for those who prefer it to military service

⁹⁸ *ibid.*

(Article 2, part 9), to independently engage in foreign affairs in accordance with a separate agreement (Article 2, part 13), and to set up a national bank (Article 2, part 12). There is no provision in Tatarstan's treaty requiring the republic's laws and other normative acts to be in accordance with the Russian constitution and federal laws (see appendix). The fact that this treaty had elements of an intrastate treaty in combination with elements of an international one, as well as a combination of federal and confederal arrangements, played a significant role in the political stabilization of Russia.⁹⁹

The treaty signed with Sakha-Yakutia and, to a certain extent, the treaty with Bashkortostan were primarily economic. These treaties declare the republics constituent parts of the Russian Federation. Sakha was granted the right to establish republic and local taxes and duties (as well as exemptions from such) (Article 1, part 1), and to create and use a fund for precious metals and stones (Article 1, part 1). Like Tatarstan, Sakha has the right to engage in external economic activity. The Sakha treaty is unique in that it establishes joint federal and republic jurisdiction in developing budgetary federalism, creating special (budget and off-budget) programs and funds (Article 2, part 2), coordinating the creation of federal state reserves, agreeing on export quotas of precious metals

⁹⁹ Vladimir N. Lysenko, "Distribution of Power: The Experience of the Russian Federation", <http://www.crininfo.org>.

and other strategic raw materials, and developing and jointly using the resources of the continental shelf.

The conclusion of other treaties was motivated by the centre's desire to support certain regional authorities who were facing strong internal opposition. In this category we can place the treaty with Kabardin Balkaria, and, to a certain extent, that with North Ossetia-Alania. The emphasis in the North Ossetian treaty was on defense and geostrategic interests. Protection of the territorial integrity of the republic, responsibility for guarding the border with Georgia, and management of migration flows, were put under the joint jurisdiction of federal and republic authorities. The treaties signed with oblasts and krais have been largely concerned with equalizing their rights and opportunities.

Phases of the treaty-Signing Process

The first stage in the treaty-signing process began with the conclusion of the Federation Treaty on March 31, 1992. The Federation Treaty was composed of three separate treaties: one signed with autonomous republics, one with autonomous okrugs, and one with oblasts, krais, and cities of federal jurisdiction. The next stage was the adoption of the new Russian Constitution on December 12, 1993, which equalized the provisions of the three Federation Treaties so that the status of krais, oblasts, and cities of federal jurisdiction was raised to the

level of republics within the Russian Federation. The Constitution left open the possibility of concluding additional treaties between federal and regional governments (Article 11, Part 3 and Article 78, Part 3 of the Russian Federal Constitution).¹⁰⁰

The third stage occurred two months after the passage of the Constitution when the first treaty, On the Demarcation of Competence between the Government of the Russian Federation and the Government of the Republic of Tatarstan, was signed (February 15, 1994). The significance of this treaty lay in the fact that Tatarstan had never signed the Federation Treaty, and in March 1993 it had not allowed the referendum on the new Russian Constitution to be held on its territory. Tatarstan's resistance created the impression that federal authorities had little choice but to enter into agreements with the republic.

Only after similar treaties were signed with Kabardino-Balkaria in June 1994, and with Bashkortostan in August 1994, was there reason to conclude that power sharing had moved to the fourth stage in its development.

In early 1996, the fifth stage, similar treaties were signed with Sverdlovsk, Kaliningrad, and Orenburg oblasts as well as with Krasnodar

¹⁰⁰ Leokadia Drobizheva, "Power Sharing in the Russian Federation: The View from the Centre and from the Republics", <http://www.crinfo.org>.

krai. This extended the treaty-making process to non-republic subjects of the Federation.

Since 1994 more than 15 treaties and 150 agreements on demarcation of powers in specific spheres have been signed. The signatories include republics (Tatarstan, Bashkortostan, Kabardino-Balkaria, Sakha-Yakutia, North Ossetia-Alania, Buriatia, Udmurtia, and Komi); oblasts (Kaliningrad, Orenburg, Sverdlovsk, Rostov, and Leningrad); krajs (Krasnodar and Khabarovsk); a city of federal jurisdiction (St. Petersburg), as well as territories composed of okrugs (Irkutsk oblast and Ust'-Ordynsk Buryat okrug; Perm oblast and Komi-Permyatsk okrug).¹⁰¹

Types Of Treaties

The treaties contain both common and unique features. They were concluded in order to realize different objectives. In order to explain the treaty process in more detail, I offer the following are the categorisation of motives for the different treaties.¹⁰²

- (1) Treaties concluded primarily for political reasons. First in this category is the treaty with Tatarstan signed in February 1994. This document cannot be considered in isolation from the tense

¹⁰¹ *ibid.*

¹⁰² *ibid.*

relations that existed between the federal authorities and those of the republic throughout 1990-1993. The treaty resulted from two years of negotiations and discussions which revealed the need to reach a compromise. The only alternative would have been the use of force, which would have destabilized the political situation and moved Russia to the brink of disintegration. Today it is evident that the treaty eased the growing tensions and brought Tatarstan back within the political and legal space of the Russian Federation. It is possible to conclude a bilateral treaty with the Chechen Republic as well, which would define the specifics of Chechnya's status within the Russian Federation.¹⁰³

Nevertheless, the treaty with Tatarstan did not remove serious contradictions between the federal and republic constitution. The treaty contains neither a provision stating that Tatarstan is a constituent republic of the Russian Federation (Article 65 of the Russian Federation Constitution) nor recognition of the federal constitution's and federal laws' superiority over republic laws (article 4 of the Constitution). The treaty has elements of both an international and an intrastate treaty, and hence is a combination of confederal and federal relations.¹⁰⁴ It deviated from the

¹⁰³ *ibid.*

¹⁰⁴ *ibid.*

principle of equality of all subjects of the Federation (as required in the Constitution, article 5), and initiated a return to the asymmetrical federalism that had existed in Russia under Soviet rule.

Through this treaty and 11 supplementary agreements, the federal centre has delegated a much larger number of powers and benefits to Tatarstan than to other subjects of the Russian Federation. Furthermore, Tatarstan has received a number of the federal government's exclusive authorities.¹⁰⁵ A number of agreements included in the Tatarstan treaty have no relation to power sharing. This refers to such agreements as “On Issues of Ownership, On Realization and Transportation of Oil and Oil-Refinery Products”, “On Budget Relations Between the Russian Federation and the Republic of Tatarstan”, and the military sphere.¹⁰⁶

The above has created a dangerous precedent of exceeding the region's authority above the limits set by the federal constitution, arbitrarily redistributing authority and jurisdiction without regard for consistency with the federal constitution, and delegating certain

¹⁰⁵ Raphael Khakimov, “Tatarstan’s Model for Developing Russian Federalism”, <http://www.kcn.ru>.

¹⁰⁶ *ibid.*

concessions and benefits to a region which are denied to others.¹⁰⁷

Tatarstan's example set a precedent for other republics as well. Soon after, similar treaties and agreements were signed with the Republic of Bashkortostan and the Republic of Sakha (Yakutia), whose relations with the federal government were also strained. In terms of political concessions to the region, these two treaties were less extreme than that with Tatarstan. They did contain provisions stating that the republics are constituent parts of the Russian Federation, and an assertion of the superiority of the Federal Constitution. At the same time they also contained numerous political concessions and "unconstitutional" redistribution of authority, as well as economic and budget benefits.

The three republics, being among the richest in natural resources, succeeded in gaining from the federal authorities the right to retain the lion's share of their revenues and spend them on their own populations. While natural resources are both a guarantee against an unforeseen crisis and a source from which many regions can draw to solve their local problems, they belong to the whole

¹⁰⁷ *ibid.*

country and to each Russian citizen. Redistribution of the country's national wealth through such methods may lead to the destruction of economic ties within the country.

Despite the above-cited problems, the development of treaty-based relations between the federal centre and the three republics brought positive results as well. The separatist and nationalist trends in these republics lost much of their momentum following the conclusion of the treaties. All three republics now recognize and abide by federal legislation. In exchange for being offered certain tax benefits, Tatarstan and Bashkortostan have abandoned their single-channel tax system (by which they could unilaterally halt the flow of taxes collected on their territory to the federal budget) in favor of a multichannel system of taxation. The republics' legislatures have made progress in demarcating joint competences, as well as accumulating positive experience in the development of treaty-based relations in various spheres. The demarcation of authority (even if imperfect) provided broad possibilities for the development of new economic relations.

A large number of treaties with oblasts, krais, and autonomous okrugs signed by Boris Yeltsin in the course of his election campaign in spring and summer of 1996 can also be categorized as "politically motivated." Those treaties were used by the

president to win the regional elites' and population's loyalty in the pre-election rush. The president viewed these treaties as a panacea; a universal remedy against all troubles. While in the economically troubled Tver' oblast, Yeltsin, responding to complaints by local leaders and citizens, said bluntly that all their troubles owed to the fact that they had not signed a treaty with Moscow, and ordered that such a treaty be urgently prepared and signed prior to the elections.¹⁰⁸

(2) Treaties signed to confirm close ties between the regional and federal authorities, as well as to support the leaders of these regions in difficult political situations (the treaties with Kabardino-Balkaria and with North Ossetia-Alania, for example).¹⁰⁹

(3) Comprehensive treaties with oblasts and krajs seeking to acquire the same rights as the republics enjoy. This refers to the treaties with Krasnodar and Khabarovsk krajs as well as with the oblasts of Orenburg, Leningrad, Irkutsk, Perm', and especially Sverdlovsk.

For a long time, federal authorities signed treaties only with republics. This approach angered the leaders of many oblasts and krajs. Almost two years after the signing of the first treaty, the

¹⁰⁸ *ibid.*, Drobizheva.

¹⁰⁹ *ibid.*

federal authorities, seeking "to balance the treaty-making process," agreed to sign treaties and agreements with a number of oblasts and krais high up in the so-called "table of ranks" and with strong support in the federal echelons of power. These treaties initiated a new phase in the treaty-making process.¹¹⁰

The Sverdlovsk treaty and its 17 supplementary agreements are comprehensive, encompassing most joint competence and regulating relations between the federal centre and the Sverdlovsk oblast's bodies of power in all major spheres of life. An analysis of the provisions of the Sverdlovsk treaty reveals the following:

First, the treaty contains an inventory of joint competence of the Russian Federation and Sverdlovsk oblast (article 2 of the treaty). The list elaborates in fuller detail the joint competence mentioned in article 72 of the federal constitution, such as

- Developing conditions for structural reorganization of the economy
- Operating the defense industries
- Developing the agro-industrial complex, including creation of a granary-fund for Sverdlovsk oblast

¹¹⁰ *ibid.*

- Certifying and licensing certain types of activities operating in Sverdlovsk

- Developing a coordinated personnel policy

These concrete joint competences are needed by all other subjects of the Russian Federation. The Sverdlovsk treaty contains a number of joint competencies not listed in the federal constitution, such as the "regulation of matters related to processing and use of precious metals, gems and their products in enterprises located in Sverdlovsk oblast" (Sverdlovsk is the Urals' richest region in minerals), or the article on organization of alternative forms of civil service (similar to the relevant provisions in the treaties with Tatarstan and Bashkortostan).¹¹¹

The Sverdlovsk treaty delegates to the federal government authority over elaborating, funding, and implementing federal programs for structural reorganization of the regional economy; restoring mineral and raw-material bases, converting defense industries, and developing the agro-industrial complex; securing the economic conditions necessary to maintain defense mobilization readiness in Sverdlovsk oblast; and coordinating with

¹¹¹ *ibid.*

Sverdlovsk authorities on the appointment of high-level personnel to federal agencies operating in the oblast.¹¹²

All these prerogatives are equally necessary for other subjects of the Russian Federation. The powers delegated to Sverdlovsk authorities by the treaty include participation in the implementation of federal programs and participation in decision making with regard to appointment of administrators.

A unique provision of this treaty is the requirement that the oblast's laws be brought into conformity with the treaty. Also unique is the right "to define, in conformity with federal laws, conditions for licensing and use of nature on the territory of Sverdlovsk."¹¹³

In addition, there are a number of provisions other unique such as the oblast's right to introduce legislation concerning issues of joint jurisdiction prior to the passage of federal law on the given issue; extension to Sverdlovsk of benefits, rights and other advantages provided by the federal government after the signing of the treaty; directors of regional divisions of federal agencies shall be appointed to and relieved from their respective positions by the

¹¹² *ibid.*

¹¹³ *ibid.*

Governor of Sverdlovsk oblast in coordination with the respective federal body of power (but not vice versa); and regional executive bodies can be assigned the functions (prerogatives, rights) of territorial branches of federal agencies by agreement.¹¹⁴

The most demanding provision is article 8 of the treaty, which says: "In case the Russian Federation Government does not abrogate the legal acts of the Russian Federation ministries and agencies, mentioned in Part 1 of the present Article, such legal acts shall not be subject to implementation by the government of Sverdlovsk oblast until the respective court shall have passed its verdict." This means that all federal agencies have to take into consideration the laws of one oblast, Sverdlovsk, in doing their work.

- (4) Treaties necessitated by the specific conditions of the Federation subject-for example, treaties with Buriatia and Kaliningrad oblasts.

The treaty with the Republic of Buriatia begins by saying: "Considering the fact that the Republic of Buriatia is a water-collection zone of Lake Baikal; recognizing the unique ecology of that lake and treating the lake as a national treasure of the

¹¹⁴ *ibid.*

Russian Federation"¹¹⁵ It then proceeds with joint competences, strictly federal jurisdictions, and those of Buriatia, all aiming to preserve, restore, and improve the Baikal region's ecological system. The treaty concludes by elaborating the mechanisms for implementing it and the arbitration procedures in case of dispute. The treaty is in full conformity with the federal constitution. For example, the Agreement on Demarcation of Prerogatives in Creation of Conditions for Economic Activities in the Water-Collection Zone of Lake Baikal points out: "Considering the difficult financial and economic condition of the Republic of Buriatia, the parties agree that the additional expenditures necessary for providing essential services in the republic will be reimbursed from the federal and republic budget in an agreed-upon proportion. The list of essential services and the volume of additional expenditures shall be determined and agreed upon at the planning stage of the federal budget and the Republic of Buriatia budget for the respective years."¹¹⁶ Another agreement, which demarcates prerogatives with regard to exploitation of minerals and other raw materials, offers a different mode of funding: "In compliance with the Russian Federation Constitution and the federal Law On Natural Resources, the Russian

¹¹⁵ *ibid.*

¹¹⁶ *ibid.*

Federation Government shall provide funding for work on geology-exploration, effective in the territory of the Republic of Buriatia within the framework of the federal programme for development of the mineral and raw-material base of the Russian Federation, which shall be funded by revenues received from the Republic."¹¹⁷

The treaty with Kaliningrad oblast appears quite reasonable in light of the region's exclave position and its importance for Russia's national interests.

In sum, there are already treaties and agreements that are grounded in the specific conditions of individual subjects of the Russian Federation and that stipulate a real demarcation of competencies and prerogatives in compliance with the constitution and federal law.¹¹⁸ Therefore, a treaty with Chechnya is not impossible task.

The Treaties' Compliance with the Constitution of Russia

The problem to be addressed is of the treaties' consistency with the Constitution of the Russian Federation.¹¹⁹ The following three cases indicate the lack of such consistency:

¹¹⁷ *ibid.*

¹¹⁸ *ibid.*

¹¹⁹ *ibid.*

1) First, the authorities that are referred to in the Russian Federation Constitution as within the jurisdiction of the federal government are often included in the list of joint competencies of the Russian Federation and its subjects, for example:

- Maintaining border patrol regimes (treaty with North Ossetia-Article 4, para 2)
- Protecting state and territorial integrity (treaties with North Ossetia-Article 4, para 3; Kabardino-Balkaria-Article 4, para 4; Bashkortostan-Article 4, para 2; Tatarstan-Article 3, para 2)
- Coordinating budgetary-financial, monetary-credit, and pricing policies (North Ossetia-Article 4, para 19; Tatarstan-Article 3, para 6 and 8; Bashkortostan-Article 4, para 7)
- Defense conversion issues (North Ossetia-Article 4, para 22; Bashkortostan-Article 4, para 5; Tatarstan-Article 3, para 3; Udmurtia-Part 7, para 2; Sverdlovsk Region-Article 4, para 4; Orenburg-Article 1, para 1 and Article 2, para 1)
- Decommissioning military properties (Kaliningrad Region-Article 1, para 6; Udmurtia-Part 6, para 2; Sverdlovsk Region-Article 2, para 4)

- Functioning of defense industries (Sverdlovsk Region-Article 4; Udmurtia-Article 2, Part 7)
- Coordination (management) of R&D and production of weapons and military equipment in the territory of the given republic (Bashkortostan-Article 4, para 5; Tatarstan-Article 3, para 3)
- Deployment of military units and military installations in the territory of the republic (Bashkortostan-Article 4, para 5)
- Sale of weapons, ammunition, military equipment, and other arms (Tatarstan-Article 3, para 3)
- Issues of citizenship (Tatarstan-Article 3, para 4; Bashkortostan-Article 4, para 4)
- Banking (Kabardino-Balkaria-Article 4, para 5)
- Elaboration and approval of federal programs (Buriatia-Article 1, para 2 and 3; Udmurtia-Article 2, Part 3; the Krasnodar Territory-Article 2, para 2 and Article 3, para 2; Orenburg-Article 2, para 2 and Article 3, para 2)
- Coordination of activities in the spheres of geodesy, meteorology, and time calculation (Tatarstan-Article 3, para 10)

- Coordination of management with regard to general systems of energy; highway, railway, pipeline, airplane, and water transportation; as well as information networks (Tatarstan-Article 3, para 12)/P.
- Maintenance of a regime for duty free traffic of transport vehicles, cargo, and products by air, sea, river, railway, and highways, as well as through pipelines (Tatarstan-Article 3, para 13; Bashkortostan-Article 4, para 9)
- Issues of customs policy (customs sphere) (Kaliningrad-Article 1, para 4; Udmurtia-Article 2, Part 9)
- Assistance to the Russian Federation subjects in their foreign economic activities (Kaliningrad-Article 1, para 9)

2) Second, in a number of treaties, exclusive jurisdictions of the Russian Federation are extended to the subject of the Federation:

- Pardon of those convicted by the courts of the given republic (Tatarstan-Article 2, para 2; Bashkortostan-Article 3, para 11)
- Participation in international affairs, establishment of relations and signing of agreements with foreign states (Tatarstan-Article 2, para 11)

- Establishment of national banks (Tatarstan-Article 2, para 12; Bashkortostan-Article 3, para 15)
- Defense conversion issues (Tatarstan-Article 2, para 14)
- Issues of republic citizenship (Tatarstan-Article 2, para 8; Kabardino-Balkaria-Article 3, para 11; Bashkortostan-Article 3, para 1)
- Enactment of emergency rule (Kabardino-Balkaria-Article 3, para 5).

3). Third, what a number of treaties categorize as joint jurisdictions belong according to the Russian Federation constitution to the jurisdiction of regional governments:

- Protection of human and civil rights and freedoms (Tatarstan-Article 2, para 1; Kabardino-Balkaria-Article 3, para 7; Bashkortostan-Article 3, para 1)
- Bar and notary matters (Tatarstan-Article 2, para 3)
- Legal regulation of administrative, family, and housing relations in the sphere of environmental protection and use of the environment (Tatarstan-Article 2, para 4)

- Matters pertaining to possession, use, and disposal of land and its resources, water, forestry and other natural resources, as well as state enterprises, organizations, and other movable and real-estate properties (Tatarstan-Article 2, para 6; Bashkortostan-Article 3, para 5)
- The system of state bodies, the order of their organization and activities (Tatarstan-Article 2, para 7; Kabardino-Balkaria-Article 3, para 4; Bashkortostan-Article 3, para 2)
- Maintenance of law and order, providing for public security (North Ossetia-Article 3, para 6; Kabardino-Balkaria-Article 3, para 8; Bashkortostan-Article 3, para 8)
- Protection of natural, historical, and cultural monuments (North Ossetia-Article 3, para 13)
- Foreign-economic activities (Kabardino-Balkaria-Article 3, para 14)
- Health care, education, culture, and sports (Kabardino-Balkaria-Article 3, para 16)
- Formation and use of the republic's fund of precious metals and gems (Yakutia-Article 1, para 7).

Therefore, one can conclude that the treaties signed by the federal and regional governments to some extent run counter to the Russian Federation Constitution. At present, the situation is such that some provisions of the Russian Federation Constitution are not effective in parts of Russia. For example, Articles 71 and 72 do not hold for those subjects that have signed treaties with federal authorities. In addition, the treaties have transferred some costly responsibilities, such as shipment of foods and commodities to the northern areas and natural disaster relief, to the federal government.

Today the treaties put subjects of the Russian Federation in unequal positions and thus run counter to the principle of equality as stipulated in the Russian Constitution. In precise terms, Article 5, Part 1 of the Russian Federation Constitution means the following: if some subject of the Russian Federation expands its rights by whatever means (treaty, agreement, presidential edict, federal law), the same is automatically provided for all the other subjects of the Russian Federation. For now, in the Russian State there is coexistence of both legislative and treaty-based demarcation of authority. Hence, the task is to try to develop within the shortest possible time a legal process for dividing authority and jurisdiction. Such a system should build on the experience of treaty-based relations. Furthermore, it is necessary to "civilize" treaty-based relations, i.e., to put them in the framework of the constitution and federal

law and thus put a stop to separatist trends, further economic differentiation of subjects of the Russian Federation, and the burgeoning of shadow mechanisms for redistribution of national income among various regions of the country.¹²⁰ An evolutionary adjustment of treaty-based relations would be more fruitful as radical changes would only aggravate the situation in many subjects of the Russian Federation. Also with clear demarcation of exclusive & joint competencies various aspects, there would no longer be a need to conclude power-sharing treaties if such legislation were adopted because the powers of all the subjects of the Federation would be legally demarcated in the Constitution and in the respective legislation. The signing of treaties could then be reserved for regulating the sphere of activity assigned to a region by the Constitution, temporarily delegating the federal government's authority to a region, or a region voluntarily sharing a matter of its jurisdiction with the federal government. Such delegation would be determined by geographic, economic, national, and other specifics of the given region rather than by subjective factors. The treaty-signing process would then, as in other federal states, be concerned with concrete projects and programs requiring the joint efforts of centre and region

¹²⁰ Andrei Zagorodnikov, "Vladimir Putin Reinvents Russian Federalism", ekloges.com.cy.

Thus, ongoing construction of the new Russian state involves, on the one hand, the trends and rules that have been well tested by world experience in the development of federalism, and, on the other hand, the very specific and unique features of the Russian and other peoples of the country. Thus, when solving the Chechen crisis the Russian state can assimilate a wide variety of experience of treaty based relations within its borders itself. Accelerating in breadth and depth, the treaty-making process demonstrates an attempt to take into account the historical, geographic, ethnic, and other particularities of the subjects of the Federation.

Chapter 4

CONCLUSION

A SPECIAL STATUS FOR CHECHNYA:

NEGOTIATION: TOWARDS CONFLICT RESOLUTION

Of all the processes in international politics, conflict is undoubtedly the most dangerous. It manifests itself in a myriad of forms, from trade embargoes to genocidal warfare. Once a conflict arises both internal and international actors can deal with it using one or more of three possible modes: unilateral, bilateral, or with the help of a third party. The unilateral mode may involve attempting to win over the opponent through violent struggle, or it may involve withdrawal or avoidance. The bilateral mode implies some form of bargaining and compromise (e.g. negotiation), and the third-party assistance mode means the intervention of a party not directly involved in the conflict (e.g. adjudication, mediation). Negotiation, the principal means of handling all internal and international disputes is employed more frequently than all other techniques of conflict management put together.

This is exemplified by the Tatarstan and Chechen cases. As a mode of conflict management, bargaining and negotiation is the primary method by which social actors settle their disputes. This is true at all levels of conflict, and is not surprising given that joint bilateral decision making has greater advantages and fewer risks than dealing with a conflict unilaterally (e.g. violent struggle, withdrawal, avoidance), or allowing a third party to adjudicate. In the international arena, where conflicts can easily in modern times

escalate into highly destructive and destabilizing wars, and where there is an absence of any generally accepted "rules of the game" negotiation is as common as conflict itself.

Direct negotiation between sides in a dispute is the ideal way to resolve conflict on all levels. It is the most efficient method because it requires the least formality, eliminates the expense of third parties and helps avoid adversary proceedings which often aggravate hostility. The complexity of the communication problem may be reduced and privacy of discussion allows for flexibility and candour so that important issues can be discussed with fewer risks. One of the major advantages of bilateral negotiations is that they can be more binding.

Mutual consent to a resolution gives it legitimacy. International negotiation is broadly a process by which states and other actors in the international arena exchange proposals in an attempt to agree about a point of conflict and manage their future relationship. It should not be seen as a single process or one discrete activity. It is instead a continuous set of related activities, involving actors, decisions and situations. A highly flexible form of joint, voluntary, non-binding decision making, negotiation encompasses a wide spectrum of behaviour that ranges from formal discussions in a multilateral forum such as the UN, to informal conversations at an embassy cocktail party. It need not even involve verbalized communications. Instead, it might be tacit, as in a series of moves and counter-moves. Further more, depending on the wishes of the disputants it can be conducted formally or informally, in secret or in the open, by heads of state or by low-level officials, with closed or open-ended agendas, under firm deadlines or less firm deadlines, and using hard bargaining or problem-solving strategies.

The Conditions for Effective Negotiation

Three main approaches have dominated negotiation studies.¹²¹ Firstly, the vast majority of negotiation studies have been concentrated in the field of psychology, employing laboratory experiments for their methodology. They have tended to focus on aspects of decision making or the approaches. The psychological approach has proved useful for explaining how personal characteristics affect the course of conflict management, why certain types of negotiation activities occur in particular times, and what determines their direction. Furthermore, laboratory studies can illuminate generic process-outcome relationships that apply also to international negotiation.

The second is the case-study approach allows for an indepth understanding of particular cases, and builds up a solid understanding of the factors which influence bargaining and negotiation and the activities that occur during the process of a specific episode of conflict management.

The normative approach has emerged as a third possibility. It offers in a generic fashion a set of recommendations that could lead to successful outcomes in all types of disputes, from the interpersonal to the international. Thus, the normative, or prescriptive, approach concerns itself with a wide range of disputes and collectivities, and highlights the role of subjective elements of perception and communication in effective conflict management. Using both theory and practical experience, it offers important advice to mediation practitioners.

¹²¹ Richard Jackson, "Successful Negotiation in International Violent Conflict", *Journal of Peace Research*, vol.37, No.3, May, 2000, pp.323-343.

The fourth is of research tradition which employs systematic comparisons over large numbers of case in a deliberate attempt to establish empirically grounded generalizations. It employs quantitative methods in order to achieve a high degree of generalisability, as opposed to laboratory experiments or computer simulations which seek a high degree of control in the precision and measurement of variables, or single case-studies which aim at a high degree of descriptive accuracy. This is the contingency approach.¹²²

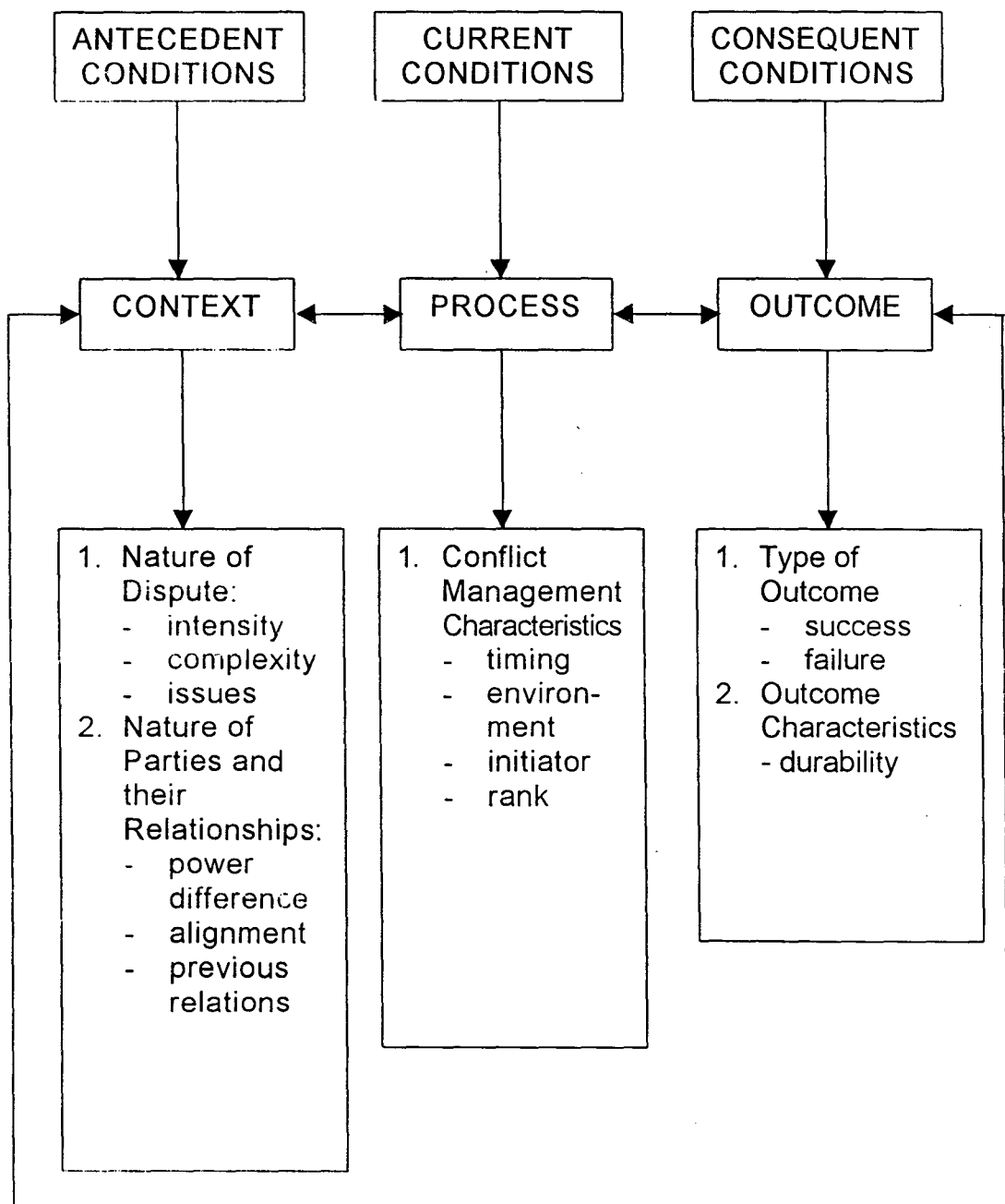
In the contingency framework, the approach is predicted on the notion that conflict management is a social process whose outcomes are dependent upon, or contingent on, aspects of the structure and process of the conflict. This approach explains the situation in both Chechnya and Tatarstan. That is, outcomes are determined by the interaction of certain input variables, mediated through the structure. Hence, the structure is the constitution here and the actual situation of the conflict management defines input variables.

The Contingency approach suggests, first, that negotiation takes place in three time dimensions:

(1) antecedent or past; (2) concurrent or present; and (3) consequent or future (see table). The antecedent dimension refers to all those inputs and variables which exist prior to engaging in negotiation. The concurrent dimension, on the other hand, describes a range of factors which characterize conditions and process of a particular negotiation situation, while the consequent dimension draws attention to the outcome of the bargain.

¹²² *ibid.*

A CONTINGENCY FRAMEWORK OF NEGOTIATION PROCESS



Source: Jackson, Richard, "Successful Negotiation in international Violent Conflict", *Journal of Peace Research*, Vol. 37, No.3, 2000, p.327.

The Contingency model therefore stipulates three clusters of variables with specific operational criteria, each of which may have an impact on the process and outcome of the conflict management. The first cluster of variables, contextual variables, refers to aspects of the nature of the dispute, and the nature of the parties and their ongoing relationship. Such factors as the intensity and complexity of the dispute the issues in dispute, the relative power and alignment of the parties, and the nature of their previous relationship. The model assumes that the issues such as control over territory versus intangible issues such as competing ideologies or ethnic identities), and the intensity of that fight (e.g. whether they are prepared to risk total war) will have some impact on how they interact in a conflict management situation.¹²³

Similarly, party variables are also thought to impinge on the conflict management process. For example, it is logical to assume that the identity of the parties (e.g. large states versus small states) and their ongoing relationship (e.g. friendly versus conflictual, shared versus opposing alignment) will affect to no small degree the behaviour of the parties, the level of cooperation or hostility between them, their willingness to compromise, and the kinds of agreements they will accept.¹²⁴

The cluster of process variables refers to activities that take place during the conflict management itself, and to the factors immediate to the parties interaction timing, environment, initiator of the negotiation and identify of the negotiators. The model assumes

¹²³ *ibid.*

¹²⁴ Christopher Mitchell & Daniel Druckman, ed., *Flexibility in International Negotiation and Mediation* (Thousand Oaks: Sage Publications, 1995).

that when the conflict management occurs (i.e., early in the conflict before positions have hardened versus late in the conflict when a 'hurting stalemate' has set in, will affect the parties attitudes and behaviour. Similarly, the conflict management environment, i.e., neutral territory versus opposing parties territory and the identity of the principal negotiators i.e. high-level representatives versus low-level representatives also impinge on the outcome of the conflict management.

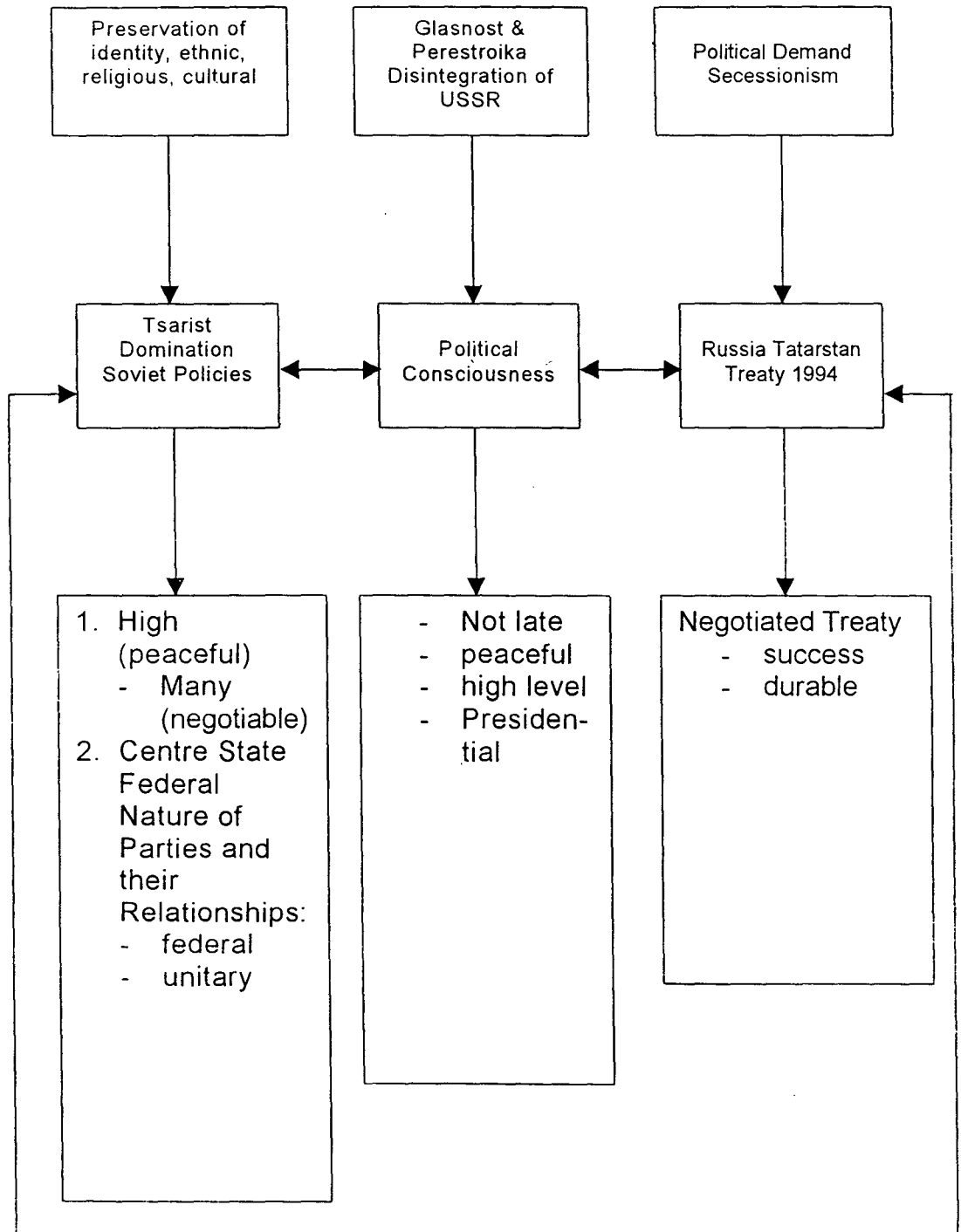
The final cluster of variables, outcome variables, are the dependent variables. The nature of the exercise is, of course to unravel the effect the process and the context have on the success or failure of the conflict management. The durability of negotiation successes here, which refers to the long-term stability of the agreement is examined. Thus, the Chechen case and Tatarstan case can be understood through the approach (see tables).

Towards Negotiation:

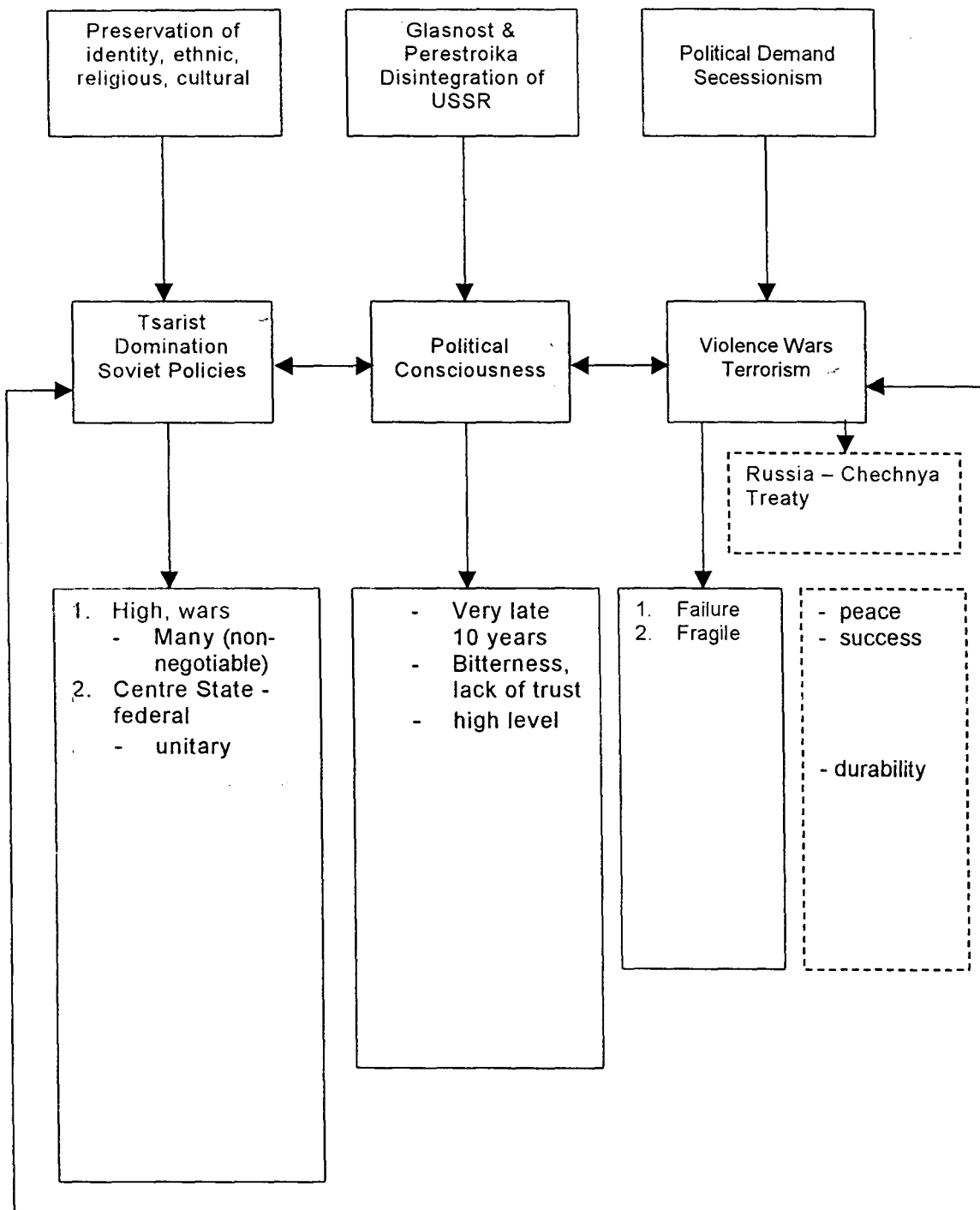
Negotiation is a social process where the parties to a conflict employ social influence strategies to alter the perceptions and behaviours of their opponents. That is, in the process of exchanging proposals, the parties attempt to manipulate their opponents. Outcomes are reflective of not only the context of the conflict, but also the process of bargaining.¹²⁵ Here, specifically the important factors in the way the negotiation is initiated and conducted, the environment it occurs in actual negotiators who attend the talks are referred to:

¹²⁵ *ibid.*

THE TATARSTAN CASE



THE CHECHNYA CASE



1. Timing of Negotiation

One of the most important process variables is the timing of the conflict management or the stage of the conflict. Some analysts have suggested that negotiation is more successful early in the conflict before the adversaries have crossed the threshold of

violence, inflicted heavy losses on each other and become entrenched in their positions.¹²⁶ Tatarstan exemplifies this situation. Other argue that later stages of a conflict provide the 'ripe' moment for conflict management, because the parties have reached a 'hurting stalemate' and may be willing to moderate their stands and revise their expectations. The case of Chechnya can be cited at this point. After the heavy costs paid by on both the Russian state and Chechnya, they would like to agree to an acceptable compromise by December 2001.

2. The Environment of Negotiation

The site, or the physical and social environment in which the talks occur, is another important process variable. A neutral environment, free from external pressures and the influences of constituencies and the media, can create a level playing field and allow the parties to concentrate on the more substantive issues. A non-neutral environment, on the other hand, can appear to favour the party whose territory it is in and cause the opposing party to harden its position in order to compensate. However, over negotiation is not tampered by being held in one party's territory; in fact, success rates rise in these cases. This indicates that when the level of trust and

¹²⁶ Richard Jackson, "Successful Negotiation in International Violent Conflict", *Journal of Peace Research*, vol.37, No.3, May, 2000, pp.323-343.

cooperation between the disputants is so low that they cannot meet except on neutral territory, the chances of successful talks are diminished in any case. Willingness to meet on the opponent's territory on the other hand, may indicate a degree of trust and a willingness to compromise.¹²⁷ In fact the Nazran and Khasavyart accords prove this point with regards to Chechnya.

3. Initiator of the Negotiation

It is well documented fact that when both parties to a conflict are willing to deal with it constructively and take the step of initiating conflict management, it represents a propitious condition for success. Initiation of conflict management indicates a willingness to commit to the conflict management process. There is an important association between the initiator of the negotiation and the chances of success. When the negotiation is initiated by only one of the disputing parties, the chances of successfully concluding the talks falls well below the average success rate.¹²⁸ Mutual willingness to settle, then, represents another 'ripe' moment for success in the conflict. Thus, both the Russian and Chechen political elite need to take initiative for meaningful talks and resolution of differences.

4. Negotiator Rank

The rank and identity of the actual negotiators in the conflict management also affect its success or failure. When summit negotiations are successful, the ground is often prepared by previous dealings involving lower-level official. On the occasions when talks become bogged down because of deadlock, senior official can

¹²⁷ *ibid.*

¹²⁸ *ibid.*

sometimes play an important role in restarting the negotiations. When the central negotiating figures are primary decision makers, such as heads of state or rebel movement leaders, negotiation success rates are as high as 61%. Comparatively, when the negotiators are both low-level officials, success falls to 39%, which is well below the average success rate.¹²⁹ Successful negotiation, therefore, is often facilitated by the presence of high-level officials who possess significant decision making power. The Russian President Vladimir Putin who has been behind the Chechnya operations since 1999 can exercise his good offices towards a trustworthy negotiation process and outcomes. While Aslan Maskhadov who represents Chechnya could in return gather more support from other political elite groups after negotiation in support of the resolution processes. Then only a stable and peaceful conflict resolution is possible. It would both for Russia and world community serve an innovative example.

There were several attempts towards negotiation between the Russian state and Chechnya. The problem was lack of seriousness and weight. Also, it did not represent all the contending political elites or were just stop gap arrangement towards the conflict.¹³⁰

Path to Political Settlement in Chechnya

A number of agreements between Chechnya and Russia have taken place uptill now. In fact, there are a series of agreements signed between representatives of the Russian Federation and of the Chechen Republic.

¹²⁹ *ibid.*

¹³⁰ "Path to Political Settlement in Chechnya", April, 1997, <http://www.amina.com>.

The question of the status of Chechnya (known in Chechen as Ichkeria) is seen as a potentially serious stumbling block. All Chechen politicians continue to proclaim their determination to achieve independence, while the Russian Government sees the Chechen Republic as an integral part of the Federation.

The quest for peace

There were several initiatives to achieve peace. Since April 1995, the Organisation for Security and Cooperation in Europe (OSCE) has maintained a permanent mission in Chechnya, to monitor the situation and help broker negotiations.

In May 1995, Russian Prime Minister, Viktor Chernomyrdin, called for peace talks 'at any level', with the participation of the Chechen Committee of National Accord (formerly the PCUO). Representatives of Dudayev, of the Russian Federation and of the Committee of National Accord then met at Grozny under OSCE auspices, but the talks soon broke down.¹³¹

A hostage crisis in June 1995, when a Chechen separatist guerrilla leader, Shamil Basayev, seized 100 hospital patients and staff in the north Caucasian town of Budennovsk, forced the hand of the federal authorities. They negotiated a cease-fire and, in July, signed a military agreement with Dudayev's supporters, providing for the exchange of prisoners of war (POWs), the withdrawal from Chechnya of most Russian federal troops, and the disarming of the Chechen militias. The agreement signed by Aslan Maskhadov, then a Chechen field commander, and by Gen. Anatoliy Romanov, the

¹³¹ *ibid.*

commander of the Russian troops, did not, however, tackle the issue of Chechnya's constitutional status.¹³²

There was evidence of internal discord on both sides about the terms of the agreement. Dudayev and other rebel leaders gave out conflicting signals about their backing for what Maskhadov had agreed, while Russian Defence Minister, Pavel Grachev, and other military figures, criticised the deal from Moscow. Following a bomb attack on Romanov in early October, talks between the federal and separatist sides were suspended.

Agreement on special status

In December 1995, the then Secretary of the Russian Security Council, Oleg Lobov, signed an agreement on the principles of relations between Russia and Chechnya with Doku Zavgayev, sometime Communist Party leader of Chechnya, whom the Russians were about to install as head of the pro-Russian administration in Grozny. The agreement was similar to treaties signed between Russia and the Republics of Tatarstan and Bashkortostan. It authorised Chechnya to conduct its own international and foreign economic relations; to adopt its own Constitution and legislation; to carry out its own budgetary, taxation and policing arrangements; and to decide questions about the ownership, use and disposal of natural resources. But the agreement carried little practical weight, because the separatists had no part in the process and it still fudged the core issue of Chechnya's status and sovereignty.¹³³

¹³² *ibid.*

¹³³ *ibid.*

Yeltsin's peace plan

Early in February 1996, Yeltsin, under increasing electoral pressure, established two expert commissions to examine to achieve permanent peace; how to reconcile the existence in Chechnya of two separate leaderships; to accommodate Chechnya's desire for maximum autonomy within the Russian Federation; and who should negotiate on behalf of the Chechens.

Yeltsin then publicised his own peace plan. Its elements were the ending of Russian military operations and gradual withdrawal of troops, as the existing (pro-Moscow) Government extended its control within Chechnya; discussions through intermediaries on Chechnya's status; a Political Forum, embracing all Chechen groups and Russian federal representatives, to prepare for free and democratic elections to a new parliament; a gradual devolution of power from federal to republican bodies, and, finally, a treaty on the delimitation of powers between Russia and Chechnya.¹³⁴

On 11 April, President Mintimer Shamiyev of Tatarstan and President Nursultan Nazarbayev of Kazakhstan were named as the intermediaries, to serve on Chernomyrdin's Special Commission. Ten days later, however, Dudayev was assassinated, and fighting in Chechnya intensified. Soon afterwards, Shamiev resigned as a mediator. Dudayev's successor, Zelimkhan Yandarbiyev, took a delegation to Moscow to meet Yeltsin. The Russian side included Chernomyrdin and Zavgayev. On 27 May, Chernomyrdin, Yandarbiyev and Zavgayev agreed to:

- end hostilities at midnight on 31 May 1996;

¹³⁴ *ibid.*

- release all hostages within two weeks; and
- resume talks of the expert commissions (suspended in summer 1995).

Yeltsin then paid a lightning visit to Chechnya - his first ever - to add political impetus to the agreement.

Nazran agreement

On the basis of the previous initiatives, a peace agreement, brokered by the OSCE, was signed at Nazran, Ingushetia, by Maskhadov and Russian Nationalities Minister, Vyacheslav Mikhaylov, on 10 June 1996. The two sides would take steps to halt hostilities; observe a cease-fire; refrain from using weapons or 'special operations' (a term to be defined by a joint working group, consisting of six members from each side and based in Grozny), and begin demilitarising. Russian checkpoints were to be removed from towns, but remain at barracks to protect provisional military forces until their staged withdrawal by the end of August 1996. The release of detainees would be supervised by a joint working group. The two sides also agreed on the need to hold free elections in Chechnya, involving all political forces, after the territory's demilitarisation.¹³⁵

Despite some Chechen calls for all Russian troops to leave, the Russians would continue to maintain two brigades permanently in Chechnya - their Interior Ministry's (MVD's) 101st Brigade and the Defence Ministry's 205th Motor Rifle Brigade.

¹³⁵ Andrei Kokoshin, "The Role of the Military in Post-Cold War Russia", <http://www.crinfo.org>.

Amidst mutual recriminations, implementation talks on the Nazran agreement broke down after 10 days. This event coincided with the appointment in Moscow of Gen. Aleksander Lebed as Russia's Security Council Secretary, to whom the separatists now looked for new ways of unlocking the process. Yeltsin ordered a phased withdrawal of troops on 25 June, but his decree again only took account of the temporary forces; it made no concessions on the Russians' principle that a permanent force would remain. Fighting continued to flare up sporadically, and the Russian troops mounted air and artillery attacks when an ultimatum on the return of Russian POWs was not fulfilled.

Attack on Grozny, August 1996

The Chechen separatists launched counter-attacks, on 6 August, on Grozny, Gudermes and Argun. They timed this to embarrass Yeltsin on the eve of his presidential inauguration on 9 August, and, after severe fighting, they took effective control of Grozny. On becoming Yeltsin's special representative in Chechnya, Lebed flew to Grozny on 12 August and secured a cease-fire. Awarded special powers, including responsibility for the strategic direction of Russian federal policy towards Chechnya, he then engaged in shuttle diplomacy. On 19 August, the Russian military commander threatened to bombard Grozny if the separatists did not leave within 48 hours. Lebed immediately returned to Chechnya and countermanded his ultimatum.

Novyye Atagi, Khasavyurt and other agreements

The progress made at Nazran was then carried forward, in talks held at the Chechen village of Novyye Atagi, 25 km south of

Grozny. Lebed and Maskhadov agreed to a partial withdrawal of troops from Grozny and to the simultaneous establishment of a Joint Commandatura, staffed by Russians and Chechens, to monitor law and order, to protect empty houses from looting, and to prevent incidents which could undermine the peace process. Maskhadov and the Russian commander in Chechnya reached an agreement concerning POWs.

In the presence of the OSCE Ambassador, Tim Guldemann, Lebed and Maskhadov signed a joint statement at Khasavyurt, in Dagestan, on 31 August, covering a document entitled 'Principles for Determining the Bases of Mutual Relations between the Russian Federation and the Chechen Republic'. The statement recorded the parties' attempt to create mutually acceptable conditions for a political settlement; their recognition of the unacceptability of the threat or use of force; their acceptance of 'the universally recognised right of nations to self-determination', and of the principles of equality, free will and freedom of expression; and their determination to defend the freedoms of the citizen and to prevent acts of violence towards political opponents.¹³⁶

The main provisions of the Principles document were for:

- an agreement on relations between Russia and Chechnya, to be reached in accordance with universally recognised principles and norms of international law by 31 December 2001;

¹³⁶ see Timothy D. Sisk, "Power Sharing in Multiethnic Societies: Principal Approaches and Practices", <http://www.crinfo.org>.

- a joint commission, to be formed from Russian Government officials and representatives of the Chechen Republic, by 1 October 1996. It would monitor withdrawals of forces, combat crime and ethnic and religious strife, and prepare a social and economic programme for the Chechen Republic; and
- the basing of Chechnya's legislation on the rights and liberties of all citizens (including the right of self-determination), irrespective of their nationality, religion and other differences. These laws must be designed to achieve civil peace.

References in the agreement to the rights of nations to self-determination were not balanced by any reference at all to Russian sovereignty or to territorial integrity. The agreement therefore provoked protests in the Russian Duma (lower house of parliament) and elsewhere, and caused legal circles to suspect that too much had been conceded to the Chechens.¹³⁷ Yandarbiyev commented, on 7 September, that the five years accorded for the definition of the status of Chechnya had 'been given not to Chechnya but to Russia.

The agreement also failed to resolve the issue of whether the two Russian brigades should be stationed in Chechnya permanently or temporarily.

On 1 September, the Joint Commandants in Grozny announced the complete demilitarisation of the city. The following day, Russian and Chechen military commanders signed the Final Act on the Withdrawal of Armed Formations of the Chechen Republic and

¹³⁷ see Ilana Schapiro and Raymond Shonholtz, ed., *Strengthening Transitional Democracies Through Conflict Resolution* (Thousand Oaks: Sage Publication Inc., 1997).

of Federal Troops from Grozny, confirming that the troop withdrawals had duly taken place - despite claims by both sides that they had not.

Joint Declaration

Chernomyrdin and Yandarbiyev, meeting in Moscow on 3 October 1996, signed a 12-point Joint Declaration, consolidating agreements reached between Lebed and the Chechen separatists - notably those at Novyye Atagi and Khasavyurt.

Particularly important is the Joint Commission, which was established on 10 October under the chairmanship of Georgiy Kurin for Russia and Khuseyn Biybulatov for Chechnya. This body brings together representatives from federal Ministries and from the Chechen coalition; meets at least once a week in Grozny, and works on a basis of consensus within the Russian legal framework. Its decisions are binding throughout the Chechen Republic and the rest of the Russian Federation.

The Commission was asked to:

- monitor the implementation of a staged withdrawal of temporary joint forces from Chechnya, and draw up provisions for completing the withdrawal;
- draw up measures to combat crime, terrorism and ethnic and religious strife;
- ensure that financial and material resources allocated to the restoration of Chechnya's economic and social infrastructure are used as intended;

- find ways of restoring monetary, financial and budgetary relations between Moscow and Grozny;
- provide the Russian Government with a programme for rebuilding Chechnya's economy and social security, and ensure that the programme is carried out;
- ensure that Government bodies and other interested organisations in the Russian Federation and Chechnya cooperate in providing people with food and medicine; and
- keep the media informed about the Commission's work.

Priority is being given to compensating families of the dead and wounded, ensuring delivery of fuel and other essentials for winter, creating jobs and improving housing. The Joint Commission was to draw up a plan for these objectives by 30 October.

The Joint Declaration reaffirmed previous agreements on the exchange of prisoners, and it was agreed that there would be a search for captives and the dead. Investigation of assumed burial places would be permitted in the presence of the OSCE, the International Committee of the Red Cross (ICRC) and the mass media.

Top level political changes

On 19 October 1996, Yandarbiyev had appointed Maskhadov Prime Minister of the coalition government of Chechnya. Spokesman Movladi Udugov also stated that Maskhadov had already held the first meeting of his government. These reports followed a statement at a Press conference in Moscow, on 14 October, that Zavgayev was ready to resign in the cause of peace. They also followed an

accommodation, reached when followers of Yandarbiyev and of Zavgayev, in Urus Martan, agreed to fill local posts with supporters from both sides.¹³⁸

Udugov, who was closely involved in all the negotiations with Moscow, was himself named Deputy Prime Minister and Foreign Minister.

On 17 October, Yeltsin suddenly announced the dismissal of Lebed from office. Two days later, Ivan Rybkin, former Speaker of the Duma, was appointed Secretary of the Russian Security Council and presidential special adviser in Chechnya. Later in October, Boris Berezovskiy was appointed a Deputy Secretary of the Security Council, with special responsibility for the economic restoration of Chechnya.

Presidential decree and interim agreement

The issue of the two brigades permanently stationed in Chechnya was resolved by a presidential decree. This announced that the troops would be withdrawn to other parts of the north Caucasus. The decision, under which all troops were to leave Chechnya on or before 20 January 1997, cleared the way for Chernomyrdin and Maskhadov to sign an interim agreement, on 23 November 1996, on the principles of relations between Russia and Chechnya.

The interim agreement, to remain in force until the presidential and parliamentary elections in Chechnya on 27 January 1997, was designed to remove all impediments to the free movement of people

¹³⁸ "Path to Political Settlement in Chechnya", April, 1997, <http://www.amina.com>

and goods within the republic and to facilitate its economic and social recovery. It provided for the restoration of transport links, including the reopening of Severnyy airport (which serves Grozny); covered the production and handling of gas and petroleum products, while providing for a further bilateral agreement on the production and processing of oil; and made provision for compensation to veterans of the conflict. The Russian Security Service saw the agreement as one which 'should bring real relief to people and help heal the bleeding Chechen wound on the body of Russia'.¹³⁹

In addition, Rybkin set up a negotiating commission, on 12 November 1996, to operate in parallel to the Joint Commission, and to consider political and constitutional questions affecting relations between the Federation and Chechnya. Rybkin said, on 6 December, that work had already started on drafting an agreement on specific economic relations and a treaty on power-sharing.

But the decree and the interim agreement were not accepted by all. Both the Russian Duma and certain circles in Chechnya spoke of betrayal. Udugov commented that Russian and Chechen personalities who liked shooting were obviously now in the same boat. They appear to have included Chechen field commander, Salman Raduyev, who led the hostage-taking raid on Kizlyar, Dagestan, in January 1996, and kidnapped, but later released, 21 Russian militia in December 1996. On 16 December, while boasting of his readiness to continue the war with Russia for the next 48 years, Raduyev, who is Dudayev's son-in-law and maintains that Dudayev is still alive, said that he regarded the agreements as treason and the forthcoming elections as a farce. Those (as yet

¹³⁹ *ibid.*

unnamed) guilty of the murder of six Red Cross medical staff as they slept, on 17 December, are thought to have committed this atrocity in order to wreck the peace process. Thus the involvement of counter political elites became obvious in the Chechen political scenario.¹⁴⁰

Administrative and political moves by Moscow

Throughout 1996, the power of Zavgayev waned. On 17 November, three days after the Russian Government announced that it would no longer fund his administration, his Prime Minister, Nikolay Koshman, and government resigned; and Zavgayev's mission in Moscow closed on 9 December. At the same time, a mission of the republic of Chechnya, led by former Soviet diplomat, Sharip Yusupov, started to operate in Moscow. In February 1997, it was reported that Zavgayev had been appointed Russian Ambassador to Tanzania.

It was announced, in December, that the Russian and Chechen Interior Ministries had agreed to cooperate in fighting crime, and that the Chechen Ministry had been renamed the Interior Commissariat. Under the agreement, the Russian MVD and the Chechen Interior Commissariat would open official missions in Grozny and Moscow respectively. And Rybkin announced that the Joint Commandatura offices were to be transformed into MVD bodies and subordinated to the MVD mission that was being opened in Chechnya.¹⁴¹

¹⁴⁰ *ibid.*

¹⁴¹ *ibid.*

Chechnya's elections

In the presidential election held in Chechnya on 27 January 1997, all 13 candidates campaigned on an independence manifesto. Maskhadov gained an outright victory with 59.3 per cent of the votes. His former deputy chief-of-staff, Vakha Arsanov, ran as his Vice-President. Basayev, whose support was thought to be from young radicals, came second, with 23.5 per cent, and Yandarbiyev third, with 10.1 per cent. Another important candidate was Udugov, who is popular with some radicals and with those who believe that only Islam can combat crime and ensure civil and social order. On 20 February, Udugov was elected chairman of his party, the Islamic Order Union.

The first round of legislative elections was held the same day. OSCE and other international observers reported that both presidential and legislative elections had been conducted fairly and freely. But the results of the latter were inconclusive, and further rounds were held until the parliament was declared quorate, in March 1997.

Maskhadov was inaugurated as President on 12 February. At his first cabinet meeting, on 20 February, he presided as Prime Minister over the outgoing government. He had already appointed Udugov as head of the Chechen State Commission for negotiations with the federal government.¹⁴²

Since the presidential election, both the Chechens and the federal side have expressed readiness to talk and conduct business with one another. After Maskhadov's inauguration, Rybkin spoke of

¹⁴² *ibid.*

the extreme difficulties along the path to national accord, unity and security and of the need for the Chechen President to 'ensure total respect for the rights and freedoms of the person, religious freedom and the equality of everyone before the law...'¹⁴³ However Aslan Maskhadov could not channelise divergent political sections into a legitimate voice. Factionalism ranging from extreme fundamentalism to terrorism is represented by the various political elite-groups. Analogy can be drawn with Afghanistan where no legitimate unified political elite is emerging. However in the Chechen case Russia can help build a legitimate and representative public opinion through a coalition of political elites and bring them to the negotiating table.

The possible solution within the Russian Constitution

The Russian constitution is adopted by referendum in December 1993 after President's violent confrontation with the Vice President and the Russian Supreme Soviet. Support for both the government and democracy were at a low point and Yeltsin wanted a new constitution in place in order to move forward with his reformist agenda. To ensure that parliament's anti-reform oppositionist members could not tamper with this new constitution, the drafters aimed to effectively "lock in democracy with a nearly unamendable constitution". Another concern of the government at the time was that the atmosphere of chaos in the country and unrest in some of the republics would lead to the disintegration of Russia, as happened with the U.S.S.R two years earlier. Thus, there was no serious discussion or debate about omitting any provision on secession from the Constitution. The drafters assumed that allowing it would spark secessionist movements and hasten Russia's

¹⁴³ *ibid.*

demise. On this assumption, the drafters fought that the Constitution would be able to handle all existing and future problems. The Russian leadership, therefore, is ambiguous on its stand on Chechnya with regard to its secessionist demands.¹⁴⁴

1. The relevant constitutional provisions on secession and the limits of local powers. There are no provisions in the Russian Constitution regarding secession. Moreover, Constitutional articles pertaining to Russian Territory imply that secession is unconstitutional. Article 4 is the key provision: Article 4.1 states that "Sovereignty of the Russian federation shall extend to its entire territory". Article 4.2 states that "The Constitution of the Russian federation and federal laws shall have priority throughout the territory of the Russian federation. Article 4.3 states that "Russian federation shall ensure the integrity and inviolability of its territory". Article 80 in turn mandates that the president "take measures to protect the sovereignty, independence and state integrity of the Russian federation and ensure the co-ordinated action and the interaction of the bodies of state authority". Article 65.1 includes includes "the Chechen Republic" as an enumerated constituent republic of the Russian Federation. Although Chechnya had already declared its independence when this new constitution was being drafted, the drafters and voters who ratified the document understood Chechnya to be part of the Russian Federation based on the Soviet-era Russian borders, which

¹⁴⁴ Wendy T. Atrokhov, "The Khasavyurt Accords: Maintaining the Rule of Law and Legitimacy of Democracy in the Russian Federation Amidst the Chechen Crisis", *Cornell international Law Journal*, Vol.32, 1999, pp.368-392.

included Chechnya as part of the Chechen-Ingush Autonomous Republic.¹⁴⁵

The Russian Constitution confers benefits on local constituents and places certain restrictions on the reach of local governments. Article 6 provides for equal rights among all citizens of the Russian Federation. Article 32 allows public participation in elections, referendum in public affairs. Article 46 guarantees access to and protection by the judiciary. Articles 57 and 59 impose affirmative duties of the citizens to pay taxes and where legally mandated, serve in the military.¹⁴⁶

The Russian Constitution's limits on local powers are mostly confined to the economic sphere and protection of individual rights. Article 74.1 bans internal customs frontiers and other trade restrictions. Article 14.2 is similar to the First Amendment of the United States Constitution, separating church and state and mandating that all religions be treated as equal before the law. Article 19.2 guarantees equal protection with regard to "sex, race, nationality, language, (and) origin," among other states. Article 75.1 disallows use of currency other than the Russian ruble. Finally, Article 95 obligates each member of the Russian Federation to send representatives to the bicameral legislature. Two representatives from each local government serve on the Federation Council(upper house), and elected representatives from each republic sit in the Duma(lower house).¹⁴⁷

¹⁴⁵ Ibid.

¹⁴⁶ Ibid.

¹⁴⁷ Ibid.

2. The Russian Constitution as It Relates to the Chechen War

The constitutional provisions listed above are of key importance in understanding the Chechen war, the subsequent settlement, and the lingering problems between Russia and Chechnya. The Russian Government under several provisions legally justified the initial intervention and invasion of Chechnya. First, Article 71.1 empowers the President “to protect the sovereignty, independence and integrity” of the Russian Federation. Second, the article gives the federal government exclusive control over defense and security. Further, the Russian government justified its intervention by pointing to the Chechen government’s flagrant violations of the numerous provisions limiting the power of local governments.¹⁴⁸

The twenty-one month war did nothing to improve the situation in Chechnya. While the Chechen Government elected after the war was the one most agreeable to Moscow at the time of the elections, it still engages in practices that are in direct violation of the Russian Constitution. The Chechen leaders believe the Republic to be independent and insist upon reparations from the Russian government to rebuild their destroyed country. The Russian government rejects their claim of independence. As a result, the post-Khasavyurt negotiations have encountered the same stalemate that caused the war. The root of this seemingly endless impasse is Article 65 of the Russian Constitution and the lack of a constitutional mechanism for secession. The Russian

¹⁴⁸ *ibid.*

government believes that it can not accept Chechen independence within the bounds of the current Russian Constitution.¹⁴⁹

If amending the Russian Constitution was a realistic option, the most direct way to resolve the problem would be to amend the Constitution either to allow secession or to exclude the Chechen Republic from Article 65. Chapter 9 of the Russian Constitution contains the procedure by which the Constitution can be amended. To amend chapters 1,2 or 9 – the fundamental chapters – it is necessary for three-fifth of the Federation Counsel and the State Duma to vote for a Constitutional Assembly. This Assembly will then have the option of either confirming the immutability of the Constitution of the Russian Federation or drafting a new Constitution of the Russian Federation. Drafting a new Constitution would require two-thirds of the votes of all assembly members or a nationwide simple majority on a referendum (Article 135).¹⁵⁰

Amending Chapters 3-8 of the Constitution is almost as impracticable: it requires approval of three-fourths of the Federation Counsel, two-thirds of the State Duma, and two-thirds of the legislatures of the eighty-nine members of the Russian Federation. Article 137 specifically addresses amendments to Article 65, the article addressing the constituent territories of the Russian Federation, but only with

¹⁴⁹ see John Burton, *Conflict: Resolution and Prevention*, Vol.1 (New York St. Martin's Press, 1990).

¹⁵⁰ Wendy T. Atrokhov, "The Khasavyurt Accords: Maintaining the Rule of Law and Legitimacy of Democracy in the Russian Federation Amidst the Chechen Crisis", *Cornell international Law Journal*, Vol.32, 1999, pp.368-392.

regard to additions, name changes, and territorial-status changes. Secession is not mentioned.

Essentially, the Constitution's drafters were successful in making their "unamendable constitution" – the requirements of Chapter 9 are so onerous as to be nearly impossible. Thus, as the Russian Constitution currently exists, a simple or conventional resolution to the Chechen conflict is not possible. However, constitutional interpretation is still in its formative stage, as many of the Constitution's ambiguities have not been subject to interpretation by the new Russian Constitutional Court. A few "backdoor" alternatives may hold the key to finding a settlement satisfactory to both sides.¹⁵¹

3. Resolving the Status of Chechnya : Three Proposals

Three possible approaches may guide the Russians and Chechens down the path towards a permanent settlement. The first option is to amend Article 65 of the Russian Constitution in accordance with Article 138 to allow a special status for Chechnya. The second is to hold a nationwide referendum on the status of Chechnya. A final option involves the questions of whether or not Chechnya actually seceded, and whether international law would define Chechnya as an independent state.¹⁵²

A. Amending Article 65 or Granting a Special Status to Chechnya

Article 65 lists the members of the Russian Federation, and it can be amended in accordance with Article 137. Article 137.1 states

¹⁵¹ *ibid.*

¹⁵² *ibid.*

that any change in Article 65 of the Constitution of the Russian Federation, establishing the make-up of the Russian Federation, shall be made on the basis of the federal constitutional law on the Admission to the Russian Federation and creation within it of a new member to the Russian Federation and on the change of the constitutional and legal status of a member of the Russian Federation.

Article 66.5 states that the "status of a member of the Russian Federation may be altered by the mutual consent of the Russian Federation and the member of the Russian Federation in accordance with a federal constitutional law".¹⁵³

Based on these provisions, Russian Constitutional Court Chairman Marat Baglay stated that the status of the Chechen Republic should differ from the status of other constituent parts of the Russian Federation, since the constitution envisages the possibility of changes in the status of a Federation constituent part. Yeltsin's then National Security Secretary Ivan Rybkin also acknowledged this possibility and went further to say that the Chechens desire to take over most government functions would be acceptable to the Russian Government as long as a single defense.

While the Russian Constitutional Court has thus far shied away from controversial decisions and followed President Yeltsin's agenda, Baglay stated upon his appointment as Chairman in February 1997 that, my opinion and that of my colleagues is that by interpreting the Constitution could be regulated. And it is necessary to initiate amendments there as soon as possible.

¹⁵³ *ibid.*

If Chechnya is granted special status, the more difficult issue will be the nature of its relationship with Russia. The Russian Constitution allows members of the Federation to conclude bilateral arrangements with the federal government on the distribution of state and local power. The first constitutional arrangement along these lines was concluded with Tatarstan. This treaty recognizes Tatarstan as a “state” that may participate in international relations by establishing its own “relations with foreign states” and concluding agreements with them. Such agreements must be consistent with the Russian Constitution and the international obligations of the Russian Federation.¹⁵⁴

Tatarstan is an oil-producing region with important aircrafts, automotive, and electronic enterprises. The Republic depends on federal military orders to keep its industries running. The treaty effectively granted Tatarstan broad autonomy within the Federation while solidifying their economic links with Russia on which their stability and growing prosperity depend. Tatarstan has since opened trade offices, referred to as “embassies,” in Australia, Turkey, and other countries. Only the Tartar flag flies over the Republic’s government buildings, and local automobile license plates are unique to the Republic.

The “Tatarstan Model” would seem an ideal prototype for a treaty between Russia and Chechnya on an economic level. However, an additional component accommodating the “Chechens’ right to Islamic self-identity would be requisite to any Russian Chechen treaty. While both Tatarstan and Chechnya are Muslim Republics, they interpret Islam differently. Tartar nationalists take

¹⁵⁴ *ibid.*

pride in their Europeanized Islam, and “tend to regard religion primarily as a tool in their national liberation struggle”, rather than its rationale; they see themselves as Muslim Tartars, not Tartar Muslims.” In contrast, the Chechens view Islam as a way of life as well as a religion. Just weeks after the wars end the Chechen government introduced a criminal code based on Muslim Sharia law into the Republic, which is enforced both over and in violation of the Russian Constitution. For example, public drinking is now forbidden, and punishable by up to forty lashes, and several public executions have taken place. Most recently, President Maskhadov revoked the powers of the Chechen Parliament and ordered the drafting of a new Islamic Constitution. If Chechnya is going to retain some status within the Russian Federation, it is clear that a treaty granting broad economic autonomy and support will not be enough. If this “special status” scenario is to be realized, Russia must recognize the establishment of Islam in Chechnya.¹⁵⁵

This “special status,” in turn, would require a special legal relationship between the federal and republican entities. For example, the Sharia Court and law could be recognized as an autonomous component of the Russian legal system. Technically, Chechnya could retain a status akin to that between Puerto Rico and the United States, or Hong Kong and China. The risk that other Republics may make similar demands is not so great; Islam and the separatist movement is much stronger in Chechnya than in any of the other republics.

The foregoing proposal involves mutual compromise among the parties, and may be the best plan for ensuring peace and some

¹⁵⁵ *ibid.*

measure of stability in Chechnya. However, granting Chechnya a special status in the Federation would still require the passage of a constitutional amendment or law to avoid violating several constitutional provisions on the supremacy of federal law throughout the Federation. Article 66.5 provides for a constitutional law to govern a change of status as mutually agreed by the Republic and Federation to pass a constitutional law recognizing the coexistence of Sharia law in Chechnya based on the constitutionally protected right to self-determination as set forth in the preamble and Article 5 of the Russian Constitution.¹⁵⁶

B. National Referendum on Status of Chechnya

A second possibility would be to hold a national referendum on the status of Chechnya. This option has been advocated by certain Russian officials and journalists as the only “constitutional way out of the impasse.” Presumably, the authority to hold a national referendum on Chechnya would be derived from Article 3 of the Constitution: Article 3.1 states that the “multi-ethnic people of the Russian Federation shall be the bearers of its sovereignty and the solve source of authority in the Russian Federation”.; Article 3.3 states that “Referendums and free elections shall be the highest expression of the people’s authority.” Article 135 and 136 on amendments to the Constitution may also serve as a basis for a referendum.¹⁵⁷

While the Chechens believe themselves to be independent already, so they would not honour a vote the other way, and this could reignite the war. Those in support of a referendum, however,

¹⁵⁶ *ibid.*

¹⁵⁷ *ibid.*

anticipate a vote in favor of Chechen independence. This is based upon the anti-war, and more generally, the anti-Chechen sentiment of the masses.

The Chechens are generally thought by Russians to be barbaric and are portrayed as such by the media and the Russian government. Journalists in Chechnya are routinely kidnapped and held for ransom. Despite the Republic's utter destruction, it is still a "universally armed republic, where an automatic weapon is for many their sole 'tool' for work. Beyond that, rebuilding the country and its infrastructure will cost billions: about \$700 million (US) had already been set aside in the Russian budget by early 1997 to rebuild the region.¹⁵⁸

The referendum option, while constitutionally feasible, runs too great a risk of fueling further hostilities. Moreover, Russian aid to the region will likely cease if Chechnya gains full independence. The Chechens could not force Russia to pay reparations for war damage, and they would never be able to raise ample revenue to rebuild due to the scale of the destruction and the existing atmosphere of clan-rule and chaos.¹⁵⁹

C. The Chechen Position: Chechnya Not to Secede from the Russian Federation

A third possibility lies in the Chechen argument that the existence of Chechnya does not violate the Russian Constitution or Russia's territorial integrity because Chechnya was never part of Russia, and thus, did not and could not secede. The Chechens

¹⁵⁸ *ibid.*

¹⁵⁹ *Ibid.*

argue that even though the Chechen Republic was included as a subject of the Federation in Article 65 of the Constitution, they had already declared their independence before the Constitution was drafted. Furthermore, the Chechens argue that they took no part in the creation of the Federation, did not sign the Federation Treaty, and did not take part in the drafting of or voting for the Russian Constitution. This would seem to run counter to the right to self-determination expounded in the preamble and Article 5.3 of the Russian Constitution, as well as in the Soviet Constitution in effect before 1992.¹⁶⁰

International law generally does not recognize the right of secession as part of the right of national self-determination. The 1975 Helsinki Act provides that nations can exercise their right to self-determination only within existing state boundaries. The Chechens would counter that they never seceded. However, the fact that the international community recognized the Russian Federation in accordance with the Soviet boundaries means that Chechnya was understood by the world to be a part of the new Russian Federation. Thus, the Chechens' declaration of independence is not a mere refusal to accede to the new State.¹⁶¹

The question remains whether Chechnya has constituted itself as an independent state since its secession. The Montevideo Convention of 1933 defines a state as "a person of international law (a) possessing a permanent population; (b) a defined territory; (c) government; and (d) capacity to enter into relations with other states." Chechnya fulfills the first three criteria; however, it does not

¹⁶⁰ *ibid.*

¹⁶¹ *ibid.*

have the capacity to enter into international relations due to Russia's threat to sever diplomatic ties with any state who recognizes Chechnya as independent. As a result, no state or international organization has done so. Therefore, the Chechen position is not a practicable third option so long as Russia refuses to recognize its independence.¹⁶²

D. A Pragmatic Compromise: "Special Status" for Chechnya

The foregoing analysis establishes the "special status" option as the most realistic solution to the Chechen crisis. While it is true that the Russian leadership has been promoting this direction from the outset, a key element, or concession, that they have failed to make explicit in their "Tatarstan model" offer is the recognition of Islam in Chechnya. It is uncertain whether the current Chechen leadership, under severe pressure from militant Islamic factions, will accept such an offer, but the Republic's dire situation detracts from its strength as a bargaining partner. Moreover, a special status for Chechnya will effectively give the Republic the social autonomy it seeks, in addition to the added benefit of greater economic security and assistance provided by Russia.¹⁶³

Conclusion

There is no simple solution to the Russian-Chechen impasse. The Chechen Republic has been de facto independent for a number of years, a fact that Russian officials have acknowledged. Russia, however, treats Chechnya's actions with a kind of "legal dualism", whereby everything is treated as if, a matter of course.¹⁶⁴ Perhaps

¹⁶² *ibid.*

¹⁶³ *ibid.*

¹⁶⁴ *ibid.*

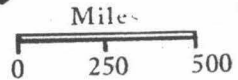
this status could be sustained indefinitely, but such a state makes a mockery of the Constitution, an instrument that is supposed mould the new Russia into a "law-based society".¹⁶⁵ The best course would be to legitimize Russo-Chechen relations within the framework of the Constitution. Of the proposed resolutions, the most potential exists in granting Chechnya a "special status" within the Russian Federation. This change in status, envisioned by the Constitution itself, would keep Chechnya in the Federation while allowing sufficient autonomy for the Republic to preserve its cultural tradition through their legal system. In effect, this approach eliminate the tensions surrounding the inter-government relations and the potent threat of further wars. While this solution will not completely solve Chechnya's war torn society - economy, normalizing its relationship with Russia will permit Chechnya the to start building itself down that path.

¹⁶⁵ Ilana Schapiro and Raymond Shonholtz, ed., *Strengthening Transitional Democracies Through Conflict Resolution* (Thousand Oaks: Sage Publication Inc., 1997)

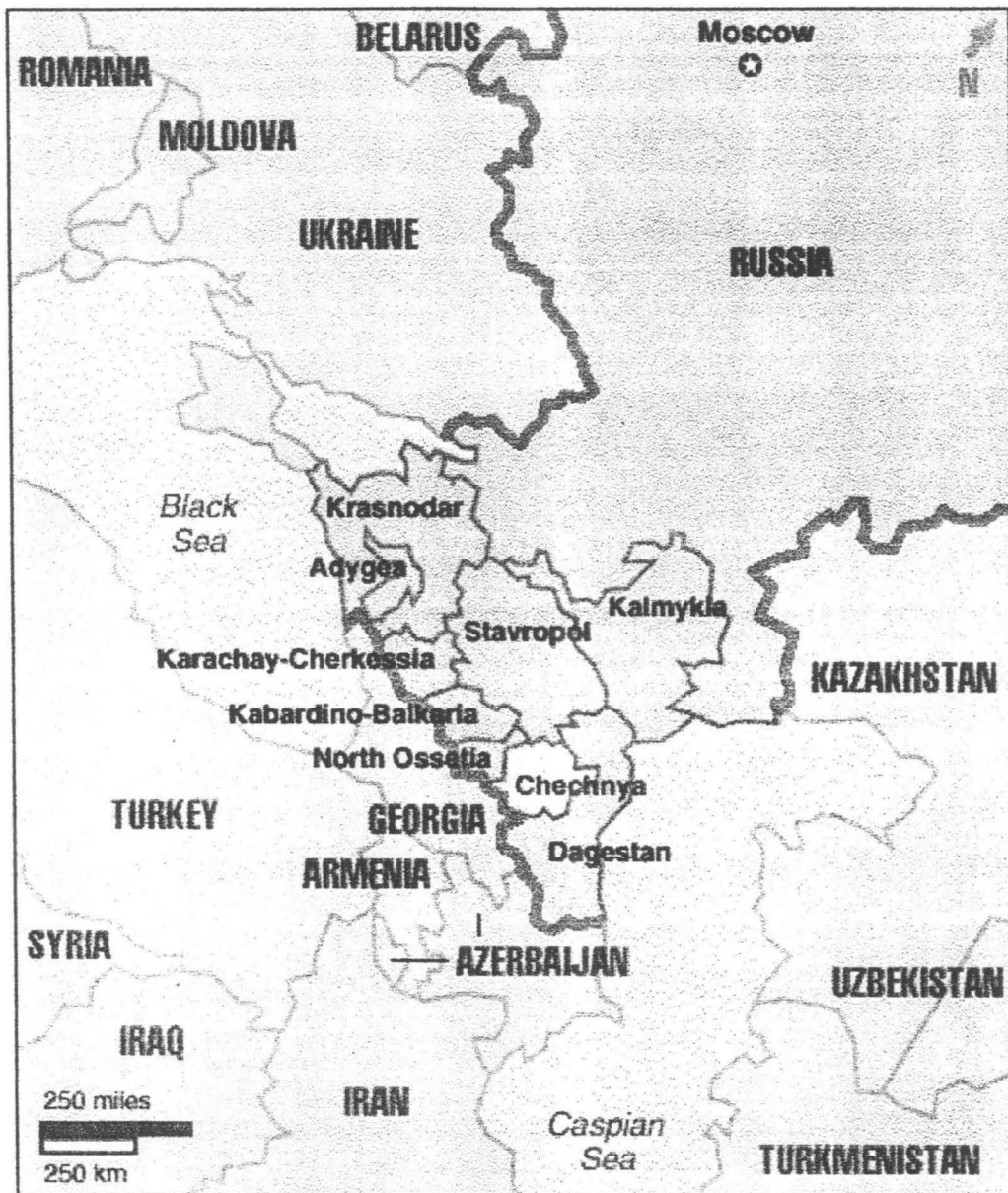
Russia's Administrative Regions



Map by Ib Ohlsson for FOREIGN AFFAIRS



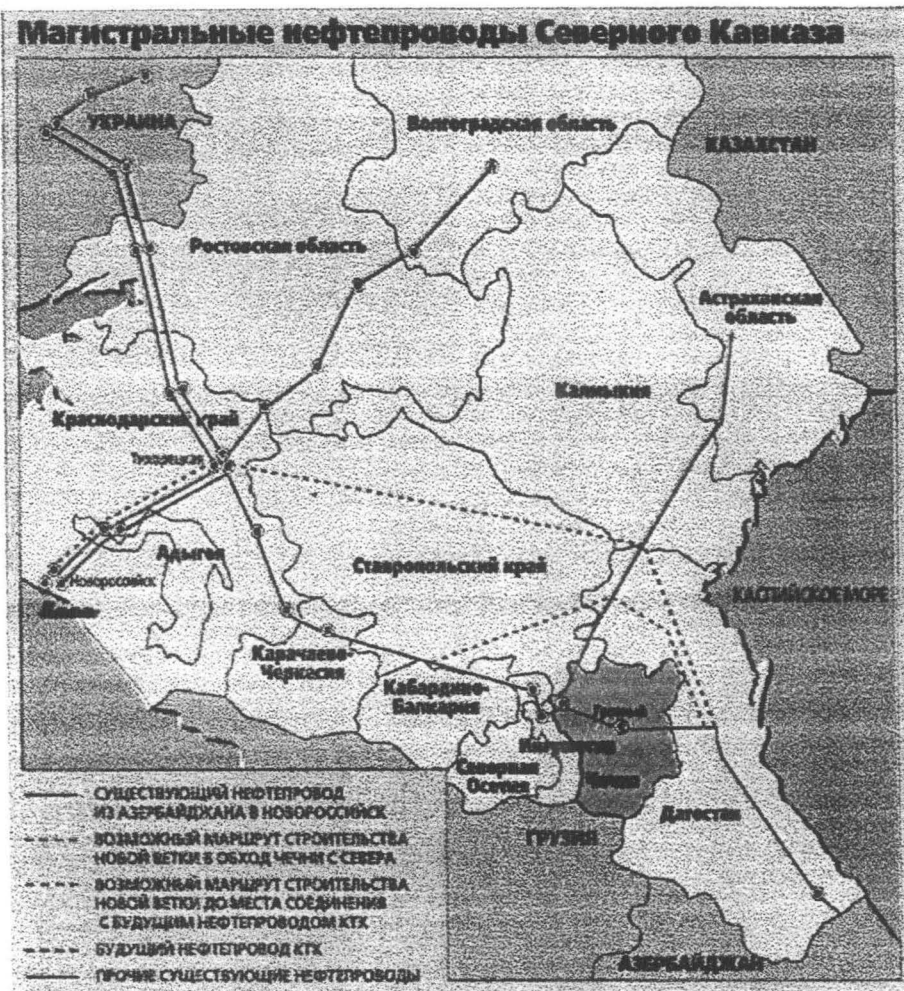
SOURCE: Foreign Affairs, Vol. 79, No. 2, March-April, 2000, pp. 50-51



CHECHNYA IN RUSSIA:
STRATEGIC LOCATION

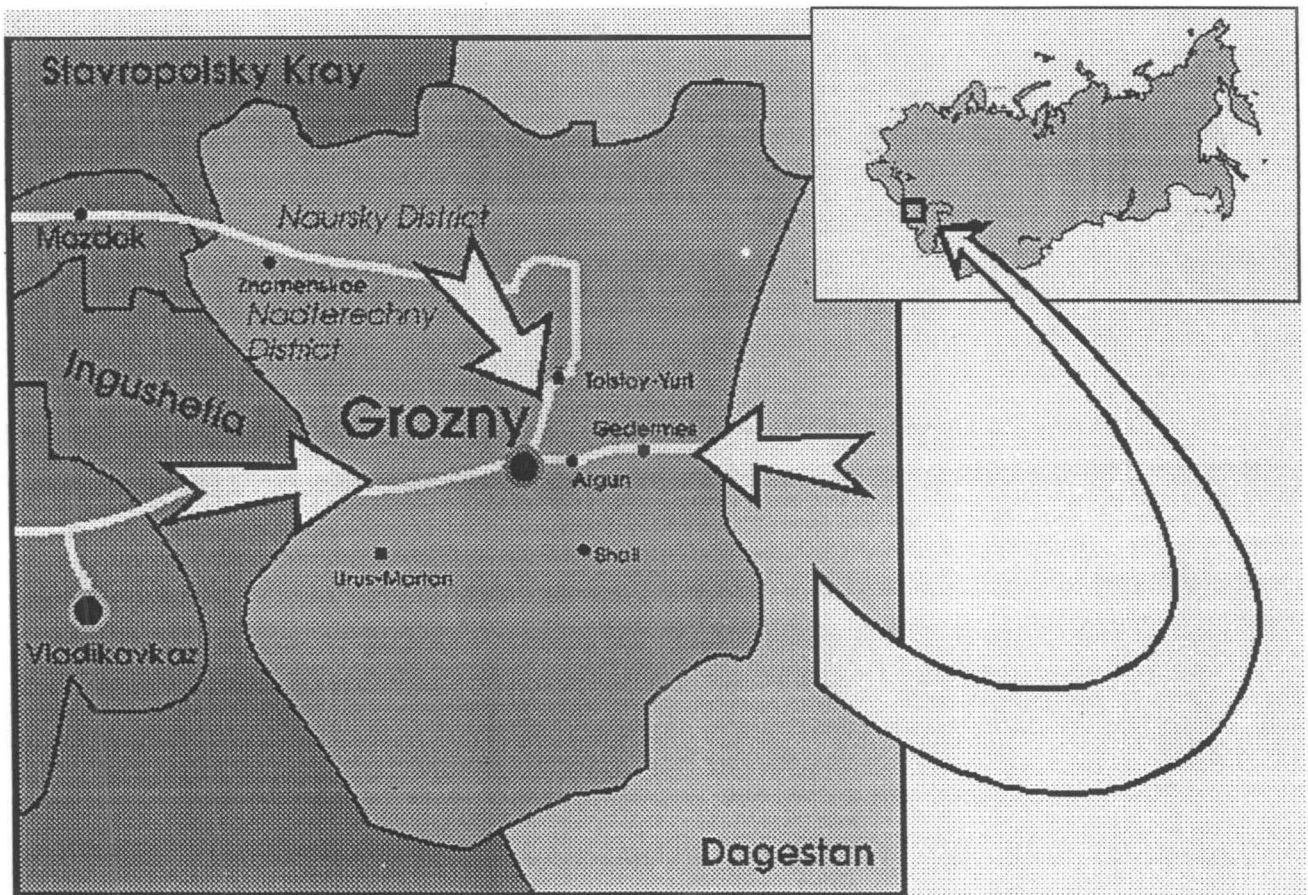


A MAP OF CHECHNYA



THE OIL PIPELINES IN CHECHNYA

Source: <http://www.aminna.com>



ADVANCE OF THE RUSSIAN ARMY:
THE SECOND CHECHEN WAR

Source: <http://www.amina.com>

Treaty

BETWEEN THE RUSSIAN FEDERATION AND THE REPUBLIC OF TATARSTAN

"On Demarcation of the Objects of Management and Mutual Delegation of Powers Between the Bodies of State Power of the Russian Federation and Bodies of State Power of the Republic of Tatarstan"

Authorised representatives of the bodies of state power of the Russian Federation and the bodies of state power of the Republic of Tatarstan:

governed by the Constitution of the Russian Federation and the Constitution of the Republic of Tatarstan;
proceeding from the universally recognised right of peoples for selfdetermination, principles of equality,
voluntariness and freedom of will;

guaranteeing the maintenance of the territorial integrity and unity of economic space;

promoting the preservation and development of historical and national traditions, cultures, languages; seeking for
ensuring civil peace, international consent and security of peoples;

implementing the priority of the basic rights and freedoms of human being and citizen irrespective of national
origin, religion, residence and other differences;

taking into consideration the fact that the Republic of Tatarstan as a state is united with the Russian Federation by
the Constitution of the Russian Federation, the Constitution of the Republic of Tatarstan and the Treaty on
Demarcation of the Objects of Management and Mutual Delegation of Powers Between State Bodies of the Russian
Federation and Bodies of State Power of the Republic of Tatarstan, participates in international and foreign
economic relations,

hereby have agreed on the following:

ARTICLE I

Demarcation of the objects of management and mutual delegation of powers between state bodies of the Russian
Federation and bodies of state power of the Republic of Tatarstan are effected by the Constitution of the Russian
Federation, the Constitution of the Republic of Tatarstan and the present Treaty.

ARTICLE II

The Republic of Tatarstan has its own Constitution and legislation. The state bodies of the Republic of Tatarstan
discharge the authorities of state power, which are:

1. to ensure protection of human and civil rights and freedoms;
2. to draw up the budget of the Republic, imposing and collecting the republican taxes;
3. to run the matters of the Bar and Notary;

4. to exercise legal regulation of administrative, family, housing relations, relations existing in the field of environmental protection and the use of natural wealth;
5. to pardon persons convicted by courts of the Republic of Tatarstan;
6. to rule matters relating to the ownership, utilisation and management of land, mineral wealth, water, forest and other natural resources, as well as state enterprises, organisations and other movable property and real estate located in the territory of the Republic of Tatarstan and which are exclusive property of the people of Tatarstan with exception of objects of Federal property. Demarcation of state property is regulated by the separate Agreement;
7. to set up the system of state bodies of the Republic of Tatarstan, as well as the order of their organisation and functioning;
8. to decide upon the matters relating to the republic citizenship;
9. to determine the order of alternate civil service in the territory of the Republic of Tatarstan for citizens having the right - in accordance with the Federal law - for substitution of military service;
10. to establish and develop the relations, as well as conclusion of treaties and agreements with republics, regions, districts, autonomous regions and autonomous districts, cities of Moscow and St.Petersburg of the Russian Federation that do not contradict the Constitutions of the Russian Federation and the Republic of Tatarstan, the present Treaty and the other agreements between the state bodies of the Russian Federation and the state bodies of the Republic of Tatarstan;
11. to participate in international relations, to establish the relations with foreign states and conclude agreements with them, provided such agreements do not contradict the Constitution and international obligations of the Russian Federation, the Constitution of the Republic of Tatarstan and the present Treaty, to participate in the international organisations;
12. to set up the National Bank in accordance with a separate agreement;
13. to conduct independently the foreign economic activities. Demarcation of authorities in the field of foreign economic activities shall be carried out by separate agreement;
14. to settle, in accordance with procedure fixed by separate agreement, the problems of conversion on the enterprises owned by the Republic of Tatarstan;
15. to establish the government awards and honorary titles of the Republic of Tatarstan.

ARTICLE III

The following authorities are carried out jointly by the state bodies of the Russian Federation and by the state bodies of the Republic of Tatarstan:

1. to safeguard human and civil rights and freedoms, the rights of national minorities;
2. to protect the sovereignty and territorial integrity;
3. to organise mobilisation arrangements for the national economy, to manage the development and production of the weapons and military facilities in the territory of the Republic of Tatarstan; matters of

selling weapons, military supplies, military facilities and other munitions, as well as the matters of conversion of defense industry.

The form and the share of participation of the Parties in implementation of relevant authorities is fixed by the separate agreements;

4. general and disputable problems of citizenship;
5. to co-ordinate international and foreign economic relations;
6. to co-ordinate the pricing policies;
7. to establish the regional development funds;
8. to perform the monetary policy;
9. to manage the property of the Russian Federation or of the Republic of Tatarstan, that can be transferred to the joint management, in case of their interest, by voluntary and mutual agreement. The form and procedure of the joint management of the specific objects are subject to the separate agreements;
10. to co-ordinate the activities regarding geodesy, meteorological service, time service;
11. to set up joint funds for financing common programmes, liquidation of the consequences of natural calamities and disasters on the mutual agreement basis;
12. to co-ordinate joint management of energy system, road, railroad, pipeline, air and water transport, communications, information systems;
13. to provide unimpeded and duty-free movement of transport and transportation of cargoes and commodities via air, sea, river, railroad and automobile routes, as well as via pipelines;
14. to estimate, in accordance with international standards, the environment condition and quality, to implement measures for its stabilisation and rehabilitation; to provide environmental safety, co-ordination of activities in the field of land, water and other natural resources utilisation; to prevent ecological disasters; problems of specially guarded natural areas;
15. to carry out joint policy in social sphere: public employment, migration processes, social protection including social security;
16. to co-ordinate the activities on the issues of public health, protection of family, maternity, paternity and childhood, education, science, culture, physical culture and sports; to train the national personnel for schools, educational, cultural institutions, mass media organisations and other institutions and organisations;
to provide the pre-school and school institutions with native language literature; to co-ordinate scientific research in the field of history, national culture and national languages;
17. personnel of judicial and law-enforcement bodies;
18. the bar, arbitration and notary;
19. to co-ordinate the activities of the law-enforcement bodies, interaction of security bodies, elaboration and implementation of the targeted programmes for crime prevention;
20. to determine the common principles for organisation of the state bodies and local administration system;

21. administrative, procedural administrative, labour, family, housing, land, water, forest, mineral wealth, environmental laws and regulations;
22. the matters of joint utilisation of land, mineral wealth, water and natural resources;
23. other authorities, determined by the mutual agreement:

ARTICLE IV

Under the management of the Russian Federation and its bodies following:

1. to adopt and amend the Constitution of the Russian Federation, Federal Laws, control over execution of laws; federal structure and territory of the Russian Federation;
2. to regulate and ensure human and civil rights and freedoms; citizenship in the Russian Federation; to regulate and protect the rights of minorities;
3. to establish the system of federal bodies of legislative, executive and judicial power, procedure of their organisation and functioning; forming of the federal bodies of state power;
4. federal state property and its management;
5. to establish the fundamentals of federal policy and federal programmes in the field of state, economic, ecological, social, cultural and national development of the Russian Federation.
6. to establish the legal ground for the common market; financial currency exchange, credit and customs regulation, money emission, basis of pricing policies; federal economic services, including federal banks;
7. federal budget, federal taxes and duties; federal funds for regional development;
8. federal energy systems, nuclear energy, fissionable materials, federal transport, traffic routes, information and communication, activities in space;
9. foreign policy and international relations of the Russian Federation, international agreements of the Russian Federation; matters of war and peace;
10. foreign economic relations of the Russian Federation;
11. defence and security; military production, specifying of the procedure of selling and buying of weapons, ammunition, military equipment and military property; production of toxic substances, narcotic drugs and procedure of their consumption;
12. to specify the status and defence of state borders, territorial sea; air space, special economic zone and continental shelf of the Russian Federation;
13. legal structure and procedure, Office of Public Prosecutor, criminal, procedural criminal and criminal-executive legislation; amnesty and pardon; civil, formal civil and formal arbitration legislation;
14. federal conflict law;
15. meteorological service, standards, metric system, time calculation, geodesy and cartography; naming of geographical points; official statistical business accounting;
16. government awards and honorary titles of the Russian Federation;
17. Federal State Service.

ARTICLE V

Legal documents, issued by the state bodies, institutions and officials of the Russian Federation and the state bodies of the Republic of Tatarstan within the authorities of the said bodies, institutions and officials are considered to be valid.

ARTICLE VI

The state bodies of the Russian Federation, as well as the state bodies of the Republic of Tatarstan, do not have the right to issue legal acts on the matters beyond their authorities. The state bodies of the Republic of Tatarstan as well as the federal bodies of state power have the right to appeal against the laws of the Russian Federation and the Republic of Tatarstan which contradict the present Treaty.

All the disputes on exercising the powers within the joint authority of state bodies of the Russian Federation and the Republic of Tatarstan are settled according to the agreed order.

ARTICLE VII

With the purpose to execute the present Treaty, state bodies of the Russian Federation and the state bodies of the Republic of Tatarstan may conclude additional agreements, establish joint structures and commissions on a parity basis.

ARTICLE VIII

The state bodies of the Russian Federation as well as the state bodies of the Republic of Tatarstan have Plenipotentiary Representations in Kazan and Moscow, respectively.

ARTICLE IX

The Treaty, as well as its separate provisions can not be cancelled amended or added on a unilateral basis.

The Treaty comes into force 7 days after its signing and is subject to be published.

Executed in Moscow on February 15, 1994 in two copies, each in Tatar and Russian languages, each copy being of equal validity.

President of the
Russian Federation
B. YELTSIN

President of the
Republic of Tatarstan
M. SHAIMIEV

Chairman of the Government
of the Russian Federation
V. CHERNOMYRDIN

Prime-Minister of the
Republic of Tatarstan
M. SABIROV

SELECT BIBLIOGRAPHY

PRIMARY SOURCES

The Constitution of Russian Federation.

The Federal Treaty.

The Treaty between the Russian Federation and the Republic of Tatarstan.

SECONDARY SOURCES

BOOKS

Bennigsen, A. & Wimbush, S. Enders, *Muslims of the Soviet Empire: A Guide* (Bloomington: Indiana University Press, 1986).

Bennigsen Broxup, Marie, ed. *The North Caucasus Barrier: The Russian Advance Towards the Muslim World* (London: Hurst, 1992).

Blank, Stephen J. & Tilford, Earl H, *Russia's Invasion of Chechnya: A Preliminary Assessment* (Carlise Barracks, PA: Strategic Studies Institute, U.S. Army War College, 1995).

Burgess, Guy, M. and Burgess, Heidi, *Encyclopaedia of Conflict Resolution* (California: ABC CLIO Inc., 1997).

Burton, John, *Conflict: Resolution and Prevention*, 1 (New York: St. Martin's Press, 1990).

Burton, John, *Conflict: Human Needs Theory*, 2 (New York: St. Martin's Press, 1990).

Dukes, Frank and Burton John, *Conflict: Reading in Management and Resolution*, 3 (New York: St. Martin's Press, 1990).

Dukes, Frank and Burton John, *Conflict: Practice in Management, Settlement and Resolution*, 4 (New York: St. Martin's Press, 1990).

Dunlop, John, *Russia Confronts Chechnya: Roots of Separatist Conflict* (Cambridge Univ Press, October 1998).

Fowkes, Ben, *Russia and Chechnia: The Permanent Crisis: Essays on Russo-Chechen Relations* (St. Martin Press, March 1998).

Gall, Carlotta & De Waal, Thomas, *Chechnya : Calamity in the Caucasus* (New York Univ Press, March 1998).

Gammer, Moshe *Muslim Resistance to the Tsar: Shamil and the Consequent of Chechnia and Daghestan* (Frank Cass Co, April 1994).

Goldeberg, Suzanne *Pride of Small Nations : The Caucasys and Post Soviet Disorder* (London: Zed Books, September 1994).

Gordenker, Leon and Davison, Phillips Uz, ed., *Resolving Nationality Conflicts: The Role of Public Opinion Research* (New York: Praeger Publishers, 1980).

Khazanov, Anatoly M., *After the USSR: Ethnicity, Nationalism, and Politics in the Commonwealth of Independent States* (Madison, WI: University of Wisconsin Press, 1995).

Lapidoth, Ruth, *Autonomy: Flexible Solutions to Ethnic Conflicts* (Washington, DC: United States Institute of Peace Press, 1996).

Lieven, Anatol, *Chechnya : Tombstone of Russian Power* (New Haven, Conn: Yale University Press, 1998).

Matsov Akhmat G. and O'Sullivan, Patric A. *A Short Grammatical Outline of the Chechen Language* (Dunwoody Press, July 1995).

Mitchell, Christopher and Druckman, Daniel, ed., *Flexibility in International Negotiation and Mediation* (Thousand Oaks: Sage Publications, 1995).

O'Ballance, O'balance, *Wars in the Caucasus, 1990-1995* (New York: University of New York Press, 1996).

Rotberg, Robert I., and Thomas G. Weiss eds. *From Massacres to Genocide: The Media, Public Policy, and Humanitarian Crises*. (Washington, DC: The Brookings Institution and World Peace Foundation, 1996).

Schellenberg, James A., *Conflict Resolution: Theory Research and Practice* (New York: University of New York Press, 1996).

Scimecca, Joseph A., Black Peter W., and Auruch, Kevin, ed., *Conflict Resolution: Cross Cultural Perspectives* (New York: Greenwood Press, 1991).

Schapiro, Ilana and Shonholtz, Raymond, ed., *Strengthening Transitional Democracies Through Conflict Resolution* (Thousand Oaks: Sage Publication Inc., 1997)..

ARTICLES IN JOURNALS

Atrokhov, W.T., "The Khasavyurt Accords: Maintaining the Rule of Law and Legitimacy of Democracy in the Russian Federation Amidst the Chechen Crisis", *Cornell International Law Journal*, Vol.32, 1999, pp.368-392.

Blandy, Charles, "Cutting the Chechen Knot", *The World Today*, June 1996, pp.147-179.

Cornell, E.S., "A Chechen State?", *Central Asian Survey*, vol. 16, No.2, 1997, pp.201-149.

Fuller, E.G. and Menon Rajan, "Russia's Ruinous Chechen War", *Foreign Affairs*, March-April 2000, pp.33-63.

Giuliano, Elise, "Who Determines the self in the Politics of Self-Determination ? Identify and Preference Formation in Tatarstan's

National Mobilization", *Comparative Politics*, vol.32, no.3, April 2000, pp.295-316.

Harding Andrew, "Moscow Chooses and Loses", *Current History*, vol.95, no.603, October 1996, pp.305-321.

Kagarlitskii, B.I., "Chechnya-Preliminary Results", *Russian Social Science Review*, vol. 40, no.4, July-August 1999, p.30-47.

Kisriev, E. & Ware, B.R., "After Chechnya: New Dangers in Dagestan", *Central Asian Review*, vol. 16, no.3, pp.401-412.

Lewis, C. David, "Ethnicity and Religion in Tatarstan and the Volga-Ural Region", *Central Asian Survey*, vol.16, no.2, June 1997, pp.215-236.

Lieven, Anatol, "Through a Distorted Lens: Chechnya and the Western Media", *Current History*, October 2000, pp.321-328.

Lynn, J. Nicholas and Novikov, V. Alexei, "Refederalizing Russia: Debates on the Idea of Federalism in Russia", *Publius*, vol. 27, no.2, Spring 1997, pp.187-203.

Mor, D.B., "Peace Initiatives and Public Opinion: The Domestic Context of Conflict Resolution", *Journal of Peace Research*, vol. 32, no.2, 1997, pp.197-215.

Nicholson, M., "Changing Guard at the Kremlin", *World Today*, February 2000, pp.7-8.

Paevsky, Andrei, "Russian Military Performance in Chechnya: An initial evaluation", *Strategic Digest*, June 1996, pp.833-839.

Pataraiia, T. & German, T., "On the Move", *The World Today*, April 2000, pp.7-8.

Rosenthal, Robert and Cross, Susan, "Three Models of Conflict Resolution: Effects on Inter group Experiences and Attitudes", *Journal of Social Issues*, vol. 55, no.3, 1999, pp.561-580.

Sagranoso, D., "Arc of Crisis", *The World Today*, April 2000, pp.9-11.

Nunn, Sam and Stulberg, N. Adam, "The Many Faces of Modern Russia", *Foreign Affairs*, vol. 79, no.2, Mar-Apr 2000, pp.45-61.

Sharlet, R., "The Prospects for Federalism in Russian Constitutional Politics", *Publius*, vol.24, no.2, 1994, pp.115-127.

INTERNET SOURCES

BBC.com

CNN.com

Google.com

<http://www.amina.com>

<http://www.crinfo.org>

<http://www.ekloges.com.cy>

<http://www.kcn.ru>