1999-11

Can OSCE Cope with the Caucasus?

Lanskoy, Miriam
Boston University Center for the Study of Conflict, Ideology, and Policy

http://hdl.handle.net/2144/3569
Boston University
Can OSCE Cope with the Caucasus?

By MIRIAM LANSKOY

Institute for the Study of Conflict, Ideology, and Policy

The Caucasus rivals the Balkans for the status of Europe's most conflict-ridden region. Due to the number and intensity of clashes, the potential for spillover, and its strategic location between Europe and Central Asia, in close proximity to the Middle East the Caucasus poses vexing problems for the architects of European security.

Does the Organization for Security and Cooperation in Europe (OSCE) possess a sufficient institutional framework to cope with these challenges? Or would a "subregional" group, the sort envisioned in the new Charter for European Security, be a more effective instrument? At the November OSCE summit in Istanbul, acting independently of each other, Heyder Aliiev, the president of Azerbaijan, and Robert Kocharian, the president of Armenia, proposed plans for a new security architecture for the region. Although their visions differ substantially at present, both parties seek a single regional security pact including all the states of the South Caucasus and other interested parties. Having an agreement along the lines of the US-Baltic Charter or the Stability Pact for South-Eastern Europe would go a long way towards diffusing the regional conflicts and would anchor these vulnerable states firmly with more powerful countries and international bodies.

At present there is a nascent dividing line in the Caucasus, with Azerbaijan and Georgia having thrown in their lot definitively with the United States by opposing Russian expansion into the region and indicating their desire for eventual NATO membership. In comparison, Armenia has straddled the fence between joining the West and remaining in Russia's orbit. Although it enjoys very warm relations with the Western powers,
Armenia has developed extensive security ties to Russia. It has relied on secret arms transfers from Russia exceeding $1 billion in value, it voluntarily hosts Russian bases and has joined a bilateral security pact in addition to its membership in the CIS Collective Security Treaty and air defense system. Can Armenia be persuaded to shed the Russian alliance and rely on a subregional security pact anchored to regional powers, the OSCE and NATO? To this end the resolution of the Armenian-Azerbaijani dispute over Nagorno-Karabakh and major improvements in the Armenian-Turkey relationship would constitute some, but not all, of the necessary conditions to such a pact.

It would only be reasonable for Armenia to link itself resolutely with the West if the US were to demonstrate its resolve to stand up to Russia in defense of America's regional friends. Meaningful steps in that direction would include providing sustained support for Georgia's efforts to rid itself of Russian military bases, sending observers under the aegis of the OSCE to the Georgian-Russian border to ensure against the possibility of spillover from the Russian-Chechen war, and deepening security cooperation with all three states on a bilateral basis and through NATO's Partnership for Peace (PfP) program. In the final analysis, however, if Armenia is unwilling to be a part of such arrangements, the geography is such that Azerbaijan and Georgia, which are contiguous and border NATO member Turkey, can proceed without Armenia.

Until a comprehensive regional security system is developed, policymakers have to use the existing infrastructure to alleviate the most pressing problems (i.e., bringing about a negotiated solution to the conflict in Chechnya and avoiding the danger of an extension of violence into Georgia).

**Results of Istanbul Summit**

On paper, impressive gains were achieved at the OSCE's Istanbul summit: The long-awaited pipeline to carry Caspian oil to the Mediterranean will be built soon; the OSCE Minsk Group will resume its efforts to mediate between the parties to the Nagorno-Karabakh conflict; an observer team will be dispatched in short order to Chechnya and
will participate in a negotiated resolution of the war; Russia will remove two of its four bases from Georgia; and the OSCE will expand its peacekeeping role, sending civilian observers and specialists to European hot spots.

In reality, however, all of these achievements are already in grave danger. Since Russia agreed to the arrangements grudgingly in order to deflect criticism over its brutality in the war with Chechnya, implementation will require sustained attention and resolve from the United States, traits it has not manifested to date. The documents adopted at the conference could provide the infrastructure to achieve stability in the Caucasus and check Russia's growing bellicosity towards its neighbors, but to accomplish this the United States must find the political will to utilize the new instruments and realize these agreements.

Perhaps the most significant achievement of the weekend was the signature of a package of agreements relating to the construction of the oil pipeline from Baku through Georgia to Turkey's Mediterranean port Ceyhan. The agreements regulate the rights, interests, and obligations of the signatories vis-à-vis the planning, construction, and operation of the pipeline, which should become operational in 2004.(1) The declaration signed by the presidents of Azerbaijan, Georgia, Turkey and the US reiterates the powerful political message of last year's Istanbul declaration, namely, that the United States has vital interests in the Caucasus region. These agreements and principles create a catalyst for resolving the financial technicalities related to the construction of the pipeline. Certainly the rapid increase in the price of oil, due to limitations on oil sales imposed by OPEC over recent months, illuminates the US interest in securing supplies from a variety of sources to lessen its dependence on the Persian Gulf states. The planned trans-Caspian gas pipeline constitutes another key element linking the fortunes of the Caucasus and the West for the long term.

While the summit declaration explicitly refers to the territorial integrity of the Russian Federation and Georgia, the absence of this phrase from the paragraph pertaining to Azerbaijan is glaring. This is in stark contrast with the 1996 Lisbon document, which
asserted Azerbaijan’s territorial integrity. Perhaps Azerbaijan's acceptance of the new language indicates its willingness to make major concessions on the status of Nagorno-Karabakh. Since such concessions could well hasten a resolution of the conflict, this news is not troubling in itself; however, considered with the privileged position of the Minsk Group negotiation process vis-à-vis one-on-one negotiations (now referred to as "dialogue" in the summit declaration), the one-sided Azerbaijani concession inspires some worry.

The Minsk Group, comprised of OSCE member states and charged with facilitating negotiations between Armenia and Azerbaijan over Nagorno-Karabakh, has been deadlocked hopelessly for at least two years. Russia has used its status as the permanent co-chairman to manipulate the proceedings and stymie any possibility of a breakthrough. Due to vigorous US engagement outside the Minsk Group starting last May, Presidents Aliev and Kocharian held several one-on-one meetings to negotiate a solution to the impasse. These contacts breathed new life into the peace process and led to more technical talks at the level of defense minister and foreign minister. Prior to the 27 October assassination of key Armenian leaders, many expected the signature of a framework document at the OSCE summit. Since the assassinations, however, President Kocharian has lacked the confidence to proceed with the one-on-one talks. As a result, that very promising process has come to an end and a return to the stagnation of the Minsk Group seems imminent.

Keeping in mind the substantive progress achieved once the State Department became actively involved, the US could take the lead again, in the Minsk Group and as a facilitator of bilateral negotiations, after stability is restored in Yerevan. Of course, becoming a committed and neutral mediator means lifting the limitations on US aid to Azerbaijan under Section 907 of the Freedom Support Act, which unfairly penalizes Azerbaijan, portrays it as an aggressor (although it is the party whose territory is under foreign occupation) and impairs America's ability to act impartially. In regard to both oil transit and peaceful resolution of the Nagorno-Karabakh dispute, the US has powerful instruments in place. Using them intelligently is another matter.
What role for OSCE in Chechnya?

To deflect international criticism over the slaughter in Chechnya, Russian diplomats have developed a two-pronged strategy. First comes the argument that the operations in Chechnya are Russia's internal affair. However, certain technicalities suggest that the question of Chechnya's status within the Russian Federation may not be so cut and dry. (2) Moreover, the ambiguity of its status was recognized in the Khasavyurt treaty, which specifies that "The agreement on the fundamentals of relations between Russian Federation and the Chechen Republic being determined in accordance with generally recognized norms of international law shall be reached prior to December 31, 2001." It should not escape notice that the treaty to end the 1994-96 war was negotiated with the active assistance of the OSCE and was signed by and in the presence of Tim Guldimann, the OSCE representative. (3)

However, even if Chechnya is regarded simply as a region of Russia like any other, international human rights standards apply. According to the Geneva convention and the charters of the Council of Europe (CE) and OSCE, the rules of war which prohibit the wanton killing of civilians govern internal conflicts. As signatory to the Geneva convention and a member of the CE and OSCE, Russia must abide by the rules of war even when the war is on its own territory.

On this point, Russia's second argument comes in handy: It's not a war, just an action against terrorists. Hence the importance of maintaining, despite all reason and evidence to the contrary, that the present maneuvers are directed against "terrorists."

Shrill posturing by Russian leaders about "terrorists" and Russia's internal affairs made the very mention of Chechnya in the Istanbul summit declaration seem like a major accomplishment for Western diplomacy. Yet, the language of the summit declaration is rather vague:

We agree that a political solution is essential, and the assistance of the OSCE would contribute to achieving that goal. We welcome the willingness of the OSCE to assist in
the renewal of a political dialogue. We reaffirm the existing mandate of the OSCE Assistance Group in Chechnya. In this regard, we also welcome the willingness of the Russian Federation to facilitate these steps... (4)

Does this mean that OSCE Chairman-in-office Knut Vollebaek may visit Chechnya to meet with President Aslan Maskhadov and do so before Russia has the opportunity to destroy what little is left of Dzhokhar? Now that the summit is over, Russian Foreign Minister Igor Ivanov may drag his feet on allowing the mission until the Russian military achieves its grizzly goals. At this writing the mission is scheduled to arrive in the North Caucasus on 14 or 15 December, four days after the announced destruction of the capital.

The OSCE has three very strong arguments in favor of playing a much more substantive role in Chechnya. First, the new Security Charter envisions a role for the OSCE *within* states. It explicitly defines potential threats to security as emanating from intrastate conflicts and specifies that "we must build confidence among people within states," (5) and later speaks of all member states' interest in the implementation of OSCE commitments:

Participating States are accountable to their citizens and responsible to each other for their implementation of their OSCE commitments. We regard these commitments as our common achievement and therefore consider them to be matters of immediate and legitimate concern to all participating States. (6)

Second, as the summit declaration states unambiguously, the mandate of the OSCE Assistance Group to Chechnya was never terminated, although the group was removed in 1997. The activity of the OSCE during the 1994-96 war constitutes the precedent for current involvement of both monitors and negotiators. Finally, the OSCE helped to broker the Khasavyurt treaty and was signatory to it. Why allow Russia simply to annul this document? The OSCE should resurrect the import of this agreement: Russia is still treaty-bound to negotiate Chechnya's status during the course of the coming year.
Maintaining Stability in Georgia

In contrast to the paragraph on Chechnya, the language pertaining to Georgia is very precise:

Reaffirming our strong support for the sovereignty and territorial integrity of Georgia, we stress the need for solving the conflicts with regard to the Tskhinvali region/South Ossetia and Abkhazia, Georgia particularly by defining the political status of these regions within Georgia.7

The declaration envisions a meeting in Vienna to negotiate the return of refugees to North Ossetia and an OSCE fact-finding mission to the Gali region of Abkhazia. Likewise, Russia's obligations to disband and withdraw its military bases at Vaziani and Gudauta by 1 July 2001 are spelled out clearly. The overall level of treaty-limited equipment will be reduced so that it does not exceed 153 tanks, 241 armored combat vehicles and 140 artillery systems. During the year 2000, Georgia and Russia will negotiate the "duration and modalities" of the remaining Russian military bases and facilities in Georgia. (8)

What misunderstanding of the above language can there be? Leave that to Ivanov. Resisting President Eduard Shevardnadze's calls for immediate commencement of negotiations, Ivanov responded that the base in Gudauta is needed to facilitate Russian "peacekeeping" in Abkhazia. Besides, he indicated, the removal of the bases might not be necessary if the lower overall level of armaments is achieved.(9) Clearly, the United States will have to pursue Russian adherence to the letter and spirit of this agreement with vigilance. Noting that in 1994 Russia promised to withdraw its forces from Moldova by 1997, one wonders if Russian compliance with the Istanbul provisions for Georgia will still be an issue in 2003.

In the meantime the rhetoric against Georgia has only intensified over the last few weeks. Russian law enforcement sources started to publicilze their suspicion that Gennady Shpigun, the Ministry of the Interior general who was kidnapped in Chechnya
last March, was being held in the Georgian village Shatili. (10) A few days later, General Valery Manilov, the Russian deputy chief of staff, alleged that a Chechen communications center and hospital were operating in the same village. (11) How was the equipment for these facilities transferred to Georgia? In the guise of humanitarian aid, of course. (12) It is not difficult to discern the ominous message in these reports. The Russian military and law enforcement officials were laying the groundwork for a possible incursion into Georgian territory, under the pretext of pursuing "terrorists" and freeing Shpigun.

This is hardly the first time that Russian officials have made baseless accusations against Georgia. The most dramatic was the early November announcement of a government in exile to be formed by Maskhadov in Georgia. Moreover, Russian aircraft have attacked Georgian villages, including Shatili, on two occasions and continue to bombard the mountain pass from Chechnya to Georgia. This constitutes a very real threat of spillover of military activities to Georgian territory.

The Georgian government has invited OSCE and UN observation of the situation in the border region, (13) and the OSCE has several ways of answering the call. The newly adopted Charter for European Security envisions a wider role for field operations in crisis management and early prevention. The rapid response (REACT) teams are meant to deploy civilian and police expertise to diffuse conflict situations. The deployment of such a team to Georgia could provide the necessary deterrent against a Russian incursion.

However, the OSCE has a famously inefficient bureaucracy which reaches decisions on the basis of consensus among 54 nations. Moreover, REACT will become fully operational next summer at the earliest. Perhaps it is still possible to send an OSCE mission, of the same sort as is being readied for Chechnya. If not, the charter recognizes that the OSCE will have to rely on cooperation with other institutions to fulfill its goals of achieving peace and stability in the OSCE area. In the immediate future it may be more efficient to rely on what the charter refers to as subregional organizations:
in this case NATO and GUUAM. (14) As with Chechnya, if the US and the West want to become involved there are instruments in place to facilitate a much deeper and more significant engagement.

If the US continues to avoid adopting a meaningful set of policies to promote stability in the Caucasus, and the region descends into war and chaos, American politicians cannot pretend that they lacked the mechanisms for crisis prevention. The legal and institutional arrangements were in place; only the political will was lacking.

NOTES:


2. Checheno-Ingushetia was part of the RSFSR. Chechnya declared independence before the Soviet Union collapsed and the current Russian Federation was formally recognized. Ingushetia peacefully divorced from Chechnya. The result: It is inaccurate to say that Chechnya seceded from the Russian Federation it seceded before there was a Russian Federation. In addition, Chechnya did not participate in the referendum to adopt the Russian constitution, nor did it ever have any sort of representation in the federal governing structures.


4. Istanbul Summit Declaration, paragraph 23.

5. Article 1, paragraph 3.

6. Article 2, paragraph 7.

7. Summit Declaration, paragraph 15.


12. ITAR-TASS, 24 November 1999; via Chechnya-sl@egroups.com.

13. ITAR-TASS, 10 December 1999; via lexis-nexis.

14. Although GUUAM, a regional group comprised of Georgia, Ukraine, Uzbekistan, Azerbaijan, and Moldova, was founded on the basis of mutual opposition to the upward revision of Russia's CFE ceiling, there has been talk of expanding the alliance's parameters.