

## **The Ukraine Crisis: Sovereignty, Borders and Economic Interests In Ex-Communist Europe**

**A CRCE Colloquium – Slovenia, September 2014**

### **Part I - Sovereignty and the Sanctity or Otherwise of Borders**

**Chairman: Philip Hanson**

**Discussion Leaders: Robert Wilton on Kosovo  
Neil Macfarlane on Georgia &  
Domitilla Sagramoso on North Caucasus**

**Philip Hanson:** Welcome to you all. I am a Trustee of the CRCE and our remit is to promote analysis and inform discussion of developments in post-communist countries predominantly but not exclusively economic and this year we are moving away from our main economic theme.

In previous years we had a wide choice of possible themes that the colloquium might have pursued but this year I think there's no alternative to discussing the Ukraine. If we had been discussing anything else the Ukraine would have been the elephant in the room.

What we have decided to do is to approach it somewhat obliquely, not to launch straight into a discussion about the Ukraine but to discuss in the first couple of sessions the previous examples of issues arising out of the changes of borders the secession and quest for independence of particular territories in the post-communist world in Europe.

Robert Wilton, our first speaker, describes his present job as a day job for the OSCE in Albania but he maintained his links with Kosovo. He was adviser to the prime minister of Kosovo in the years leading up to independence and returned as head of policy for the International Civilian Office monitoring implementation of the Artasari plan. We could not be better off for someone to introduce the subject of Kosovo

**Robert Wilton:** Thank you for the opportunity to be here and thanks to CRCE for making this happen. It is typical of the CRCE to be asking the question of the day. It is typical of them to be addressing certain underlying challenges that, perhaps for a time, have not been very fashionable nor very popular, and how appropriate that we are bringing it nearer to the front line where many of us are normally based.

As I was travelling up to Ljubljana I was thinking about what was, for a time, Yugoslavia. I had in one part of my mind the image of the towns I know so well, in Kosovo in particular, with the very strong Ottoman influence on the buildings and the attitudes and behaviours.

Then I found myself in Ljubljana yesterday and it was charming; and I was trying to believe that these were once the same country. It is challenging because this is so clearly nothing like the other end of what was at one time Yugoslavia. That to me underlined how appropriate Slovenia is as a place to consider the strange liminality of borders, created by international congresses drawing lines on maps and determining that peoples have moved to one side or another.

The events in Ukraine, which many of you are much more familiar with than I, make some of the international challenges in Kosovo seem almost quaint. What I hope to do this morning is summarise quickly the history of Kosovo over the last 20 years or more and then with slightly more length offer some comments on its trajectory. I am delighted to hear that the plan is that we have as short a period of lecturing as possible and make it a discussion as early as possible, which I find extremely stimulating.

I should say formally that though I have been over the years associated with the British Ministry of Defence, the Cabinet Office, the Foreign Office, the European Union, the Kosovo government and now the OSCE. I am today speaking for absolutely none of them. This commentary is entirely personal and does not reflect on my various other affiliations and duties to stakeholders.

So Kosovo which I am sure is a history you have all known well and followed and some of you even been involved in. A part of a territory swept up within what would become Yugoslavia thanks to the compromises of the international map makers in the second decade of the 20<sup>th</sup> century. Dominated by the legacies of the Ottoman Empire but then caught up in Tito's Yugoslavia. For most of the last 200 years at least, it has been predominantly ethnic Albanian but with a residual presence of the Serbs who had been strong there several centuries ago.

Within Yugoslavia it was a part of Serbia, and under a new constitution in 1974 it was made a more distinct autonomous republic vis-a-vis Serbia, and within the great umbrella of Yugoslavia. There had been periods of greater or lesser repression and crack downs by the Belgrade authorities in the years since 1945. In the 1980s with the rise of Milosevic and his exploitation of nationalism, Kosovo became part of his rallying cry. It was the place he first lit the flame of his nasty nationalism in 1987, and then it became the focus for a new Serb irredentism.

The oppression by the Belgrade regime of Albanians during the late 80s and 90s increased. It sparked resistance by irregular Albanian units who eventually called themselves the Kosovo Liberation Army. A tit for tat of low level actions, small terrorist style attacks on security forces by Albanians and reprisals against those units or against the civilians by the authorities.

This attracted the attention of the international community by 1998, and then at the start of

1999 the attempt by the international community to broker some sort of settlement or peace deal within Kosovo. A settlement was not reached, which led to the bombing by NATO forces of Belgrade and Belgrade regime targets in the second quarter of 1999, the expulsion of Belgrade regime forces from Kosovo, and Kosovo's entry into the strange twilight world which it inhabited for 10 or even 15 years and in some ways still inhabits, under some kind of international control - first exclusively under the UN, and then in a growing but still uncertain relationship with the European Union.

In 2008, in co-ordination with some of its international allies, Kosovo declared independence. This has been followed over the last 6 years by a series of recognitions by other international states. Kosovo has now been recognized by more than 100 UN member states, and by 23 of 28 EU member states, and is today recognized as an independent state by a lot of influential organisations and countries.

Its independence is however tightly circumscribed by those who have not recognised, which means that the European Union cannot formally act in recognition of Kosovo because some of its member states do not recognise it yet. The UN Security Council can't have a consensual approach to Kosovo because two of its five members don't recognise. There is still a sense of some stagnation, particularly around the four northern municipalities of Kosovo - among those which, although mixed, are predominantly Kosovo Serb - where Pristina's authority is extremely limited.

There has been an attempt over 18 months by the EU to establish negotiations between Pristina and Belgrade; these have taken place, which is an extraordinary step forward and a great achievement for the EU. So far the concrete achievements of that have been limited and implementation remains a challenge, and there is still no movement on the fundamental insecurity of Kosovo's Albanians with regard to their own status.

Serbia's unwillingness to recognise the independence of Kosovo has had an even more negative effect on the Serbs of Kosovo, particularly those in the stagnant north. The Serb-dominated municipalities are now in some ways engaging with Pristina's institutions, but cling on to an association with Belgrade that has now really gone.

So the comments on that, if I may – First of all: the international community stole part of a state. My Albanian friends will question this; they will always argue that because of the 1974 constitution adjustment Kosovo was an autonomous republic, and not a part of Serbia.

People argue about other justifications for what happened in 1999 but whatever the humanitarian factors the reality is that in 1999 the international community sent military personnel first over with bombs, and then into, part of a sovereign state recognised as such - what the UN called Yugoslavia - and expelled the technically legitimate uniformed forces of that state from that territory, and took control of that territory.

That I think is a starting point and is something which we should acknowledge and it is something which the international community has found increasingly uncomfortable over the years since. Why did we, the international community, take this part of a state? Why did we intervene in 1999?

The context then was a mixture of events in recent history. The 90s of course was the decade of the wars in Slovenia, Croatia and Bosnia: most notoriously the atrocities, particularly in Bosnia, and most notoriously of all Srebrenica, where the international community felt with hindsight that it had found itself unable to act as it should have done to stop a genuine and terrible atrocity.

This was only a year or so after the genocide in Rwanda where again there was a sense that the world had looked on when the most atrocious things were happening. Out of the war in Bosnia, Milosevic had emerged as one of the peacemakers, but with a reputation that was extremely dubious in the eyes of some of the western powers.

Those who were in power in Washington and to a degree London in 1999 knew Milosevic - and if you look in particular at those who were in power in Washington in 1999 this is still the same administration. People like Madeline Albright, and Wesley Clark - who had been tricked and humiliated by Ratko Mladic, the most ghastly of the war criminals of Bosnia. They, as far as they were concerned, knew Milosevic and knew Belgrade and felt that they had unfinished business. So when things started going wrong in Kosovo in 1997, 98 and 99, not only was there a sense that something needed to be done but some of the key players - Clark by this stage supreme allied commander in Europe - were pretty clear they knew who was responsible and that perhaps it was time to finish off some unfinished business.

We can talk some more about the Rambouillet discussions if you like. There is an argument that says that Serbia was put in a position where it was almost impossible for it to comply. That there were some who were manoeuvring to achieve the outcome that was duly produced, which was some sort of justification for attacking Belgrade and the regime targets.

But it is likely that in the minds of Prime Minister Blair and President Clinton there was a genuine moral sense; and whatever has happened to the reputations of those two men since then, I personally would give some respect to the genuinely moral sense they both felt about what had happened during the 90s and what was happening in Kosovo.

I have had the experience of listening to President Clinton speaking about Rwanda, and it is clear he still feels a genuine sense of personal failure, and state failure, to do something that could have helped dramatically. That was what was important in 1999 and the intervention in Kosovo.

There is now a theory within what passes for international law, justifying in legal terms the intervention in 1999: the theory of humanitarian intervention, that is to say it is legitimate to intervene as the international community or parts of the international community when there is a humanitarian situation of such an extreme nature that only this intervention will assist it.

The doctrine of the responsibility to protect is a version of this theory: the responsibility of the international community as a collective moral body is to protect those who cannot protect themselves if they have fallen victim to some kind of oppression.

These theories would seem to justify what the international community did in 1999. (There is a debating point about whether what became ethnic cleansing in April and May of 1999 by the regime against Kosovo Albanians, would have become ethnic cleansing had NATO not been bombing Belgrade.)

There is an argument about this. You can argue it both ways, we can do that but I do not propose to do that immediately. In any case the issue for us here is that these theories of humanitarian intervention and responsibility to protect developed after the intervention in March 1999.

One of the first statements of them was Prime Minister Blair's speech in Chicago in spring 1999 which was presented in theoretical terms. He explicitly sets out what he considers could be the principles on which the world could intervene in a situation of instability or humanitarian crisis.

In context it looks awfully like an attempt to justify a very specific situation which is now underway. In the years that would follow, first of all the UN would publish its report on Srebrenica, five or six years after the event. It minutely analysed what happened before the massacre in Srebrenica in 1995, and it is a remarkable document. It is remarkably self-critical and dispassionate about the failings while being passionate about the obligation to do better. The report on Srebrenica suggests there should be some attempt to find a way to do this better in the future.

Then a year or so later the Canadian government sponsored an international commission that reviewed this phenomenon. It was this commission, under the sponsorship of the Canadian government, which articulated with even more theoretical clarity the justification for a humanitarian intervention in a state of extreme humanitarian crisis.

So when we look back now on what happened in Kosovo in 1999 we can say that international relations has built up a body of precedent and also a theory to justify it. The reality is that what determined the intervention in Kosovo in 1999 was circumstance and not theory or precedent, and I believe that what will determine any subsequent interventions will continue to be circumstance.

To me there is no such thing as meaningful precedent when it comes to international intervention. Precedent is something you can usefully invoke if you're a politician needing to justify intervention. But if we look at the pattern of interventions and non-interventions over the last half century, I don't think we can talk about something as useful or clear as a formal power of precedent justifying international humanitarian intervention.

If the United States and the United Kingdom truly believed in their obligation to intervene in situations such as Kosovo they might be doing more in Tibet. If Russia felt consistently the way it did about Abkhazia maybe it would have treated Kosovo differently. The idea that an official in the United States State Department would hurry into the Secretary of State and say 'Well, the problem we have is that because we recognised Kosovo we now are obliged by precedent to recognise Abkhazia', and the US Secretary of State would say 'That's alright,

that's perfectly acceptable' is nonsense.

We will, I suspect, continue to intervene where it is convenient and when we can.

Let me offer two final comments then. The first is a typically elegant and useful quote from Jacques Chirac, whose comment on what happened in 1999 was that it was 'illegal but not illegitimate'. If you find that helpful I'm glad.

The second – and I shall just try to link this to our underlying theme: what does Kosovo mean for Ukraine? Well, from what I have said you will understand that I would say 'not very much'. And if we were required to answer President Putin's statement that 'Crimea is the same as Kosovo' I think I would say two things: firstly, nonsense - the situation in Crimea was absolutely nothing like the situation in Kosovo; and secondly, if that is the case would you consider now recognising Kosovo?

**Philip Hanson:** Professor Macfarlane is the Lester B Pearson Professor of International Relations at Oxford. He is also visiting Professor at the Centre for Social Sciences in Tbilisi State University in Georgia.

**Neil Macfarlane:** Thanks very much and thanks for inviting me. This is a nice place, and an interesting discussion. My brief here is to think about Georgia and Russian-Georgian relations and Russia's intervention in Georgia in 2008 as a form of precursor to events in Ukraine in the past year and a half. So in thinking about that I guess there are two basic questions. One was what did the Georgian war suggest about Vladimir Putin's regional policy and secondly how might the Georgian experience have affected the development of subsequent Russian policy in the region leading up to the Russian intervention in Ukraine. But before I do this I have a couple of cautions. The principal one is actually the Georgian experience and the Ukraine experience are in many respects quite different. Crimea was, as Mr Putin continues to remind us, part of the Russian Soviet Federated Socialist Republic until 1954. Abkhazia and South Ossetia have never been parts of the Russian Republic. In the Crimean case we are talking about annexation, whereas in the Georgian case we are talking about the purported creation of independent states. Secondly, obviously Ukraine is bigger than Georgia, and it matters more as the Ukrainian economy is more closely integrated with that of Russia than was and is Georgia's. From a Russian perspective there is a greater risk of spill-over of Ukrainian domestic political processes into Russian ones and the fate of Ukraine – I think in terms of Russian nationalism – has a much higher symbolic significance than the fate of Georgia. For all of these reasons it is plausible, in fact I think it is true, that Ukraine is much more significant to Russian strategic interests, and that will probably always be so unless Iran invades Azerbaijan which I am not waiting or hoping for.

To continue on that theme: the Georgian War occurred before Putin articulated his most recent plan for economic and political integration in the former Soviet Region, pardon that phrase, the Customs Union and the Eurasian Union. And finally in terms of the interface with European institutions or transatlantic institutions the Georgian War, in as much as external institutional influences were important, was really about NATO enlargement whereas the Ukrainian war seems to have been related to processes of European engagement with the region. Even so, they do have a number of similarities that make it worth considering them together. Both are neighbours of the Russian Federation within what used to be the Soviet Union. Both are interested to varying degrees in deepening integration with European and Transatlantic institutions, with reciprocal, i.e. European evidence of interest in getting closer to them. In other words, from a Russian perspective, both are part of the same perceived geopolitical challenge and Russian policy in both cases has interrupted processes of getting closer to the West. And finally of course, both have been recent targets of the Russian use of force against a sovereign state.

A little background on the war in 2008: I intend to focus on contemporary issues so I shall start in 1918! Now the Abkhaz and South Osset questions go back at least to the first Georgian republic 1918-1921 when there was a rebellion in South Ossetia which was rather mercilessly suppressed by the Georgian Social Democratic Party in power in Georgia and in Abkhazia. It was not a significant military problem for the first independent republic, but when Georgia was absorbed into what became the USSR Abkhazia was given quasi separate status as union republic associated with Georgia in the context of the Transcaucasian Federation of Soviet Socialist Republics. If anybody can come up with the acronym for that

they get a prize. The reason I mention this is legacy. Those experiences are remembered and particularly the Abkhaz constitutional anomaly which now is continually referred to.

Moving fast forward to 1990-1991, around the time of Georgia's independence, there were two efforts at secession by minority regions, i.e. those two regions. Hostilities in both cases ended in 1992-1993 and included the insertion of Russian so-called peacemaking forces or peacekeeping forces, whatever, and Georgia at that time joined the CIS producing ten years of comparative calm until 2003 when Saakashvili and his national movement overthrew Shevardnadze and replaced that government with a coalition of oppositions originally three leaders, rapidly reduced to one. One of the other two remains alive.

Now Saakashvili basically propounded a radically neoliberal economic agenda, a Western orientation in foreign policy and an interesting form of democratic development. It was clear first and foremost that Georgia in grand geographical terms was trying to move from the East, i.e. the Russian sphere, into the West, i.e. Europe. One would have thought that this would have caught in Putin's throat, but as it happens relations early on were pretty good. There was a marvellous interview with Saakashvili in *Izvestia* in 2004 when it was an 'I looked into his eyes moment' and 'Oh I can do business with this guy' and 'by the way I'm not a liar like Shevardnadze was and therefore it'll all be fine'. In fact Russia was instrumental in settling a third dispute in Georgia, that in Adjara in 2004. Thinking about the context of that causative relationship, there was a reasonably benign climate of Russian Western relations, and as I inferred a moment ago, Bush and Putin appeared to get along, shall we say. However, in mid-2004 there was a sudden change in relationship between Georgia and Russia; the question is why. One is Saakashvili taking hope from the events in Adjara accelerated the process in South Ossetia and walked away, effectively from a negotiating process being mediated by Mr Putin. This caused their personal relationships to go downhill, and they never came back. Misha turned nasty and we have seven years of rhetoric about Russia being historically finished and we are part of the future, not the past. Mr Putin probably did not like that very much. Second was Mr Bush's shift from a quasi-realist foreign policy before the events of 2001 to a foreign policy dominated in this region, and in the Middle East, by democracy promotion. This was not terribly well received in Moscow, particularly after the Orange Revolution and the concern in Moscow about demonstration tipping across the border. In 2004 moreover, NATO enlarged and subsequently accelerated its process of deepening relations with Georgia and Ukraine.

Let us roll through the Russian imposition of trade sanctions in Georgia in 2006 to the Bucharest NATO summit in 2008 where NATO famously declared that Georgia and Ukraine were not ready for membership action plans but would be at some point members of NATO. From my perspective that has to be one of the most dysfunctional diplomatic documents in the history of post-cold war Europe; it basically presented conflicting signals to everybody in the audience. It enhanced Georgian strategic confidence and for Russia it presented a window to resolve its issues with Georgia before the window closed; in other words there was a prospect of it closing, so it was time to act. This also applied to Ukraine, by the way. However, if you want to send a message to NATO in the context of Bucharest there is an expensive way to do it, and that would be Ukraine. There is a cheap way to do it, which means Georgia. Georgia was a lot easier.

That leads us to the 2008 war, where the relationship was very bad, Russia had an incentive to go. Russia in fact engaged in various provocative military activities from late 2005-2008. What they needed really was a pretext to do what they wanted to do. Misha gave them that pretext in an indiscriminate military assault on a city in South Ossetia where Russian peace keepers were present. Russia responds by inserting a large force through the Rostov



Tunnel<sup>1</sup> into South Ossetia repels the Georgian assault, destroys Georgian combat capability more or less completely, consolidated its control of Abkhazia and then recognised Abkhazia and South Ossetia as independent states. I think there was a reference in the previous session to stealing one part of a state; well here they stole two parts of a state, so the policy is evolving, if you will.

I note in passing that this action was in violation of at least five separate legal and political commitments of the Russian Federation, including, by the way, the UN Charter, but who cares about that? Now justification, how did Russia justify its action? This is related to the discussion in the previous session. I am reminded of my toothpaste tube sitting upstairs, which is Russian toothpaste, and it has on it 'three ways to make a beautiful smile'. In this case there were four justifications: one was genocide prevention, the second was humanitarian intervention by another name, the third and somewhat more plausible was the protection of Russian military personnel there by international agreement, that is to say the peace keepers, and the fourth, anomalously, given their behaviour elsewhere, was an embrace of national self-determination, and what is known in the legal literature as remedial secession. In other words the Russians completely instrumentalised evolving discourses on intervention.

Moving towards the relationship between the two, we can consider the Western response and what the Russians might have learned from our response in the case of the war in Georgia. Our response was, I guess, tepid. There was no counterforce; there were no sanctions; there was no general deterioration in the relationship between Russia and the West. Instead the West paid to clean up the damage caused by Russia in Georgia, to the tune of 4.5 billion dollars I think it was, or it may have been Euros. What are the consequences of this? One is –although people in Brussels will not say it – that NATO enlargement into the region is indefinitely postponed, so becoming members at some time means when my grandchildren are old and grey, I would assume, although circumstances can change. NATO credibility, in the Caucasus anyway, and probably in other neighbouring parts of the Russian Federation was significantly damaged. There was no bad effect, as I mentioned a moment ago, on Russian-Western relations, it was business as usual after a slight hiccup, which suggests that there was no impulse to punish, if you will. Internally Saakashvili was weakened and eventually disappeared, I will not go into that as it is a different talk, and he was replaced, however, by a more cooperative government while the Saakashvili government and the current one are not willing to recognise the loss of Abkhazia and South Ossetia, in order to fully normalise relations, there has been a significant improvement in the economic and to some extent in the political dialogue between the two.

Turning to what it did for Putin, he got a big, if temporary, payoff in domestic popularity in the Russian Federation. It is also plausible the war in Georgia contributed to the Obama administration's decision that US policy towards Russia needed to be reset in a more positive direction.

Back to my questions: the first concern, Putin's regional policy. I think the aspiration to regional consolidation and to a Russian controlled space is not particular to Putin, as it has been around since the early 1990s. The difference is that while the motivation is there, and crosses the Yeltsin-Putin transition, the current difference lies in capacity, so motivation and limited capacity earlier, now you have motivation and enhanced capacity. So it is more plausible that one can act. The other question was the effects on subsequent Russian policy

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<sup>1</sup> The Roksky Tunnel , which connects Russia with South Ossetia, is the only link between North and South Ossetia

in the region: I think, as I said, that the non-response in 2008 reduced the theoretical deterrent effect of NATO and the US engagement in the region. The Russians took some military lessons from the operation in 2008 and in that sense I think it contributed to improved performance later on. Their own surface to air missile systems were not properly coordinated with their own air force, leading to shooting down a number of their own planes and so on. We have not seen that, although they appear to have command and control problems with air defence systems anyway to judge from the immolation experience. And the answers to both these questions, the regional policy and the effects of Georgia on the evolution of that policy, are both related to the general line taken by Russia in the Ukraine and also in Armenia in 2013-201

**Philip Hanson:** Thank you Neil. Now I shall ask Domitilla Sagramoso to speak. Domitilla is a Lecturer on Security and Development at the Department of War Studies from King's College London.

**Domitilla Sagramoso:** Thank you very much for inviting me here. I have been asked to discuss the Kremlin's policies towards Chechnya and the North Caucasus in the context of notions of separatism and self-determination in Kosovo and Georgia. How does Russia justify its actions and policies in the North Caucasus in the light of its behaviour in Georgia and Ukraine? Obviously from a legal point of view one could argue that there is a great incoherence in Russia's attitudes and policies in this respect between its support or acceptance of separatism in Georgia and also in Ukraine and its policies in the North Caucasus, especially if we consider that at least in 1991 the majority of Chechens voted in an election in support of independence. So there is certainly some clear incoherence there. On the other hand I would argue that there are two important differences, especially if we take Moscow's point of view. So I'm not arguing that I agree with all of these points, but there are these two arguments that Moscow or the Russians bring forward. The first one is that in 1996, Chechnya did get its independence, at least de facto, and it failed to develop in an effective, peaceful state which had good relations with its neighbours. And the other argument is the question of a referendum that was held in March 2003.

So let me speak a bit about the first argument. I will not go into the whole history of the region, but I will discuss what happened from 1991 onwards. What is important is that in 1996, when the Russian army withdrew, Aslan Maskhadov who was the president really failed to establish effective governance and to disarm and demobilise former fighters. There were many warlords still running around such as Shamil Basayev, and of course some of the so-called Afghan Arabs had come to Chechnya and were in the process of supporting and fermenting the Islamisation of the republic, and also of the entire region. So we had the significant and powerful pan-Islamic and pan-Caucasian projects of establishing an Islamic state in the area. This was certainly seen by Russia as a threat, especially if we consider the incursions into Daghestan in 1999 by Shamil Basayev and, of course, the bombings in Moscow and Volgograd.

I am not going into the details of whether there was a conspiracy here or not, but from the Russian point of view there was a clear threat in terms of its own security, as a result of instabilities of a criminal nature – of some elements in the government – kidnappings, taking of hostages, bombings in neighbouring regions, journalists taken, foreigners beheaded. So the situation was of grave concern. That is why in 1999 the Russian government decided to use force; first to put an end to the incursion into Daghestan and then to retake control of Chechnya. The argument at the time was that they were fighting a terrorist enclave in Chechnya. The justification was the law to fight terrorism which had been approved in 1998 and which allowed for Russian army deployment in counter terrorist operations inside Russia. And these views were supported by leading figures within the Russian constitutional court. Of course after 9/11 the whole notion that Putin was fighting another front in the global war on terror became very relevant and that Chechnya and the North Caucasus were outposts of international terrorism. I have a lot of material on the progression of Islamic communities in the area, so I can discuss in detail if you want to know how radicalised the communities became. I shall not say much about it but the points I would like to raise are that, for example, there were already connections in the 1990s with Al Qa'eda, and Ayman al-Zawahiri who spent some time in Daghestan in 1997, looking for a

base from where to start his Jihad. <sup>2</sup> He has always had a great admiration for the Chechen Jihad, and recently he made another declaration of support. The links between the Chechens and the global Jihadist groups became relevant especially after 2007 with a declaration of the Caucasian Emirate by the leader Dokka Umarov.

What I think is important is not so much whether there is funding or personal connections, but the similarity of the ideologies they share. This idea of using violence and Jihad to establish an Islamic state in the area, and to be ruled by a very strict interpretation of Sharia law is what we call this notion of Talheeda Monotheism. So they not only worship God but also make sure that the laws of the Koran and Sharia are fully implemented. This was a very important issue for concern.

The second point which is used as an argument is the whole notion of the referendum on a constitution. So when Putin intervened he conducted a very effective initial bombardment. There was a very brutal counter insurgency policy and relying very much on Chechen local forces to do much of the dirty work by the now current president Ramzan Kadyrov and his group of fighters. And then the whole process of legalising the situation in Chechnya with a referendum that was held in March 2003 when the Americans were starting to bomb Iraq; this is always forgotten but it is interesting to note. Officially, the majority of Chechens voted in favour of remaining part of the Russian state, because one of the clauses clearly stated that Chechnya was part of the Russian Federation. Of course there are significant doubts about the fairness and the freedom of this referendum. Just a reminder, there was a lot of intimidation, forces everywhere, a massive amount of fraud, and even Russian forces deployed in Chechnya were allowed to vote, and this was around 36,000 troops. There was a 95.5% approval rate, so this clearly indicated that there were a lot of problems. But from the Russian point of view this settled the constitutional situation of Chechnya, and you will find in many discussions that that is what Russians bring up. I just want to note that this was not the first time that elections on a constitution were rigged in Russia. In 1993 there was also vote rigging, but not on such a massive scale. This is to note that elections in Russia have never been as free and fair as we would like them to be. Within this context it is interesting to note that already in 2002 the Kremlin had orchestrated a victory of General Vladislav Ardzinba<sup>3</sup> in the neighbouring republic of Abkhazia, and then in 2003 the elections to the Chechen presidency and parliament were also significantly manipulated.

On the other hand, many of the leaders of the North Caucasian republics helped to rig the general elections, so if you look at the voting patterns, you will see that many of these republics often had very high levels of support for Yeltsin and eventually Putin. So there is a kind of exchange on both sides and the relationship between the Kremlin and the North Caucasus is a very particular one, and Russia really needs to rely on these local elites to keep power and to make sure that it manages to keep the regions within the Russian remit.

This brings me to my last point which I was trying to study a bit more in detail on the basis of my work on Georgia and the situation in Ossetia and Abkhazia. We know that the international legal community is most reluctant to recognise the right of secession and self-determination and that the majority of scholars tend to take a very conservative view. However, there are changes: the Kosovo precedent for example, and the Baden-Baden

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<sup>2</sup> In 1997, Ayman al-Zawahiri, Osama bin Laden's deputy, attempted to enter Chechnya but was arrested by Russian police in Daghestan for carrying false documents. The Russian police - still unaware of how deep the international Islamist involvement had become - did not recognise him. They sentenced him to six months, which he served in a Daghestani prison. He later argued that the Chechen conflict could become a strategic lynchpin for the jihadist movement in his book, *Fursan taht Rayat ar-Rasul (Knights under the Prophet's Banner)*

<sup>3</sup> Vladislav Ardzinba was the first de facto President of Abkhazia

Principles which provided legal advice on the former Yugoslavia, putting an emphasis on the dissolution dimension of the state, allowing for new states to emerge. The Canadian Supreme Court in 1998 mentioned the notion of internal self-determination, to have some form of proper representation within the internal organs of power in a non-colonial context and this in some way would make sure that there is no need to go ahead with self-determination. On the one hand if we look at the North Caucasian case and Chechnya in particular, I still am of the view that one could make an argument that Chechnya could be analysed within a post-colonial context, of disintegration of a multi-ethnic more empirical state. On the other hand, it is paradoxical that today the Chechen Republic within Russia is governed mostly by Chechens. I am not saying that this is a democratic system of government, but it is mostly Chechens who are in power, in charge of all branches of government, even in the security services, and paradoxically we see a very significant development of Chechen culture, religion, and language. I can provide details of how there is increasing emphasis on introducing a religious dimension in public life, so in a way we can even say today that there is a very separate legal space between Chechnya, and to a certain extent Daghestan, and the rest of the North Caucasus.

So there is a very interesting dynamic going on inside Russia itself when we think about the North Caucasus and this is in a way complemented by a movement inside Russia by many Russians, of keeping the North Caucasus and Chechnya away, keeping them separate and not feeding the North Caucasus movement.