

IN SEARCH OF “ITS OWN LAND.” THE RULE OF LAW AND SECURITY IN THE CAUCASUS

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“Security” is a word equally applied to private lives and society as a whole. Thomas de Waal, Caucasus Editor for the London Institute for War and Peace Reporting (IWPR), is convinced that in the Caucasus individuals and societies are no longer secure.¹ One tends to agree with him: the words “the Caucasus and conflicts,” “the Caucasus and war,” “the Caucasus and refugees” were paired at the last stage of Soviet history and remain paired at the early stages of post-Soviet developments. On the eve of the Soviet Union’s disintegration the region lost its stability, today it is emanating instability that threatens not only Russia and the new South Caucasian states. In fact, the EU members are looking at it as a source of threat, too. The steadily increasing outflow of migrants from the North Caucasian republics that are part of the Russian Federation and from the South Caucasian countries (the same happened earlier when people were leaving the zone of the Balkan conflict en masse) forces Europe to look deeper into the processes unfolding in one of the most unstable post-Soviet areas. They can no longer be regarded as something external in relation to Europe—they have already developed into an internal political factor. The United States as the main antiterrorist fighter is fully aware of the Caucasus as a potential source of new terrorist acts that might affect America’s national interests.

Even if Russia, the EU and the United States do not agree on the sources and causes of crises and conflicts in the Northern and Southern Caucasus and on the methods of their settlement, they all agree that sustainable economic development, large investments, partnership and a complete integration of the Caucasian powers (Russia, Georgia, Armenia and Azerbaijan) into the world community will re-

¹ T. de Waal, “Ugrozy bezopasnosti na Iuzhnom Kavkaze,” *Vestnik Evropy*, No. 7-8, 2002, p. 35.

main impossible unless the armed and “frozen” (so far) as well as latent ethnic conflicts on their territories are finally settled. I have included Russia among the Caucasian states deliberately; by doing this I do not aim at saying that Russia has any political claims to a “special mission” in the region and to the neo-imperial status. In fact, Russia’s North Caucasian possessions are twice as large as the independent South Caucasian states taken together. Russia’s role is not limited to geographical considerations. “The Caucasian region delineated by the lower reaches of the Don and the Volga in the north and by the southern borders of three South Caucasian republics in the south (this is stated with a great degree of conventionality) is a most complicated conglomerate of varied languages, anthropological types, religions, social and political traditions that are tearing it apart. At the same time, the past abounds in common and shared features that make it possible to describe the region as a cultural-historical, or even civilizational, entity.”²

The “Greater Caucasus” has been and will remain for a long time to come a single sociopolitical mechanism despite the borders drawn by the Bolsheviks at random and the new state limits created by the collapse of the communist empire. Meanwhile, the academic community prefers to discuss the ethnic and political processes in the North Caucasian constituencies of the RF separately from similar processes taking place in the post-Soviet South Caucasian states. It should be said that some of the gravest ethnopolitical confrontations in the South of Russia are closely connected with the conflicts in the post-Soviet South Caucasian republics. An opposite is equally true of the Georgian-Ossetian and Ossetian-Ingush conflicts; the opposition between Georgia and Abkhazia and the “Chechen question”; the Armenian-Azerbaijani conflict and the relationships between the “local population” in the Kuban area and the Stavropol Territory with the Armenian and Azerbaijani migrants. The North and the South have certain other issues in common, the “divided peoples” (the Lezghians, Ossets and Avars) and the repressed ethnos (the Meskhetian Turks) being the most outstanding of them.

The conflict over Nagorny Karabakh set in motion large numbers of Armenians and Azerbaijanians who settled in the Krasnodar and Stavropol Territories of the Russian Federation. According to official sources, between 1989 and 2001 the Armenian population in the Krasnodar Territory increased by 42.52 percent (an increase of 244,783 people, or 3.7 percent of the total population).³ Today, Armenians comprise 12 percent of the total population in Tuapse, 15 percent in Sochi and 38 percent in Adler.⁴ In this way the “Armenian question” has developed into a key social and political factor in the Kuban area while the local elite has armed itself with anti-Armenian rhetoric to blame newcomers for its own failures and mistakes. The Georgian-Ossetian confrontation caused a flow of refugees from the former South Ossetian autonomous region to North Ossetia. They were “settled” in the “fraternal republic” at the expense (among other things) of Ingushes driven away from the Prigorodniy District. The Georgian-Abkhazian conflict consolidated the Adighes’ national movements in Kabardino-Balkaria, Karachaevo-Cherkessia and Adigey; the Confederation of Caucasian Peoples that also contributed to the opposition between Georgia and Abkhazia stepped up its activities. The Chechen question cannot be resolved without a settlement in the Pankisi Gorge.⁵

The Meskhetian Turks serve the best illustration of the common Caucasian problems. Back in 1944 they were deported from two Georgian regions (Javakhetia and Adzharia) to Central Asian republics. After several failed attempts made in the 1980s to repatriate them, to let them live in central Russia, and the tragic events of 1989 in the Ferghana Valley about 70 to 75 percent of them settled in the Russian part of the Northern Caucasus.⁶ According to the head of the Meskhetian community in the Salsk District (Rostov Region) Vakhit Aslanov, “we found the climate of the South of Russia most congenial. Here we could

² E.B. Rashkovskiy, “‘Kavkazskiy melovoy krug:’ tragicheskie sud’by regiona,” *Pro et contra*, Vol. 7, No. 3, 2002, p. 164.

³ See: V.N. Rokachev, “Tolerantnost’ i komplementarnost’ v mezhetnicheskikh otnosheniakh (na primere Krasnodarskogo kraia),” in: *Tolerantnost’ i politkul’turnoe obshchestvo*, Moscow, 2003, p. 99; see also: A.A. Khramchikhin, “Russkie regiony Severnogo Kavkaza: politicheskaia situatsia, vnutrennie problemy, vzaimootnosheniia s federal’nym Tsentrom,” in: *Sotsial’no-politicheskaia situatsia na Kavkaze: istoria, sovremennost’, perspektivy*, Moscow, 2001, p. 121.

⁴ See: S.V. Riazantsev, *Sovremennyi demograficheskii i migratsionnyi portret Severnogo Kavkaza*, Stavropol, 2003, p. 125.

⁵ See: S.M. Markedonov, “‘Gruzinskiy paradoks’ v rossiiskoy politike,” *Mezhdunarodnye protsessy*, No. 1, 2003, p. 118.

⁶ See: S.V. Riazantsev, op. cit., p. 134.

do what we knew best—grow vegetables. The local reception was not bad.”⁷ As the local people perceived the danger of changed ethnodemographic situation in the “Russian regions” of the Caucasus and as the ethnically alien migrants started filling the potentially conflicting (at least, highly competitive) social niches (markets and other business spheres, and joined in criminal activities), the initially positive (or at least neutral) attitude developed into a guarded or even hostile treatment.

The regional authorities and heads of territories and regions of the South of Russia spare no words to express their positions. Speaking at the conference on the problems of migration held in Abinsk on 18 March, 2002 attended by bureaucrats of the territorial and district levels (the Meskhetian Turks are living compactly in the Abinsk District), Governor of the Krasnodar Territory Alexander Tkachev said: “We should defend our land and the local population... This land belongs to the Cossacks and everybody should be aware of this. Here we play according to our own rules.”⁸ His initiative was supported in the Rostov Region. The statement issued by the Great Army of the Don made public shortly after Tkachev’s initiatives said in part: “The Rostov Region is in mortal danger—that of tipped ethnic balance. Uncontrolled migration that is going on while the authorities remain inactive has flooded the Rostov Region. The land of the Don may suffer the fate of Kosovo in Yugoslavia.”⁹

In 1999, as Georgia joined the Council of Europe, it pledged to receive the Meskhetian Turks back, yet, at least for two reasons, they could hardly be returned to Samtskhe-Javakheti. First, the territory is home for a considerable Armenian population weakly integrated into the Georgian socium and dead set against the Meskhetian Turks’ repatriation (the memory of the genocide of 1915 is one of the factors). Second, an Armenian-Turkish conflict as an outcome of full-scale repatriation might be accompanied by a Georgian-Armenian conflict and a Georgian-Turkish confrontation (the Turks are not integrated into contemporary Georgian society).¹⁰

The above has proved beyond doubt that the current artificial delineation between the ethnopolitical problems of the Russian Northern Caucasus and the South Caucasian independent states does nothing to promote our understanding of the threats to regional security and stability. Indeed, stability in the Russian Caucasus (that comprises 10 Federation constituencies) cannot, and should not, be discussed separately from stability in neighboring Georgia and across the Southern Caucasus as a whole. The common Caucasian problems can be resolved through a multisided discussion and joint efforts on both sides of the Caucasian Mountain Range and a clear and adequate understanding of the causes behind ethnic confrontations.

I am convinced that an adequate response to the main threat to regional political stability and security requires a correct diagnosis of the grave illness that has affected the region. It should be treated and cured—otherwise no political or economic future is possible. I am not talking about the economic situation in general: in fact, one can look at slave trading in independent Ichkeria, transborder drug trafficking, illicit circulation of arms and numerous illegal schemes as entrepreneurship. I have in mind an open economic system based on the correct ideas about laws and business activity rather than on archaic institutions. As the first step ethnic intolerance and conflicts should be identified within the legally correct formulas of the international law, the U.N. Charter, etc. These attempts should not be limited to the currently fashionable geopolitical considerations and “geological and mineralogical” arguments about barrels of oil extracted on the Caspian shelf. (We all know that the Caucasus had never been an area of peace and prosperity even before oil and mineral resources became weighty arguments.)

To identify the initial reasons for the current wide-scale ethnic confrontation in the region we should try unconventional approaches going far outside the limits of law and juridical subtleties and employed

⁷ M. Bondarenko, “Na Donu govoriat po-turetski,” *Nezavisimaia gazeta*, 16 September, 2002.

⁸ “The Situation of Meskhetian Turks in Krasnodar krai of the Russian Federation.” The Report Prepared by Russian Net against Racial Discrimination, *School of Peace*, No. 10 (20), October 2002.

⁹ See: I. Burakov, “Na Donu znaiut, kto vo vsem vinovat,” *Vremia novostey*, 17 April, 2002.

¹⁰ About the ethnic-political situation in Samtskhe-Javakheti see: G.V. Novikova, V.I. Dashko, “Samtskhe-Javakheti: v epitsentre interesov,” in: *Gruzia: problemy i perspektivy razvitiia*, Moscow, Vol. 2, 2002, pp. 229-255.

outside the Procrustean Bed of socioeconomic constructs. We should take into account the numerous irrational factors hard to identify and even harder to classify. Indeed, if the problem could be reduced to the issue of resources and finances (and their legal registration), it would have been easy to realize the exchange of territories in Nagorny Karabakh suggested by American academic Paul Goble that was expected to create a corridor between Nakhichevan (an enclave under Azerbaijanian jurisdiction) and the rest of Azerbaijan. To achieve this it was suggested that part of the Armenian territory should be transferred to Azerbaijan in exchange for the Armenian-populated part of Nagorny Karabakh for Armenia. The U.S. and Europe were prepared to pay lavishly: the international community wanted peace at any cost. The plan remained on paper because of an irrational, from the Western point of view, argument¹¹: one cannot give up “one’s own” land to the enemy. Those who dare to do this will no longer be accepted as members of their people (ethnos). This argument defeats the best possible business plan, potential investments and impeccable legal constructs.

Throughout the ages all Caucasian peoples acquired their own understanding of ethnic identity that differs radically from the German idea of a nation (based on blood kinship) and the French one (based on citizenship). Caucasian identity is rooted in land regarded as an object of worship completely divorced from its economic or geopolitical importance. Every time the leaders of Abkhazia are offered a plan under which Georgian refugees should be returned to the Gali District (in which Georgians were in the majority) they put forward an argument that in ancient times the place (then called Samurzakan) was populated by Abkhazians. When accused of organizing in 1993 ethnic purges in which over 200 thousand Georgians suffered (the republic’s ethnic majority), the Abkhazian elite presents figures that say that by the beginning of the armed conflict (1992) Georgians were in the majority because of deliberate efforts of the heads of the Georgian S.S.R. When asked whether the use of force is justified in Abkhazia, the Georgian side normally answers that the land belongs to Georgia and it alone has the right to rule it as it sees it fit. This is a vicious circle.

The Armenian side in the Karabakh conflict insists that Armenians were Karabakh’s earliest dwellers while the Azerbaijanian side reminds that Azerbaijanians formed their own state in Karabakh (Irevan, Nakhchivan and Karabakh khanates). In the Ossetian-Ingush conflict the Ingushes want their territories back on the strength of the Law on Rehabilitation of the Repressed Peoples (they insist that part of the Prigorodniy District of North Ossetia is their ethnic territory and “the cradle of the Ingush people”). The Ossets, on the other hand, do not want to retreat “from their own territory.”¹²

At the same time, the idea of one’s “own territory” is not limited to the non-Slavic ethnoses of the Caucasus. In the so-called “Russian areas” of the Caucasus (the Rostov Region, Krasnodar and Stavropol Territories) the local people usually insist that they live on “their own territory,” which is the “outpost of Russia,” the land that was captured by force, developed and integrated into Russia. (I have already quoted typical statements of heads of the Rostov and Krasnodar establishments.) One can describe the mentality of the political regional elites and the mass stereotypes as “settler state” and “border mentality.”¹³ This breeds xenophobia (migrant-phobia) and a desire to register the Cossacks as the “autochthonous population” in the regional laws. In this way stereotypes of the past are introduced into contemporary political contexts.

If this approach survives, the conflicting sides will always regard the social-political “pictures” of the world as existing in parallel spheres and having nothing in common. The Georgians will continue looking at South Ossetia as a Georgian territory of Samachablo while the Ossets of South Ossetia will continue fighting the “smaller empire.” Armenian historians will look at Sumgait and Baku while

¹¹ See: B. Coppeters, “Federalizm i konflikt na Kavkaze,” *Rabochie materialy Moskovskogo tsentra Carnegie* (Moscow), No. 2, 2002, pp. 8-9.

¹² There is a village of Tarskoe (Angusht) in the Prigorodniy District from which the ethnic name of Ingushes was derived. The problem of the Prigorodniy District was reflected in the Constitution of the Republic of Ingushetia (Art 11).

¹³ M. Bassin, “Tutner, Solov’ev and the ‘Frontier Hypothesis’: The Nationalist Significance of Open Spaces,” *Journal of Modern History*, Vol. 65, No. 3, 1999; A. Rieber, “Changing Concepts and Constructions of Frontiers: A Comparative Historical Approach,” *Ab imperio*, No. 1, 2003.

their Azerbaijanian colleagues will limit themselves to Khodzjalla (the sites of large-scale ethnic disturbances). The Georgian side will concentrate on the 1993 ethnic cleansing while the Abkhazians will continue thinking about forced "Georgianization" and an invasion of the troops of the State Council of Georgia in August 1992. The Ossets of North Ossetia will continue discussing the Ingush aggression of October 1992 while the Ingush side will never let the subject of 70 thou refugees from the Prigorodniy District die. Reminded of the "Armenian" or "Turkish" issue, the Kuban and Don regional elites will start talking about the threat of "another Kosovo" while the migrants will continue ignoring the rules established by the "local people" and guide themselves by their own customs rather than the law. This is like a film with cutouts: every side cuts out what it does not like and ignores what its opponent has already removed.

"One's own land" as an ideological construct gives priority to ethnic collective property: an ethnos alone can act as its supreme owner and dispose of it as it sees it fit. As distinct from what civil law says about property, the right of ownership of "one's own land" is formulated in an arbitrary way; it is rooted in the way history is presented to the nation and ignores past realities. The leaders of the national movements in the Caucasus prefer to ignore the fact that any consistent realization of the *jus primae occupationis* principle devalues the very idea of "one's own land." Indeed, the Greeks have as many rights to live in Abkhazia as the Abkhazians and Georgians, while the Udins can be regarded as another side in the Karabakh conflict. Late in the 1980s a fiasco of the communist project (its ideology and practice) and political liberalization that followed left an ideological vacuum filled, in the Northern and Southern Caucasus, with the familiar idea of "one's own land" earlier suppressed by the Bolsheviks. Ethno-nationalist movements that replaced the republican communist elites hoisted the idea as their banner. In the newly formed South Caucasian states and the North Caucasian republics of Russia power acquired legitimacy through the principle of "blood kinship" and by calling to setting up "their own states" (Federation constituencies) to express the interests of "one's own land."

This principle turned out to be a slow-fuse bomb threatening the legitimacy of the new states and national entities. By legitimacy I mean not only the nation's perception of power as a legal one but also perception of power as acting in the interests of its citizens. "One nation (ethnos)-one state" is not the best method of adding legitimacy to power in polyethnic and poly-confessional states with numerous ideas of "one's own land." Ossets, Abkhazians and Armenians of Javakhetia will always look at the state built according to the "Georgia for Georgians" principle as alien and illegitimate, while the Armenian community in Azerbaijan will never accept the "Azerbaijan for Azerbaijanians" slogan. Obviously, Adigei that is regarded as a result of the "autochthonous people's" wish will never be accepted "as their own" by the republic's Russian population that comprises 60 percent of the total population.

The crisis of legitimacy in the Caucasus produced weak and impotent states threatening regional and international security. The international community had recognized three independent South Caucasian states now in a legitimacy crisis; however, in the last 12 years three unrecognized states appeared in the Caucasus: Nagorny Karabakh, Abkhazia and South Ossetia. According to Thomas de Waal, "this is probably the world record that should not be regarded as a temporary phenomenon that will disappear all by itself."¹⁴ They have acquired many of the statehood attributes: state symbols, governments and parliaments, budgets, armies, the police and security structures, and basic principles of national ideology. The self-proclaimed states, however, cannot be regarded as states in the full sense of the word; we have still less grounds to describe them as legitimate. According to Thomas de Waal, "we should not forget that these entities appeared as self-governing units only by delivering themselves from larger communities."¹⁵ The self-proclaimed structures are also justifying their legitimacy by referring to "their own land" principle. Having been born by the wish to escape from the recognized South Caucasian states perceived as illegitimate by the self-proclaimed structures, the unrecognized states fell into the same trap. The circle was complete.

¹⁴ T. De Waal, op. cit., p. 38.

¹⁵ Ibidem.

In Russia the consequences of the realized “one’s own land” principle were less destructive (Chechnia is the only exception). Still, the tendency toward ethnic homogenization in the North Caucasian Federation constituencies is dangerous. According to A. Dzadziev from Vladikavkaz, one can say that Daghestan is developing into a monoethnic republic: the share of the autochthonous peoples in the total population increased from 80 to 85 percent (between two censuses of 1989 and 2002). The share of Russians dropped from 9 to 5 percent; members of other ethnoses, from 11 to 10 percent. The share of the title nations in North Ossetia and Kabardino-Balkaria increased between 1989 and 2002 from 53 to 60 percent and from 58 to 65 percent, respectively; in Adigey and Karachaevo-Cherkessia, from 22 to 24 percent and from 51 to 57 percent, respectively. The share of Russians in these four republics dropped from 29.9 to 23.4 percent, from 32 to 27.2 percent, from 68 to 65.8 percent and from 42.4 to 35.8 percent, respectively.¹⁶ In Chechnia the process of ethnic homogenization can be better described as an exodus of the Russian population. According to the All-Union Census of 1989, there had been 294 thou Russians living in the Checheno-Ingush A.S.S.R. while later 220 thou Russians left the “rebel republic.” The cost of Chechnia’s attempts at sovereignty was even higher: 21 thou Russians lost their lives (not counting those killed during hostilities).¹⁷

Can this vicious circle be disrupted? We should not treat the expectations of the recognized and unrecognized entities in the Southern Caucasus, as well as national entities in the Northern Caucasus, as utopian: they are rooted in many centuries of historical experience. Having been given political freedom, the Caucasian ethnoses rushed to rescue what they believed to be the most precious thing—their ethnic identity. They never realized that by doing this they destroyed the identities of others. Protection of one’s own rights turned out to be a violation of the rights of others. Having recognized this, we should avoid another extreme: recognition of cultural uniqueness of Caucasian civilization, mentality, etc. Had this uniqueness received its impulses in closed geographic (geopolitical) expanse, we should have recognized the same expanse as a unique ethnographic territory. However, in the conditions of globalization the threats emanating from the Caucasus are damaging the interests of not only Russia as a Caucasian power (let me remind you that the North Caucasian territory is twice as large as that of the Southern Caucasus) but also of Europe and the United States. From this it follows that the leading powers should pool efforts to ensure legitimacy in the Southern Caucasus. Money and financial support of the “peace process” cannot resolve this task: we have already seen this in the Balkans and the Middle East.

Those who defend “their own land” willingly spend the money given them to defend peace and progress on their fight for ethnic purity. It seems that large-scale ideological (intellectual) work is needed; it should go on for years and decades and be aimed at changing the very foundations of the ideas about nations, ethnoses, their morals and relationships. This means large-scale cultural transformation in the political and social conscience of the Caucasian nations. Prof. B. Parakhonskiy of the Ukrainian National Institute of Strategic Research has written: “It seems that historical justice is a limited phenomenon. Sometimes attempts to return to the past turn out to be an act of historical injustice in relation to the present.”¹⁸ This is what the leaders of both recognized and unrecognized South Caucasian states should understand. In the Northern Caucasus the Russian state should create a Russian civil nation as an integrative form for various ethnoses of the Federation. Today, ten years after the Constitution was adopted, we should fill the constitutional formula “the multi-national people of the RF” with real meaning and content. Politics should be relieved of its ethnic component and the idea of ethnicity should be de-etatized. The latter cannot be limited to bureaucratic exercises of enlarging regions or calling them “gubernias.” The main thing is to stop looking at ethnically constructed entities as a result of political will of this or that ethnos and stop dividing the population into “autochthonous,” “title,” or “alien.” To do this special laws are to be adopted.

¹⁶ See: A.B. Dzadziev, “Dinamika chislennosti i etnicheskogo sostava naselenia respublik Severnogo Kavkaza v mezhperepisnoy period 1989-2002 godov,” *Biulleten' Vladikavkazskogo instituta upravlenia (Vladikavkaz)*, No. 10, 2003, p. 148.

¹⁷ See: S.M. Markedonov, “Chechnia. Voyna kak mir i mir kak voyna,” *Ab imperio*, No. 4, 2001. Regrettably, the problems of the Russian population of Chechnia were not systematically studied and were ignored by the Russian state authorities when preparing the referendum on the republic’s Constitution (December 2002-March 2003).

¹⁸ Quoted from: [www.politcom.ru/2003/pvz140.php].

History should be abandoned to academics and removed from political circulation. Threats to international security and stability emanating from the Caucasian Mountains cannot be removed by simplification and by the efforts to reduce the problem of settlement to oil extraction and exchange of territories.