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The Chechen Refugees

By
Johanna Nichols*

I.

INTRODUCTION

There were almost a million Chechens on earth in the early 1990's. Just over 700,000 of them lived in Chechnya (where in the 1989 census they comprised under 65% of the population). As of summer 1999, there were under 600,000 Chechens in Chechnya, perhaps considerably under that number. At present more than half of those people are *de facto* refugees, most of those remaining in Chechnya are trapped or imprisoned or displaced, thousands have been killed, and nearly every last surviving Chechen has been ruined and bereaved.

Prior to 1944, the great majority of Chechens lived in Chechnya. As of last summer probably closer to 60% of the Chechens lived in Chechnya. The other roughly 40% were for the most part an unwilling diaspora displaced by half a century of deportation, economic discrimination, war, economic chaos, and lawlessness. Since September 1999 over 325,000 more Chechens have fled Chechnya as war refugees and another 125,000 are internally displaced in Chechnya.¹ This article recounts the situations that have produced Chechen refugees and other displaced people over the last half century, gives estimates of their numbers, and describes the condition of the present wave of refugees. The term *refugee* will be used here of people who have fled war (though technically most of them are not refugees as they have not crossed a recognized international boundary). Others will be called deportees, forced migrants (if they have fled violence), and pressured migrants (if they have been squeezed out by economic duress and would probably return if they could). Generic terms covering all of these people and situations are *diaspora* (for the population), *emigrant* (for the individuals), and *exodus* (for the process and general situation).

As this terminology indicates, the usual terms *refugee*, *internally displaced*, and *emigrant* do not apply particularly well to the Chechen situation, and in any case they do not capture (and were not designed to capture) the variety of specific situations that can underlie the long-term gradual mass exodus of a pressured people. Analysis of the situation of the Chechens requires consideration

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1. After this article had gone to press the Danish Refugee Council did a complete census of Chechens, finding their numbers in Chechnya much higher than expected, and questioned the 1996-99 exodus claimed in sect. II below. See <<http://www.reliefweb.int>> (country search for Russian Federation).

of whether the ongoing military action is or is not war, whether it is genocidal, and whether the larger Chechen exodus of the late twentieth century is genocidal. The Chechen refugee crisis will be compared below to the two most similar recent situations that have resulted in international sanctions and intervention: the crises of Kosovo and East Timor. It will be concluded that the prospects for the return of the Chechen refugees depend on the same factors as the more general prospects for peace in the Caucasus and for the development of civil society in Russia.

Russia is a country in which the rule of law is still fairly tenuous and corruption is widespread. In this situation high officials can violate human rights without technically bearing responsibility for these violations. A public statement by a high official containing hate language, but without specific legally binding claims or exhortations, signals implicit impunity for crimes committed against the target of hate. In August 1999, for example, anti-Chechen hate rhetoric emanated from public officials. This signaled to the police and the citizenry that framing, extortion, and eviction of Chechens would meet with impunity, resulting in raids and near-pogroms against Chechen and other Caucasian merchants in the markets of Moscow and St. Petersburg. Since the beginning of the military action against the Chechens in September 1999, Russian media have been required by state policy to use the terms "bandit" or "terrorist" when referring to Chechens. This language indicates implicit impunity for crimes against Chechens, and it implicitly sanctions actions such as looting, rape, massacres, and torture which are committed by Russian troops against ethnically Chechen civilians. Likewise, statements by high military officers to the effect that the Chechen refugees are fighters in disguise, resting and recuperating in refugee camps, or that there are no civilians at all in Chechnya but only fighters, carry the same implicit impunity for crimes against civilians. The prospects of refugees returning home, the prospects for civil society in Russia, and responsibility for violations of human rights need to be assessed for a full understanding of how implicit impunity functions in Russia. An analysis of implicit impunity is beyond the scope of this article, but its relevance will be pointed out below.

II.

THE CHECHEN EXODUS

The Chechens are one of numerous indigenous peoples of the central and eastern Caucasus who speak languages belonging to the Nakh-Daghestanian (or Northeast Caucasian) language family, a large and old language family with no demonstrated connection to any other language family (and certainly not to Indo-European, to which Russian belongs, along with English). The Nakh-Daghestanian family originated in the vicinity of the southeastern Caucasus over 6,000 years ago, and there is good archeological continuity from that area and time frame to the present peoples of the central and eastern Caucasus. The Chechens and their immediate western neighbors, the Ingush, speak closely related languages and have nearly identical customs. They have a collective overarching term for themselves (*vai naakh*: 'our people'), but their identities as

respectively Chechen and Ingush are also traditional and—of all the levels of identity, from clan up to highlander and Muslim, which did and do attract loyalty in the northern Caucasus—are closest to national. The Chechen and Ingush were grouped into a single republic or ASSR by Soviet authorities, but chose to separate with the breakup of the USSR.

There has been much demographic change and population transfer involving the Chechens in the last two centuries.² The Russian conquest of the Caucasus, culminating in the mid-19th century, was prolonged and bloody, and many Chechens (and other nationalities) were killed or deported. In the first two decades of Soviet rule there were purges, slaughters, and highland clearances by the Soviet authorities among the peoples of the central and eastern Caucasus, especially the Chechen and Ingush. These events of the early 20th century had significant demographic consequences but none produced appreciable numbers of refugees.

In 1944 the entire Chechen population, together with the Ingush and other nationalities (Karachay-Balkar, Kalmyk, Crimean Tatar, Meskhetian), was deported *en masse* to Siberia and Central Asia. Catastrophic numbers of deaths resulted from executions of those unable to travel or from transport: typhus epidemics and starvation enroute (the trip, with deportees packed into cattle cars, took nearly a month); starvation and exposure on arrival; and starvation and disease for the first several years of exile. Deaths are variously estimated as 20%-50% during removal, some 20% of the survivors during the first years of exile, and indirect population loss of about 200,000 as a result of deportation and exile.³ Survivors began returning sporadically after Stalin's death, in large numbers after the "rehabilitation" of the deported nationalities in 1956, and in very large numbers after return was officially permitted in 1957. Soviet authorities tried in various way to urge and even coerce people not to return, but most did. Some stayed behind, however, and they and their descendants in Kazakhstan and Kyrgyzstan numbered just over 50,000 in 1989 (see Table 1).

The Chechens returned to a republic in which they were, by both policy and unofficial prejudice, second-class citizens. There was chronic poverty and high unemployment among them, while professional and technical work in Grozny's oil industry went primarily to Russians even when these fields experienced labor shortages. Many Chechens were forced to seek temporary employment in other republics. Although with *perestroika* the employment of Chechens in education and professional and technical positions in Chechnya increased, the two-sector economy⁴ continued, with poverty, unemployment, and out-migration growing among Chechens. By the time of the 1989 census, only 735,000 of the 900,000

2. A recent overview in English of Chechen history is JOHN B. DUNLOP, *RUSSIA CONFRONTS CHECHNYA: ROOTS OF A SEPARATIST CONFLICT* (1998).

3. See N. F. Bugai, *The Truth About the Deportation of the Chechen and Ingush Peoples*, *SOVIET STUDIES IN HISTORY*, Fall 1991, at 67 (cited by DUNLOP, *id.*, at 70); V. A. TISHKOV, E. L. BELJAEVA, G. V. MARCHENKO, 1995. *CHECHENSKU KRIZIS: ANALITICHESKOE OBOZRENIJE* [The Chechen crisis: Analytic overview] 8-10 (1995); ALEXANDER M. NEKRICH, *THE PUNISHED PEOPLES* 138 (1978).

4. The term is from TISHKOV ET AL., *supra* note 2 at 16ff.

Chechens in the RSFSR lived in the then Chechen-Ingush ASSR (at least 700,000 of them in what is now Chechnya); over 50,000 were in Kazakhstan and Kyrgyzstan, and over 50,000 in various parts of Russia. (See Table 1.) Most of the 58,000 Chechens in Daghestan were not part of the diaspora but residents of traditionally Chechen lands placed in Daghestan when the borders of the newly reconstituted Chechen-Ingush ASSR were drawn in 1956. The city of Khasav-Yurt is in this traditionally Chechen area.

After the election of Dzhokhar Dudaev as president and his government's declaration of independence, economic conditions in Chechnya worsened. Pensions, salaries of schoolteachers and other public servants, and other former government benefits ceased. Increasing numbers of people turned to trade in the marketplace to earn their living or joined the diaspora. Organized crime flourished in the former USSR after its demise and attracted the unemployed and underemployed, including Chechens. Relations with Russia worsened, and Russia initiated various destabilizing actions. People of all ethnicities—Chechen, Ingush, Russian, and others—left Chechnya. Of these, many Ingush moved to Ingushetia when it separated from Chechnya, in particular government workers and others moving to the new Ingush capital city; the others, including some Ingush, were pushed out by economic and/or political factors. The numbers of emigrants are unknown, but government statistics⁵ indicate that the total aggregate population of Chechnya and Ingushetia was unchanged from 1991 to 1994, despite a traditionally high birth rate and a previously high rate of population growth.

The 1994-96 war between Russia and Chechnya produced hundreds of thousands of refugees and unknown numbers of civilian deaths. Estimates of deaths range from around 20,000 to 120,000; estimates by human rights groups tend to range up to 50,000. Of these, probably somewhat over half were Chechens. Some of the refugees from that conflict remain in the diaspora. Most of the Ingush still residing in Chechnya at the time left for Ingushetia when the war began, and most of them, as well as some Chechens, have remained there; the total is said to be in the tens of thousands, but I have seen no precise figures. On the other hand, the refugee influx, together with an original 64,000 refugees and forced migrants from the ethnic cleansing of Ingush from their traditional lands in North Ossetia in 1992, and an originally high population density in Ingushetia, have made housing expensive there, and in recent years some Ingush, including some of the refugees from the 1992 ethnic cleansing, moved to Grozny, where building or rebuilding was much less expensive. Russian government statistics⁶ indicate total population losses of 284,000 in Chechnya for 1994-1996; this would include war deaths, other deaths, refugees, other emigrants, and the results of a presumably lowered birth rate and accelerated

5. Cited by Vladimir Grivenko, *O chislennosti naselenija Chechni v ijule 1999 g. (k nachalu novogo kavkazskogo konfliktia)* [The population of Chechnya in July 1999 (before the present conflict)] (1999) following *ROSSUSKU STATISTICHESKU VESTNIK* (1998) <<http://www.memo.ru/hr/hotpoints/N-Caucas/habitants.htm>>.

6. See *supra* note 4.

non-military-related death rate during the years of war. By the same figures Ingushetia's population growth during the war years was 98,000, of which I estimate that at least 70,000 must have originally been refugees or other war-related immigrants. If any of these people are being carried on the population rolls for the republic (and it seems that some are), they must have settled there, if only temporarily.⁷

The rest of the population growth in Ingushetia was due to births and the settling of some of the originally 64,000 refugees from the 1992 ethnic cleansing. Some of these refugees have managed to find housing and are no longer on the rolls of refugees or displaced. Others remain in temporary camps, some out of necessity, and some in the hope of gaining compensation for their destroyed homes (they lose their claim to compensation if they resettle). Some have presumably joined the diaspora.

The war ended in Russia's humiliating defeat by tiny Chechnya. The war had left Chechnya devastated, however, with much housing and nearly all infrastructure destroyed and much farmland mined or poisoned. Chechnya sank into lawlessness and economic chaos; some war veterans became leaders of paramilitary, radical fundamentalist, or criminal groups and fomented civil war, assassinating several high government officials. Reparations owed by Russia were diverted or never paid. Kidnapping gangs, secure in implicit impunity for crimes against Chechens and crimes committed in Chechnya, operated in and near Chechnya, terrorized the local population, and drove out nearly all international observers and aid agencies.⁸ (About a thousand hostages are estimated to have been taken. Some were tortured or threatened with torture to extract ransoms from their relatives. Some were killed.) Unknown numbers of people fled this terror. In 1999 Grivenko estimated that up to 150,000 Chechens had emigrated from Chechnya between 1989 and summer 1999. People are said to have left Daghestan and Ingushetia as well. These were pressured migrants.

As of summer 1999, then, the total Chechen diaspora in the former USSR may have numbered between 200,000 and 300,000 people: the roughly 150,000 in Russia and Central Asia in 1989 (plus their descendants), another 100,000-150,000 by 1999, and some tens of thousands of settled war refugees in Ingushetia. (See Tables 1 and 2.) There are also over 60,000 non-diasporic Chechens living in traditionally Chechen lands in Daghestan and Georgia, and prior to 1992 there were over 2000 Chechens living in traditionally Ingush lands in North Ossetia, chiefly as a result of marriage to Ingush. There are also about

7. Neither the source nor the accuracy of the government figures is clear, as Grivenko mentions, *supra* note 4.

8. In cases covered by news reports, ransoms demanded for Chechens and other indigenous peoples tended to run in the tens of thousands of dollars, and those reported as actually paid were lower. Kidnapping at these rates was profitable not because income was high in the impoverished Caucasus but because implicit impunity made overhead (such as protection, bribes to police, losses due to criminal prosecution) low. A few foreigners, chiefly Europeans, were murdered and a few kidnapped. Ransoms demanded for them ran in the low millions. Some ended up being freed without prosecution of the kidnappers after Russian federal government intervention. Government officials and news reports generally stated that no ransom had been paid.

5000 Chechens in Jordan, the descendants of refugees and deportees from the Russian conquest of the Caucasus in the 19th century.

Even more than the 1994-96 war, the one which began in September 1999 is notable for its brutality towards civilians and its levels of destruction. The capital city of Grozny, formerly home to about 400,000 people, suffered unprecedented levels of destruction in 1994-96 and has been almost entirely reduced to rubble in the present war; this must be the greatest level of destruction ever visited on any urban area in any non-nuclear war. In both wars, but especially the present one, civilians have been the chief (and intended) targets of the Russian forces. There has been massive bombing of Grozny and many towns, including nearly every highland town or village. Despite a news blockade and a ban on reporting from the war zone, several massacres of civilians and bombings of refugee caravans have been documented.⁹ A system of "filtration" camps in the Russian-occupied lowlands, ostensibly established to detain suspected guerrillas and individuals without passports, tortures and executes Chechens as young as 11, sometimes ransoming them to relatives. (The Russian human rights association Memorial estimated in mid-April that there were as many as 15 "filtration" camps holding several thousand people.)¹⁰ Refugees flee the active bombings and the threat of massacre and torture. As of mid-April a total of 325,000 people were reported by the Ingush government to have entered Ingushetia as refugees, of whom 214,000 remained in Ingushetia (as of mid-May the latter figure is 215,000). Tables 2 and 3 show these and other relevant figures.¹¹

III.

THE CONDITION OF THE PRESENT REFUGEES

A very few of those fleeing the current war are refugees in the technical sense of having crossed an international boundary: a few thousand highland Chechens were able to cross the border with Georgia in the autumn before the pass became snowbound, and perhaps a few hundred have joined relatives in Kazakhstan. The rest are technically internally displaced people. The Russian federal authorities deny even this status to as many as possible, in particular

9. For a massacre of 60 civilians in Aldi in early February see Human Rights Watch, *February 5: A Day of Slaughter in Novye Aldi* <http://www.hrw.org/reports/2000/russia_chechnya3/>.

10. As reported in an AFP (Agence France Press) release of April 14, 2000. A May 22 AFP release quoted Russian news agency Itar-Tass as quoting the Russian federal command to the effect that the Russian military had arrested more than 10,000 Chechens this year; this may be the number placed in "filtration" camps since January 1. That is, by the estimates of Memorial and the Russian military (organizations unconnected to each other), the number of people now held in "filtration" camps may be an order of magnitude greater than the number ever taken hostage. When "filtration" camp prisoners are ransomed to their relatives, the ransoms are an order of magnitude lower than those taken in the interwar period by kidnapping gangs: figures of \$300, \$700, and \$3500 are cited in Amnesty International, *Continuing Torture and Rape in Chechnya*, News Release EUR 46/36/00 <<http://www.amnesty.org/news/2000/44603600.htm>>.

11. For a chronicle of statements and information on the war see Human Rights Watch, *Chechnya: Renewed Crisis (1999-2000)*, <<http://www.hrw.org/campaigns/russia/chechnya/>>. For updated figures and other information on the refugees in Ingushetia see Johanna Nichols, *Chechen refugee crisis in Ingushetia (1999-2000)*, <http://ingush.berkeley.edu:7012/human_rights.html>.

those individuals whose places of origin are deemed to be under Russian control.

The present war began with a blockade of Chechnya's and Ingushetia's borders. Ethnic Chechen and Ingush refugees are allowed exit only to Ingushetia, and only through one checkpoint. (People of other ethnicities can exit elsewhere, *i.e.* to Russia, North Ossetia, or Daghestan.) There are refugee camps only in Ingushetia. Initially, ethnially Chechen refugees were forbidden to leave Ingushetia. As of sometime in November they have been permitted to leave by train or plane, *i.e.* to distant destinations, as these vehicles do not pass through military checkpoints. The border blockade means that buses and cars must pass through a checkpoint with strict passport control, and in general people can pass these checkpoints only if they have a residence permit for their intended destination.

Access to refugee camps, or to refuge in Ingushetia more generally, is difficult in itself. From time to time the border checkpoint is arbitrarily closed, stranding refugees at the border. (For example, it was recently closed for three days to mark the March 26 Russian presidential election and for four days to mark the May 9 Russian national military holiday celebrating the end of World War II.) In late fall it was sometimes closed at the height of battle, stranding thousands at the border. (News reports at the time carried stories of refugees wounded by shrapnel or bombs developing gangrene as they waited at the closed border and requiring amputations as a consequence of the gangrene once they were allowed to enter Ingushetia.) At the border checkpoint refugees are often harassed, detained, and/or solicited for bribes by the guards.¹²

There are similar internal checkpoints along highways and major roads in Chechnya (12 of them, for instance, along the 25-mile stretch of highway from Gudermes to the border checkpoint at Ingushetia). Each of these too involves possible harassment, solicitation for bribes, and/or detention.

In November 1999, all Chechen males between the ages of 10 and 60 were decreed by the federal government to be potential fighters and forbidden to cross the border to Ingushetia. The restriction on border crossing was soon lifted in response to international outrage, but the policy still holds in Chechnya, where at any checkpoint and in any village with a Russian military presence men and boys down to the age of 10 are subject to arbitrary detention in "filtration" camps, torture and sometimes execution.

Not all who wish to flee are able to do so. The refugee entry point to Ingushetia is in the western Chechen lowlands, while the cities of Grozny and Gudermes are in the east, and the highlands that have seen most of the recent fighting are in the southeast. Travel to Ingushetia is difficult and dangerous for people from these areas, and the cost of transport by vehicle is prohibitive for many. Would-be refugees who have remained behind have lost their homes and possessions presumably in proportion to those now in Ingushetia. They receive

12. Human Rights Watch, *Displaced People in Ingushetia Face Life-Threatening Conditions* <<http://www.hrw.org/press/1999/dec/chech1202.htm>>; *Bribery and Abuse Along New Escape Route Out of Chechnya*, <<http://www.hrw.org/press/1999/dec/chech1214.htm>>.

little or no aid, have little or no access to medical care, and are not safe from battle. Their situation is thus worse on average than that of the refugees in Ingushetia. In mid-May, the UNHCR reported 125,000 internally displaced people within Chechnya.

Apart from the checkpoint risks, refugees must endure the risk of military action. There have been several cases of refugee convoys being fired on and even bombed. The Russian military authorities claim to set up humanitarian corridors for civilian escape from towns under bombardment, but refugees who have escaped say that they do not always exist, or are not always announced, or sometimes require bribes, or are not always honored.

Human Rights Watch describes the condition of the refugees in Ingushetia as follows:

The conditions in the refugee camps in Ingushetia are dire, with inadequate shelter, food, clean water, heating, medical assistance and other essentials. Only a minority of refugees are housed in crowded tent camps or railway cars: the majority live in makeshift shelter in abandoned farms, empty trucking containers, or similar substandard shelter; because many are forced to pay large sums for private housing, they are often forced to return to what is still a very active war zone when they exhaust their resources. Russia is not allowing humanitarian organizations to operate freely in Ingushetia, and is virtually blocking any direct assistance to needy persons inside Chechnya. Displaced children in Ingushetia are not attending school, and their medical needs are more often than not severely neglected. Russian authorities have repeatedly attempted to force refugees to return to Chechnya by denying them food in the camps or by rolling their train compartments back to Chechnya.¹³

That is, the Russian federal government restricts aid to the refugees as far as possible: by denying them eligibility and by restricting or blocking access to them. As of last winter it was reported that international aid organizations are required to make any donations not to the refugees or the harboring republic of Ingushetia but to Russia, and that aid donated to Russia was distributed by Russian troops, which siphon off a considerable portion. At the time of this writing, the OSCE has just negotiated an agreement with Russia to send representation into Chechnya, which may improve matters. In recent months the UNHCR and other aid organizations have been sending more or less weekly aid convoys to refugees in Ingushetia. Still, aid falls short of needs, and the needs are made up by Ingushetia or not at all.

The Chechen refugee population places a burden on Ingushetia, which is notable in two respects. The first is its magnitude. The resident refugee population of 215,000 is two-thirds of Ingushetia's own population (and must outnumber the population less the refugees and settled refugees from 1992 and 1994-96). Table 4 gives some comparison figures relative to population, size, and population density of the receiving republic, for the Chechen refugees in Ingushetia and for two other recent conflicts that have produced large numbers of refugees: the crises of Kosovo and East Timor. The proportion of refugees to

13. Amnesty International and Human Rights Watch, *Joint Statement (to UNHCR) on Chechnya, April 11, 2000*. <<http://www.hrw.org/campaigns/genewa/item4-oral.htm>>.

population or area of the receiving republic is extremely high in the case of Chechens in Ingushetia.

Ingushetia is a tiny, impoverished, and densely populated republic and has been overwhelmed by the number of refugees. (The poverty is in large part a result of the history of deportation, disadvantage, and impoverishment that the Ingush share with the Chechen. The high population density is partly the result of refugees from previous conflicts.)

The second notable burden is the danger of Russian military action against Ingushetia itself. From time to time, the Russian military command issues statements that the refugees are fighters in disguise, or that the refugees are a ruse designed to gain world sympathy, or that the government of Ingushetia is harboring Chechen guerrillas and terrorists. These statements convey implicit impunity for actions against refugees or against Ingushetia, and they can probably be taken as threats.

It should be noted that ethnic Ingush in Chechnya are in the same danger of harassment, execution, and "filtration" camps as ethnic Chechens are. The Russian military and federal government seem not to make any distinction between Chechen and Ingush ethnicities during this war, though so far the war zone itself has been limited to Chechnya.

Not only refugees but also the diasporic Chechen population of Russia has been, for practical purposes, imprisoned and criminalized during the war. From August to October there were state-sanctioned and state-organized near-pogroms of Chechens in the larger Russian cities. People, especially men, who appear to be from the north Caucasus are harassed by police, and Chechens are often detained and beaten. These actions increased greatly beginning last August. International passports are now refused to Chechens who apply for them. Chechen residents in Russian cities live in fear. Except with difficulty they cannot rent apartments, find work, or send their children to school. They try to stay indoors and out of sight as much as possible, for going out risks police harassment. The harassment, prejudice, and denial of passports are not the law in Russia and probably not even official policy, but rather the consequences of implicit impunity for harassment of Chechens.

One should note that in official Russian pronouncements the ongoing military action is not a war, but an "anti-terrorist operation." The Russian government has not declared a state of emergency has been introduced, without which the massing of arms and forces and the military action are not legal.¹⁴ By objective criteria, however, this is war. The armed forces and Interior Ministry forces massed in Chechnya and the nearby bases for this action number about 100,000, exceeding Russia's limits under the Conventional Forces in Europe agreement. They employ heavy armaments: tanks, surface-to-surface missiles, 1.5-ton bombs, mines, and, reportedly, fuel air explosives. Bombers and helicopter gunships fly up to 100 sorties per day, weather permitting. Both the Russian troops

14. Parliamentary Assembly of the Council of Europe, *Conflict in Chechnya*, recommendation 1444, point 9, (adopted Jan. 27, 2000).

and the Chechen defense army that was assembled in response to the invasion operate in standard military fashion, each under a unitary command.

IV. IS THIS GENOCIDE?

An issue that comes up often in discussions of the present war is whether it is genocidal. For the purposes of this symposium, then, are the refugees fleeing genocide and are they in danger of genocide?

The war is ethnically targeted and extremely destructive. Thousands, probably at least 10,000, civilian Chechens have been killed.¹⁵ Nearly every ethnic Chechen who lived in Chechnya before the war has now been economically ruined. The bombardment of towns, cities, and villages has been massive and continuous, and the degree of destruction of Grozny, as noted above, probably unparalleled in non-atomic warfare. The conflict has destroyed urban and rural infrastructure. Farmland and pasture has been ruined by bombing, mining, and bombing of oil refineries, waste dumps, and other toxic sources. In February, the fighting shifted from the lowlands to the foothills and highlands, where the population is almost exclusively Chechen, construction is light and structures unprotected, and there are no escape corridors. The Russian forces are using larger bombs (up to 1.5 tons) in the mountains. The civilian death rate must be exceedingly high.

The bombing of Grozny, which had a significant non-Chechen (chiefly Russian) population, and lowland towns, which had some Russian population, was not strictly genocidal in outcome, as civilians other than Chechens were killed. However, it was ethnically targeted in intention, its purpose being to destroy the civilian population of Chechnya. Furthermore, statements by Russia's own military and government make it clear that the Chechen ethnicity is targeted in this war. Since before the war Russian leaders have regularly referred to Chechens as "bandits" or "terrorists," making no distinction between kidnapping gangs operating in or near Chechnya, the Chechen government, and the Chechen people. In war coverage and commentary, all Russian media are required by government policy to use the terms "bandit" and/or "terrorist" in reference to Chechens. For over a year, Russian government officials have occasionally maintained that there was virtually no civilian population left in Chechnya, nearly everyone supposedly having emigrated to Russia under economic pressure or in fear of kidnapping.¹⁶ The military policy whereby all Chechen males over 10 years of age are officially viewed as potential fighters and are subject to detention is a clear indication that an ethnic group is targeted as enemy in the war. In late November, the Russian command stated that all occupants of Grozny would be regarded as enemy fighters and bombed, an ex-

15. The Chechen government estimated that 25,000–40,000 civilians had been killed or disappeared as of mid-May. See Chechen Republic of Ichkeria, Press Center, Reports: *Latest Data of Losses of Both Sides* (May 15, 2000). <<http://www.chechengovernment.com/News.asp>>.

16. See Grivenko, *supra* note 4, for the faulty analysis and suspect intentions behind such statements.

plicit identification of civilians as the enemy. More than once the high command has asserted that there was no civilian population in Chechnya, only fighters; this again amounts to a statement that the Chechen civilian population is the enemy.

The people held in "filtration" camps appear to be almost entirely Chechen (with a few Ingush). Treatment of refugees by the military and federal government is ethnically based; it is specifically Chechen (and Ingush) refugees who are required to exit only to Ingushetia and have faced restrictions on departure from Ingushetia. In October the Federal Migration Service announced plans to scatter the refugee population and resettle it in a number of different southern and eastern Russian cities; it was specifically Chechen refugees that were targeted for scattering and resettlement. Subsequent plans have varied; the current plan is for repatriation to Chechnya and direct federal presidential rule of Chechnya with military occupation and strict passport control.

In summary, the Russian military regularly, and the government less often identifies the civilian populace of Chechnya as the enemy, assumes the default ethnicity of the civilian populace of Chechnya is Chechen, and/or explicitly identifies the Chechen ethnicity as the enemy. The Russian forces fight back against Chechen forces in actual engagements, and in the fighting in Grozny there was one case where an exiting Chechen battalion was mined and bombed, but otherwise the Russian military has done very little to seek out actual Chechen fighters or the Chechen command. Not only in intention but in effect, this is a war against a civilian population ethnically identified, in which Russian civilian deaths are incidental and/or not recognized by the military and Ingush are not distinguished from Chechens by the military. These misanalyses and the officially mandated terms "bandit" and "terrorist" do not negate the fact that the war is primarily against a civilian population ethnically identified.

Is the war likely to destroy the Chechens? It is unlikely that any outcome of the war and its aftermath would lead to the physical extermination of all ethnic Chechens, but it is very likely that the present war, together with the results of the previous wars and pressures, will lead to the extermination of the Chechen language, culture, and intellectual heritage. The Chechen population has been scattered, first by economic pressures and now by war. Both within and without Chechnya, Chechens endure extreme economic and social disadvantage. Refugees and other emigrants generally have nothing to which to return. Adults who have left will continue to find it difficult to secure work and housing; state-sanctioned hate rhetoric and implicit impunity for extortion of Chechens are likely to endure for some time in Russia. The children of emigrants and the diaspora will grow up in a non-Chechen and non-Chechen-speaking context, receive schooling that includes state-sanctioned anti-Chechen, anti-Caucasus hate rhetoric in subjects such as history and the humanities, face discrimination if they seek higher education or employment, and face price gouging and even extortion when they try to secure housing. Chechen culture, language, and ethnicity will be associated with poverty and disadvantage.

When poverty, economic and social disadvantage, stigmatization, discrimination, scattering of population, cessation of literacy in that language prevail, languages and cultural heritages are lost through language shift and ethnic identity.¹⁷ Under similar circumstances, in the 1944-56 deportation, the entire Chechen generation that was of school age grew up linguistically Russian-dominant and sometimes with a poor command of Chechen. On return from the deportation, many Chechens gained near-full fluency and their children were acquiring full fluency. Only in Grozny, where the large Russian population meant *de facto* scattering of the local Chechen population, education and media in Russian, and discrimination against Chechens, did the younger generation continue to grow up with partial or poor command of Chechen. However, transmission of language and culture rest on more than conversational fluency. A central feature of Chechen culture is the code of courtesy, honor, and formality holding between age groups and between kinship groups, and this is closely bound up with proper use of the language. The traditions and the requisite language use can be acquired only in a peer group and in the larger context of a multigenerational society including representatives of several clans. The children of the diaspora grow up within, at best, a poor approximation of this context. The peer group in general is essential to full language acquisition, and a stable group of peers in particular is crucial not just to fluency but to formation of a language and dialect identity and what might be called a personal identity in language use.¹⁸ Thus, not only the language but the language-centered aspects of culture, notably the code of honor and dignity, are in grave danger of dying out as the Chechens are scattered, uprooted, and impoverished.

Among the important grammatical properties of the Chechen language is its use of elaborate clause chaining with long-distance reflexivization and same-subject constraints operating to link long series of clauses into complex sentences of paragraph-like length and function. Command of these structural properties is essential to constructing coherent narrative and coherent expository discourse in Chechen. My Chechen and Ingush colleagues and I have observed that many people younger than mid-adulthood, even if they have excellent colloquial fluency and vocabulary command, are no longer in full mastery of clause chaining. The language will cease to be used if the best educated people find Chechen inadequate for refined, precise, or deep expression. Transmission of these aspects of the grammar requires either a sizable community in which Chechen is the main vehicle of expression and communication, or education which can rely on sophisticated linguistic analysis, sophisticated pedagogy, and a good supply of excellent reading materials. In Soviet times, education in urban centers was primarily in Russian, and even in Chechen villages the teaching

17. The linguistic literature on language shift, language death, and language endangerment is vast. See, e.g., LENORE A. GRENOBLE and LINDSAY J. WHALEY, EDS., *ENDANGERED LANGUAGES: CURRENT ISSUES AND FUTURE PROSPECTS* (1998); SARAH GREY THOMASON, *TERRENCE KAUFMAN. LANGUAGE CONTACT, CREOLIZATION, AND GENETIC LINGUISTICS* (1988); RONALD WARDHAUGH, *LANGUAGES IN COMPETITION* (1992).

18. Jane H. Hill, *Languages On the Land*, in *ARCHAEOLOGY, LANGUAGE, AND HISTORY* (John E. Terrell, ed., in press).

materials for most subjects other than Chechen language and literature were in Russian. Higher education was in Russian except that language and literature departments taught in the language studied (that is, Chechen language and literature were taught much as, say, French and English were). Publication in Chechen, as in other non-Russian languages, was essentially limited to literature (especially poetry) and newspapers (a highly Russified genre in any case). In the years of the Dudaev government, minimal attention and resources were given to production of teaching materials and curricular upgrading, and with teachers' salaries unpaid, the school system began to falter. Since 1994 the economic and political situation has further undermined education. In short, the language was threatened in Chechnya even before the current war began. The war has shifted the language from threatened to endangered. It culminates and hastens a decades-long process of slow genocide that will lead to extermination of the language, culture, and intellectual heritage if it is not reversed promptly.

V.

COMPARISON TO KOSOVO AND EAST TIMOR

Last year's crises involving Kosovo and East Timor are important cases of state violence against internal provinces that created many refugees and where the international community protested and took action (e.g. economic and other sanctions announced against Indonesia, the NATO bombing of Serbia), despite the fact that the aggressors claimed the actions were internal matters. Whatever one may think of these actions, they established precedents whereby human rights considerations, in particular war crimes, within a sovereign country can be taken as violating international law and justifying international action. Let us compare the refugee picture and the larger context of the Chechen war to these two precedents.

The chronic economic oppression and discrimination in Chechnya that has produced emigrants since 1956 was comparable to the chronic discrimination against ethnic Albanians in Kosovo up to 1999. One can compare the levels of violence and destruction against Chechen civilians in the 1994-96 war, and the interwar violence, to the violence and destruction in East Timor since 1975. The present war is more violent in terms of death and destruction than the Indonesian action in East Timor (though the latter would probably have become comparable had the UN not intervened) and has by now been more destructive than the Serbian action against the Albanian Kosovars (if only because it has gone on longer). The concentration and near-imprisonment of refugees in Ingushetia has no analog in the Kosovo conflict but is similar to the deportation and near-imprisonment of East Timorese in West Timor (where the goal of Indonesian aggression was punitive action against the East Timorese).

Systematic and complete ethnic cleansing was the goal of the Serbian action in Kosovo. The Federal Migration Service basically announced a policy of ethnic cleansing when it announced its plan to resettle Chechen refugees in various Russian cities, although the current plan, as noted above, is repatriation and

military occupation. Ethnic cleansing seems not to have been a consideration in Indonesia's aggression against East Timor.

The war against the Albanian Kosovars was genocidal, but would not have resulted in the extermination of Albanian ethnicity, language, or culture, as a large Albanian population continued to reside in Albania. The war against the Chechens is genocidal, as argued above, and threatens to exterminate the language, culture, and ethnic heritage. The violence against the East Timorese was not genocidal in intention, but would (if not stopped) have led to the extermination of not one but several entire ethnicities with their languages and cultures and heritages, and two whole language families. Many East Timorese speak Tetun, a representative of the large and widespread Austronesian family of languages with close relatives in West Timor, and Waima'a, representing a separate Austronesian branch found only in East Timor. Mass killing of Waima'a would have caused extinction of not just a language but an entire linguistic subfamily. In addition, in East Timor there are some 25,000 speakers of Fataluku and 10,000 of Makasai, languages that are family-level isolates and non-Austronesian.¹⁹ Mass murder in these societies would have exterminated not merely two languages but two entire language families.

The prewar populations of Chechnya, East Timor, and Albanian Kosovars were comparable (on the order of a million). The absolute number of refugees from Chechnya is higher than the absolute number of refugees and deportees from East Timor to West Timor; the absolute number of Albanian Kosovars was somewhat over twice the Chechen figure. (See Table 4)

The impact of the Chechen refugees on the harboring republic of Ingushetia is much greater than that of the East Timorese on West Timor or the Albanian Kosovars on Albania and Macedonia. Only in the war on Chechnya has there been systematic impoverishment and endangerment of the harboring republic by the imposition of a large refugee population on it. The denial of refugee exit from Chechnya, the bottleneck at the entry point to Ingushetia, the coerced repatriation of refugees, and the blocking of international aid to the harboring republic are aspects of the Chechen situation that were not found in the Kosovo and East Timor crises.

VI. CONCLUSION

The Chechen refugees from the present war are the latest and most acute phase of a long-term, state-instigated exodus. The refugees are numerous, densely concentrated in a small area, and in danger of further violence. They are a burden on Ingushetia, where they are housed, and their presence puts Ingushetia in danger of Russian reprisals. The Russian federal government's distinction between internally displaced people whose places of origin are not under Russian control (and who are entitled to federal aid), and people whose places of

19. S. A. WURM AND SHIRO HATTORI, *LANGUAGE ATLAS OF THE PACIFIC AREA, PART I: NEW GUINEA AREA, OCEANIA, AUSTRALIA*, map 40 (1981).

origin are under Russian control (and who, in the opinion of the authorities, are hangers-on who should return), is artificial. Both are fleeing mortal danger: Russian bombings and massacres in the war zone and "filtration" camps and executions in the Russian-controlled areas (as well as further warfare—Russian control not being a very durable status in this war). Under the Russian federal government's planned system of Russian presidential rule of Chechnya with military presence and strict passport control, all Chechens as well as any Ingush in Chechnya will be in mortal danger of torture and execution in "filtration" camps.

Existing international law and policy appear adequate to the Chechen situation in principle. Russia is grossly violating human rights and committing war crimes. It has exceeded its limitations under the Conventional Forces in Europe agreement; the situation regarding refugees, civilians in general, human rights, and survival of societies is comparable to that found in Kosovo and East Timor. The problem is the international community is not insisting on Russia's adherence to international principles regarding human rights.²⁰

In the short run, the refugees in Ingushetia need food, clothing, medications and medical treatment, education for their children, accommodations, protection against coerced or forced repatriation, and unhampered access by aid agencies.

The displaced and would-be refugees in Chechnya, those trapped in the war zone, those in danger of imprisonment in "filtration" camps, and those presently in the camps are in greater danger and worse physical circumstances than those who have escaped to Ingushetia. They are in desperate need of access to aid workers and aid agencies.

The single greatest short-term need of both the refugees in Ingushetia and the civilians trapped in Chechnya is an end to "filtration" camps and summary executions of civilians.

The long-term needs of the refugees, and of Chechens in general, are the same as those of Russia. The war must end, and it must end by negotiated settlement. No conceivable military outcome will produce anything other than spiraling violence and expanding violent, radical nationalism or fundamentalism. The last war radicalized and brutalized war veterans on both sides, fostering the growth of violent organized crime, including militant fundamentalism and kidnapping gangs, in the interwar years. This in turn helped provoke the present war. The present war has seen higher levels of violence against civilians, more explicit state sanction of that violence, and more civilians in "filtration" camps than the last one. It has also seen more explicit Russian attempts to draw neighboring republics and countries into the war.

Some approximation of economic normality, some reasonable chance of financial security (however modest), reduction of corruption, and a financial future one can plan on are required if Russia is to evolve toward a civil society and

20. Several prominent human rights organizations have explicitly charged Russia with war crimes and/or massive human rights violations, and have explicitly called for international sanctions and action. See, e.g., Human Rights Watch, *supra* note 8; Amnesty International, *supra* note 9; Amnesty International and Human Rights Watch, *supra* note 12.

avoid radical nationalism. Regardless of whether the Chechen Republic becomes independent, it cannot survive next to a radically nationalist Russia. The Chechens need some degree of economic normality and predictability, some confidence that what is rebuilt will not be promptly destroyed and that infrastructure is a worthwhile investment, if civil society is to return to Chechnya. The economic chaos of the last decade was another, separate contributor to the development of radical fundamentalism, paramilitary groups, organized crime, and corruption in both Russia and Chechnya.

Therefore the greatest need in both the short and long run is for forward-looking action on the part of the international community. A simple but important action would be a clear and explicit distinction by policymakers, the media, and government officials between the Chechen people and their elected government on the one hand, and the paramilitary, radical fundamentalist, and kidnapping groups whose presence in the Caucasus helped provoke the present war. These latter are part of the larger Russian organized crime world and not part of Chechen society. Other helpful immediate steps would include insistence on an international presence in Chechnya and Ingushetia, stronger pressure and sanctions, and more insistent support for a free press in Russia. Mere withdrawal of international approval from the Putin government as long as human rights violations continue would probably be appreciably effective.

Further needed steps are prompt negotiation of a settlement with international participation, international guarantees of peace—including an effective peacekeeping force, assistance at rebuilding, debrutalization of war veterans on both sides, and removal from society of the OMON troops who serve as torturers in the “filtration” camps. Some assistance at rebuilding will be necessary, though the most important need is for confidence that rebuilding is a worthwhile investment. Justice and effective reconciliation measures will have to be devised, initiated, and guided by the international community, as Russia has no experience with reconciliation and minimal experience with justice. Initiation of civil society in Russia and its restoration in Chechnya, therefore, will require action, vigilance, and diplomacy on the part of the international community. Without these things, the violence, the refugee crisis, and the genocide of the Chechens will never be brought to an end, and they will spread to other regions and other ethnic groups.

TABLE 1
CHECHENS IN 1989 CENSUS¹

Location	Number	Comment
Chechen-Ingush ASSR	734,500	Estimate: 715,000 in present Chechnya, 20,000 in present Ingushetia
Daghestan	58,000	Non-diasporic (traditional Chechen community of Khasav-Yurt in Daghestan)
Russian north Caucasus	42,300	
Saratov, Tjumen'	10,600	
North Ossetia	2,600	Non-diasporic (traditional Ingush lands in North Ossetia)
Moscow	2,100	
Other, unknown	48,900	
Total, Russian Federation	899,000	
Kazakhstan	49,500	
Kyrgyzstan	2,600	
Other, unknown	7,200	Chiefly Georgia (non-diasporic: traditional Chechen communities in Georgian highlands)
Total, other CIS	59,300	
Total, CIS	958,300	
Jordan	5,000	Diaspora formed in 19th century
Turkey	<5,000	Diaspora formed in 19th century
Total	965,000	(CIS + Jordan = 963,300; rounded up, allowing 1700 for Turkey)
Total non-diasporic	802,300	(Chechnya, Ingushetia, Daghestan, North Ossetia, Georgia)
Total diasporic	162,700	
Total 20th-century diaspora	156,000	(excludes Jordan, Turkey)

¹Russian north Caucasus = Russian regions adjacent to Caucasus (Stavropol, Kalmykia, Astrakhan, Volgograd regions). Saratov and Tjumen' are farther east. Source: Tishkov et al. 1995. All figures rounded to hundreds or thousands.

TABLE 2
NUMBERS OF CHECHEN REFUGEES AND EMIGRANTS,
BY LOCATION AND DATE OF CONFLICT.
"Russia" here abbreviates "non-Caucasus parts of Russia"
(i.e. excluding Ingushetia, Daghestan, etc.).
n.d. = no data. ? = uncertain. ?? = very uncertain

Location	Entered	Departed (destination)	Remain
<u>1999-2000 war</u>			
Ingushetia	325,000+	50,000 (Chechnya) 62,000 (Russia)	215,000
Russia	62,000+?? ¹		
Daghestan	thousands	n.d.	thousands
Georgia	<10,000	n.d.	<10,000
Kazakhstan	some	n.d.	some
Chechnya	n/a	350,000?	300,000?
<u>1996-99 interwar diaspora</u>			
Russia	100,000??	few	100,000??
<u>1994-96 war</u>			
Ingushetia	200,000?	many (Chechnya)	<10,000?
Russia	??	??	??
Daghestan	thousands	n.d.	n.d.
<u>pre-1994 diaspora</u>			
Russia	96,700	n.d.	most
Central Asia	52,100	n.d.	most

¹The 62,000 who departed Ingushetia for Russia presumably included some non-Chechen refugees who happened to exit through Ingushetia. Most non-Chechen refugees probably exited directly to Russia.

TABLE 3
REFUGEES IN INGUSHETIA, BY LOCATION,
DATE OF CONFLICT, AND ETHNICITY.

	Entered	Departed	Remain	Ethnicity
1999-2000 war	325,000+	112,000	215,000	most Chechen
1994-96 war	100,000?	many	??	Chechen
	>10,000?	few	~10,000?	Ingush
1992 ethnic cleansing	65,000	n.d.	most	Ingush

TABLE 4

COMPARATIVE DENSITY OF REFUGEES IN THREE RECENT CRISES.
Area and population figures from standard gazetteers. East Timor refugee total
from UNHCR figures. Kosovo refugee total from Ball 2000

Refugees:		Receiving country/republic:			Refugees	
From	To	Area sq. mi.	1990's population (thousands)	Prewar population density/ sq. mi.	Numbers (thousands)	Refugees as % of population of receiving country
Kosovo	Albania	11,000	3,422	311		
	Macedonia	9,928	2,189	220		
	both	20,928	5,611	268	864	15%
East Timor	West Timor	6,120	1,170?	191	230	20%
Chechnya	Ingushetia:					
	Entered	1,242	320	258	325	102%
	Ingushetia: Remaining	1,242	320	258	215	67%