COLUMN

Building on imperfection: Reflections on the Chechen referendum

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The 23 March 2003 referendum in the Chechen Republic of the Russian Federation was held in an environment which was less than conducive for the conduct of a democratic vote and the main subject of the referendum, the draft constitution for the Republic, could have been somewhat more convincing. Nonetheless, if this imperfect constitution approved under highly controversial circumstances leads to a genuine political process of bridging the abyss between Moscow and the fragmented people of the Republic, and if the process leads to the establishment of legitimate institutions and the rule of law, then the desperate hopes pinned to the referendum would be justified. Otherwise, the cycle of violence and impunity will continue unabated.

The Organization for Security and Co-operation in Europe's Office for Democratic Institutions and Human Rights (OSCE/ODIHR) sent two missions to the Chechen Republic of the Russian Federation. The first mission, jointly with the Council of Europe, took place in early March. The second mission took place around the date of the referendum.

The first OSCE/ODIHR team concluded that the preparations for the referendum were proceeding under extraordinary conditions and the voting on 23 March would take place in equally exceptional circumstances. In a statement issued on 4 March, the first joint mission noted the extensive preparations underway and underscored, inter alia, the following concerns:

- the continuing tense security situation in the Republic;
- egregious violations of human rights and humanitarian laws committed by both sides in the Chechen Republic were continuing with impunity;
- additional measures may be necessary to reassure the population that their freedom of movement would be ensured on 23 March and their right to vote protected;
- practical possibilities should be explored to bring the possibility of voting to the internally displaced persons (IDP) in Ingushetia;
- the voter lists may not be reliable;
- the membership of commissions may not be balanced;

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• federal and republic authorities were engaged in the campaign in favour of the referendum; and
• the debate about the referendum, albeit limited, must continue unabated.

The joint assessment mission concluded that a standard OSCE/ODIHR observation mission with long-term and short-term observers was not possible. However, the joint assessment mission urged the OSCE and the Council of Europe to consider a second part of the assessment mission with the deployment of another team of experts immediately around the referendum date to follow the proceedings on that occasion in the Chechen Republic and the IDP voting in the Ingush Republic. In the end, the Council of Europe declined to take part in a second mission for security reasons.

During the second visit on the day of the referendum, the OSCE/ODIHR mission visited half a dozen polling stations in Grozny, the two polling stations in Ingushetia specially set up for IDPs, and a polling station on the administrative border between Ingushetia and Chechnya. Based on these visits to a limited number of polling stations and the first assessment mission three weeks earlier, the OSCE/ODIHR was not in a position to draw any overall conclusions on the conduct of the 23 March referendum. Nonetheless, the OSCE/ODIHR noted the following in the polling stations visited, in some cases without prior notice.

The referendum day proceeded in an atmosphere remarkably free of violence, with the exception of a few incidents the preceding night and on the day of voting. During the 24 hours before the referendum, troops in the Chechen Republic were reported to have rounded up at least 160 people on suspicion of rebel activities, and at least six servicemen were reported killed and nine wounded in rebel attacks and clashes. Also during the night before the referendum, leaflets were distributed in some Grozny neighbourhoods, threatening citizens if they took part in the referendum. Thus throughout the day, a heavy presence of armed security personnel was evident, including inside polling stations, although the legal framework prohibited such a presence.

While during the first hour of voting citizens were hesitant to turn out, shortly thereafter they came to polling stations visited by the team en masse and crowded the premises for the rest of the day, at times overcrowding the rooms beyond capacity. People interviewed stated that they were taking part in the referendum because they wanted peace and stability, they wanted an end to the continuing security operations and presence, they wanted their houses rebuilt or repaired, they wanted an end to the death and horrific destruction around them, and they wanted information on their disappeared loved ones. Others undoubtedly took part in the vote because of fear of consequences if they did not vote. In part, this longing for normality and the fear factor may explain the overly high turnout figures announced for the referendum. However, a more significant factor may be the unreliable voter registers and the extensive use of supplementary lists prepared while the voting was underway.

Against the high voter turnout and the tense security situation, a protest picket against the referendum in the centre of Grozny by about 100 people was all the