7

The Decolonization of Chechnya: Reviving the UN Trusteeship Council

Julie M. Tremper

The Russian-Chechen conflict represents an urgent problem for the international community. Domestic and regional efforts have failed to secure a satisfactory or lasting resolution to it, and terrorist activity, gross human rights violations, the proliferation of Wahhabism, and regional security concerns have led to the internationalization of the Chechen question. There are several potential statehood or non-statehood approaches to the resolution of the conflict. Given the history of hostility between Russia and Chechnya and the character of the current international environment, the best approach would be to revive the UN Trusteeship Council and give it responsibility for overseeing a transition leading to Chechen independence. This revival and application of UN trusteeship would require a redefinition of the trust system in a post-colonial context. In the case of Chechnya, the need for peace and stability should supersede the international community's usual aversion to the creation of a new nation-state.

Introduction

Chechnya represents an emerging and growing problem for the international community. In an era marked by international terrorism and a wish to avoid state breakdown, there are no simple ways to alleviate the

Julie M. Tremper is a Master of Arts candidate at the Graduate School of International Studies, University of Denver (jtremper@du.edu).

Journal of Public and International Affairs, Volume 15/Spring 2004
Copyright © 2004, the Trustees of Princeton University
http://www.princeton.edu/~jpia

tensions and violence between Russia and its Chechen minority. Plagued by past and current conflicts, the Russians and Chechens appear unable to resolve their differences without intervention by a third party. All domestic and regional efforts have failed to yield satisfactory results. The global war on terror and the influence of Wahhabi and other Islamic fundamentalists in Chechnya bear primary responsibility for transforming this conflict from one that was domestic or regional in scope to one that has an international character.

The international community will only be able to intervene effectively in the conflict if it is equipped with a well-constructed plan for addressing the status of Chechnya in relation to Russia. At present, the international community is limited to two major strategies with the potential to succeed, either a system of autonomy or a trusteeship leading to independence and statehood. Given the historic dimensions of this issue and the current international focus on terrorism, a UN-administered trusteeship is the most appropriate and feasible mechanism for the ultimate resolution of the Chechen question.

The Chechen Nation

The legal definition of a nation, in its most basic terms, is a "territorially-based identifiable population" (Charney 2001, 465). According to the legal criteria for statehood, as accepted by the international community, the context of self-determination is specific to the background of decolonization. Application of self-determination in a non-colonial context remains hotly contested (Charney 2001, 456-57). However, the Chechens attempt to circumvent this philosophical debate surrounding the application of self-determination by claiming they were colonized by Russia and now wish to undergo the process of decolonization. Given their historic experiences, the classification of colony is difficult to refute (Zelkina 2000, 62-8). Should the colonial justification for self-determination fail to win international backing, there exists a three-criteria model for gaining international support for a self-determination claim in the post-colonial era. This model was derived from the United Nations' experience in East Timor and requires the nation petitioning for statehood to meet the following criteria:

1. Peaceful methods to resolve the issue have been exhausted.

2. The leadership claiming self-determination represents the will of the general public.

3. The use of force and claim to independence is a last resort (Charney 464).

In the case of Chechnya, it appears that these conditions have been repeatedly met since the dissolution of the Soviet Union in 1991.

History of the Conflict

One of the largest obstacles to a solution to the Chechnya issue is the historic relationship between the Russians and Chechens (German 2003, 1-4). On many occasions the Chechens have been brutalized by the Russians, and Chechen unwillingness to submit to Russian authority has fueled the ongoing tensions between the two peoples.

The Chechens claim colonial status dating back more than two centuries. They outline three distinct periods of independence—the era before colonization in the 1800s, the 1922-1936 post-Bolshevik revolution period, and the 1991-1994 independent Republic of Chechnya period—in conjunction with their self-designation as a Russian colony (Seely 2001, 1-95). Any strategy for establishing a lasting peace in Chechnya will require sensitivity to the historic dimensions of this relationship and their implications for the future relations of the two peoples.

The Dissolution of the Soviet Union and Chechen Independence

The Chechens viewed the dissolution of the Soviet Union as their opportunity to achieve independence from Moscow and to assert a national identity separate from Russia. This position became increasingly pervasive in Chechnya after the Yeltsin administration failed to recognize and negotiate with Chechen General Dzhokhar Dudayev for limited autonomy prior to the 1991 collapse of the Soviet Union (German 2003, 14-34). Dudayev's declaration of independence for the Republic of Chechnya during that year was a direct consequence of Moscow's ongoing oppressive and dismissive policies toward Chechnya. In an effort to establish a clear distinction between Chechnya and Russia as well as command the attention of Moscow, Dudayev, an atheist, chose to embrace the radical element of Chechen society (Gall and de Waal 1998, 76-102). This radical element advocated secession followed by the formation of a Muslim North Caucasus Confederation as a means of acknowledging and consolidating Chechen nationalism (Gall and de Waal 1998, 180-81). The expansionary, religious component of the Chechen independence movement was highly problematic for Russia because it threatened to undermine the integrity

of the state among its substantial Muslim populations and raised the specter of the emergence of pan-Caucasus radical Islamic fundamentalist governments.

While the dissolution of the Soviet Union afforded the Chechen nationalists an opportunity to assert their claims of sovereignty on grounds of national self-determination, there was an economic cost to the collapse due to the loss of centralization. The Chechen economy was, and remains, a single commodity economy heavily dependent on its oil industry (Evangelista 2002, 20-1). The prominence of the oil industry in Chechnya also elevates Chechnya's strategic importance to Russia (Anand 2000, 5; Seely 2001, 175).

The refusal by General Dudayev to sign the Federal Treaty, which outlined the post-Soviet structure of the Russian Federation, resulted in the loss of federal funding necessary to support the Chechen government and state infrastructure (Evangelista 2002, 27). The lack of federal funding was compounded by General Dudayev's view of Chechnya's future defined exclusively in terms of full independence after 1991. Dudayev's myopic understanding of Chechnya's path neglected the political and economic development of the newly independent state because the focus of his administration remained on Moscow and the possible Russian military response to Chechnya's independence. The desperate economic conditions and lack of a civil society in Chechnya combined with an aggressive campaign to arm the population against Russia gave rise to substantial levels of organized crime, producing powerful warlords. The absence of an official Chechen army resulted in the arming of rival Chechen gangs more interested in criminal activities than in national defense (Evangelista 2002, 21).

The First Chechen War and its Personalities

Between the 1991 declaration of independence by General Dudayev and the outbreak of the First Chechen War in 1994, the governments in Moscow and Grozny were unable to forge a workable solution to the issue of Chechen independence. With the 1996 presidential elections two years off and Yeltsin's approval rating below ten percent, the Russian president attempted to capture the emerging nationalist voice in Russian politics by leveling a decisive blow against the breakaway republic (Gall and de Waal 1998, 144). The strategic value of Chechnya, namely the Rostov-Baku highway and railroad as well as the oil pipeline and refineries, provided additional justifications for the rejection of Chechnya's claims of independence (Gall and de Waal 1998, 29-45; Siren 1998, 87-145). The war President

Yeltsin launched in 1994 was characterized by indiscriminate bombings of Grozny, the destruction of critical infrastructure, and atrocities committed by the occupying Russian forces against the local population (Gall and de Wall 1998, 228-255; Smith 2002, 172). The Chechen fighters were forced to retreat into the mountainous region of southern Chechnya to wage a guerrilla war against the occupying Russian troops (Seely 2001, 266-89; Gall and de Waal 1998, 289-317; Smith 2001). The First Chechen War ended in 1996 with the Khasavyurt Accords, which established a ceasefire and a plan for the withdrawal of Russian troops, but left the issue of Chechen independence unresolved (Evangelista 2002, 44-5).

Among the numerous Chechen fighters of the First Chechen War, two merit specific mention—Akhmad Kadyrov and Shamyl Basayev. These two men are important not only for their actions as rebel fighters, but also because they represent two divergent religious tendencies within Chechnya. Tariqatism, the faith of Kadyrov, was the traditional form of Islam practiced among the Sunni Muslim Chechens (Armstrong 2002, 206). Wahhabism, the faith of Basayev, is a more modern, fundamentalist brand of Islam brought to Chechnya by foreign fighters from other countries, including Afghanistan, Pakistan, Yemen, Egypt, Algeria, and Saudi Arabia (Armstrong 2002, 184-5; Anand 2000, 2-7). Basayev adopted this radical form of Islam and established himself as head of the Supreme Shari'at Court, which functioned in parallel to the official legislature, thus changing the character of the Chechen movement. The distinction between Tariqatism and Wahhabism is critical because practitioners of Tariqatism do not embrace the expansionist tendency of Wahhabism or advocate an external jihad against infidels; for these believers jihad is an internal process and is accompanied by a mystic element (Yemelianova 2002, 180-5).

President Kadyrov, who was appointed President of Chechnya by Russian President Putin in 2000, is an ethnic Chechen and practicing Tariqatist Muslim. Educated in an Uzbek Muslim Seminary, he was the head of the first Islamic institute in the North Caucasus. In 1993 he became Chechnya's Deputy Mufti and, in 1995, he became the Republic's Mufti.[1] During the First Chechen War, he served as a commander of Chechen rebel forces. As the Chechen Mufti, Kadyrov wielded significant political power and pressured then-President Maskhadov to seek a political solution with Moscow regarding the status of Chechnya. Maskhadov removed Kadyrov as Mufti when he failed to support the Second Chechen War and its radical, expansionist Islamic dimension, driven by practitioners of Wahhabism (BBC News 2003). Kadyrov further undermined Maskhadov by imploring the Chechens not to resist the Russian forces in 1999. Following his

dismissal, Kadyrov continued to maintain relations with Moscow because he believed Wahhabism to be a "worse evil than Moscow" (Yemelianova 2002, 185).

President Aslan Maskhadov, elected in 1997, found himself caught between these two religious viewpoints. Originally an adherent of Tariqatism, Maskhadov acquiesced under duress to the pressures of radical Wahhabi militants in 1999 (Yemelianova 2002, 181-3). These fundamentalists promoted the establishment of a greater trans-Caucasus Islamic state and jihad against non-believers. Wahhabism began to rapidly supplant Tariqatism in 1994-1995 as its advocates exploited the historic Russo-Chechen tensions and focused attention on atrocities committed during the past decade. The influx of foreign fighters as well as financial, material, and military aid provided by foreign radical religious organizations located in Saudi Arabia, Afghanistan, Pakistan, Kuwait, Qatar, and Jordan facilitated the rapid spread of Wahhabism among Chechens (Yemelianova 2002, 182-5).

The Interwar Period: Warlords and Wahhabism

The interwar period produced a radical shift in the character of the Russo-Chechen conflict, fueled by the Wahhabi radicalization of the grassroots Chechen fighters. These rebels were presented by foreign fighters with a popular, non-intellectual form of Wahhabism. At a conceptual level, it justified a military jihad against Russia and the annihilation of Tariqatism within Chechnya. At a practical level, the radicalization of the population shifted power away from the Maskhadov-Kadyrov coalition to irregular bands of fighters commanded by Chechen warlords. Maskhadov was only able to exert control in Grozny, allowing the warlords to flourish in the rural areas. He attempted to counter the radicalization by banning Wahhabism on Chechen territory in 1997. But this decision only served to further weaken his position domestically and to reduce his status as president to a merely symbolic role (Yemelianova 2002, 181-91).

The increasingly powerful warlords capitalized on the spread of Wahhabism among the population at the grassroots level. The warlords opposed negotiating with Moscow and positioned their forces to dominate the political structures and the mass media in Chechnya. These efforts to achieve political dominance included the establishment of an alternative legislative body, which enhanced the Wahhabi justification for noncompliance with Maskhadov and Russia. The warlords also invoked Wahhabism as an explanation for expanding into neighboring territories by presenting themselves as the deliverers of their Muslim neighbors from Russian oppression. This trend is the most recent manifestation of a long-present

impetus to establish a pan-Islamic regional federation. At a more pragmatic level, expansion eastward would provide the warlords with access to the Caspian Sea, offering a link to the outside world and natural resources (Yemelianova 2002, 181-5).

The tension between Tariqatism and Wahhabism resulted in renewed armed conflict in 1998. The warlords and their supporters were able to defeat the remaining remnants of Tariqatism within Chechnya. The success of the warlords and their subsequent incursion into Dagestan under the leadership of Shamyl Basayev was met with an invasion by Russian troops in 1999, beginning the Second Chechen War. The triumph of Wahhabism and the return of Russian troops caused President Maskhadov to align himself with the radical Chechen elements (*Chechen Chronicles* 1999). Still unresolved, the Second Chechen War persists today as a low-level conflict characterized by guerrilla attacks by insurgents, forceful counterinsurgency operations by Russia, and the radicalization of the Chechen population by Islamic fundamentalists.

Among the powerful warlords of the interwar period, Shamyl Basayev has emerged as the dominant figure in Chechnya. Basayev was allied with the Saudi-born Omar Ibn-ul-Khattab until the latter's death in 2002. Khattab was a Wahhabist trained in Afghanistan who served as the Commander of the Foreign Mujahideen Forces in Chechnya (Anand 2000, 2-4). This partnership between Basayev and Khattab solidified Basayev's position of military dominance in Chechnya. Basayev also received training in Afghanistan, where the two met, and both have a history of conducting terrorist activities (Pelton 2003, 434-5). In 1995 Basayev seized a hospital in Budyonnousk, Russia and took over 1000 hostages (Seely 2001, 275-8). He served as prime minister under Maskhadov, which furthered his control within Chechnya (Evangelista 2002, 49). In 2002 Basayev organized the deadly seizure of the Moscow Theater. Currently, he is Commander of the Martyrs Reconnaissance and Sabotage Unit (Pelton 2003, 434). Basayev's training in Afghanistan and his leadership in launching multiple terrorist attacks allow the Chechen problem to be cast as a challenge within the broader global war on terror.

The Second Chechen War and September 11, 2001

The terrorist attacks against the United States on September 11, 2001 irreversibly changed the conflict in Chechnya. The post-9/11 Second Chechen War has been markedly different from the conflict that preceded the 9/11 attacks. Prior to the attacks, Putin launched the Second Chechen War in 1999 as a response to the Chechen incursion into Dagestan led

by Basayev and Khattab. Riding a wave of popular support, Putin dispatched approximately 100,000 Russian troops to restore the integrity of the Dagestan-Chechen border, maintain the territorial integrity of Russia, and flush out the terrorists who had allegedly been plaguing Moscow with apartment bombings (German 2003, 151-2). Authorities have been unable to link these bombings to the Chechens, which has fueled rumors that the Federal Security Service (FSB) carried them out to gain support for the impending Russian military campaign (Evangelista 2002, 80-4). The Russian army was able to occupy major population centers of Chechnya, once again driving the rebels into the southern mountainous region of Chechnya, where many of them remain.

Prior to 9/11, the international community condemned Russia's methods in Chechnya, alleging gross human rights violations and a disproportionate use of force (Gall and de Waal 1998, 225-55; Politkovskaya 2001). In the aftermath of the attacks, much of the international community viewed Chechnya as a haven for Islamic fundamentalists due to its ties to Wahhabism and its proximity to Pankisi Gorge, an alleged location of al Qaeda training camps (Anand 2000, 2-8; Yemelianova 2002, 182-5). The tradition of terrorism established by Basayev, Khattab, and other foreign fighters only confirmed this new perspective toward Chechnya. President Putin, empowered by the newly declared war on terror, operates with a much greater degree of latitude in dealing with Chechnya today (Pravda 2003, 39-55). Following the attacks in New York and Washington, DC, Americans were finally able to sympathize with the Russians about Islamic terrorism and al Qaeda, effectively quieting U.S. accusations of Russian ethnic cleansing and human rights violations in Chechnya (Pravda 2003, 47). In partnering with the United States in the global war on terror, Putin has become emboldened in his efforts to combat the rebel fighters and insurgents that are now called terrorists.

While the actual nature of military operations in Chechnya has not dramatically changed since 9/11, the Putin administration enjoys a greater degree of legitimacy for its policies in the breakaway republic. Many European leaders continue to criticize Russia's conduct in Chechnya, but the absence of American criticism seems to have undermined the European position (Reimold 2004). President Putin possesses a shrewd understanding of how the global war on terror can be invoked to advance his own policies. This understanding is apparent in the way Putin linked his 2002 decision to intensify hostilities in Chechnya with President Bush's campaign for intervention in Iraq (Evangelista 2002, 179-81). By casting these two campaigns as comparable actions against terrorism, Putin effectively ended

any criticism of his policies and actions in Chechnya by the United States and its allies. Consequently, Kadyrov, whom Putin appointed President of Chechnya in 2000, also enjoys a great deal of freedom in dealing with those designated as terrorists.

2003: Constitutional Referendum and Presidential Election

In March 2003, the Chechens adopted a new constitution by referendum. This constitution defined Chechnya's status as a republic within the federal structure of the Russian Federation. The arrangement does not extend a significant degree of autonomy to the republic, the primary Chechen justification for a decade of war. Any form of local governance is subservient to the federal government in Moscow under this newly ratified constitution. The document also declares Chechnya to be a secular state wherein "no religion is allowed to determine matters of government or its obligations." The constitution has the feel of a mandate from Moscow and numerous Chechens have alleged that the referendum to adopt it was fixed, an allegation that also shadowed the October 2003 presidential election (*Moscow Times* 2003). Although officially elected with 81.1 percent of the vote, Kadyrov remains widely despised by Chechens and the Russian army (*Reuters* 2003). The public believes the absence of viable opposition candidates all but guaranteed Kadyrov's "popular" election and denied the Chechens the opportunity to freely express their will in the voting booth (*Economist* 2003). Allegations of coercion by Kadyrov and his personal army further alienated the Chechen people from their president (*Radio Free Europe/Radio Liberty* 2003a).

Despite the appearance of free and open elections in Chechnya, the electoral process has failed to pacify a disenchanted population. The prevailing sentiment is that the allegedly fixed electoral results will produce a third Chechen conflict. What remains to be seen is whether this conflict will once again be with Russia or will be an internal civil war. The Chechen Democratic Association and the Federal Security Service (FSB) believe Chechens will be pitted against each other in a bloody civil conflict (*Chechen Times* 2003).

Non-statehood Alternatives for Chechnya

Finding a feasible solution to the Chechen problem is imperative in order to prevent additional loss of life, initiate Chechnya's economic recovery, combat the radicalization of the Chechen population, and promote regional stability. But there are a limited number of feasible solutions given the international community's hesitance to apply national self-determination

in a non-colonial context, the violent history between Russia and Chechnya, and the global war on terror. This section of the article assesses the feasibility of several potential solutions, including the maintenance of the status quo, the creation of multiple autonomous regions in Russia, the formation of a North Caucasus Federation, and the establishment of Chechen statehood through UN trusteeship.

Maintaining the Status Quo: Enforcing the Constitution of the Chechen Republic

Proponents of a policy approach that maintains the status of Chechnya as outlined in the 2003 Constitution argue that there has not been sufficient time to determine the new Constitution's effectiveness in balancing the interests of Russia and Chechnya. While the Constitution is indeed very young, careful scrutiny of the text against the historic backdrop of Russo-Chechen relations reveals that the document is unlikely to secure a lasting peace between the two feuding peoples. Article 1 of the Constitution severely limits Chechen autonomy, restricting its jurisdiction to those matters "outside of the jurisdiction of the Russian Federation and outside the authority over objects of shared jurisdiction between the Russian Federal and the Chechen Republic." Articles 60 and 61 suggest future Russian involvement in Chechnya will be substantial by giving the Russian Federation the power to exercise joint jurisdiction over the following matters: compliance with Russian and Chechen laws, public safety, the rights of national minorities, land rights, use of natural resources, education, public health, taxation, and the system of state and local governance within Chechnya. These provisions indicate that governance in Chechnya will remain heavily centralized in Moscow, rather than Grozny.

This hypercentralization creates the potential for future disputes about jurisdiction and the degree to which Chechnya is autonomous. In practice, Chechnya is not any more autonomous than any other state in the Russian Federation. Article 1 states: "The territory of the Chechen Republic is one and indivisible and forms an inalienable part of the territory of the Russian Federation." The extremely limited jurisdiction afforded to Chechnya and the clear articulation of Chechnya's membership in the Federation are unlikely to be satisfactory to the Chechens, who have spent the last decade in armed conflict with Russia to achieve independence, or at least greater autonomy. Advocates of maintaining the integrity of the Russian Federation and of a constitutional solution to the Russo-Chechen conflict must therefore revisit and revise the existing Constitution of the Chechen Republic for this policy approach to succeed. Without substantial conces-

sions regarding jurisdiction and measured decentralization by Moscow, the rebel fighters will exploit the Constitution by citing it as another example of Russia's unwillingness to meet Chechen demands.

Multiple Autonomous Regions: The United States Federal-Tribal Model

A different approach would be to shift Moscow's focus away from Chechnya by providing all qualifying ethnic minorities in the Russian Federation with protective trust status. The potential for the broad application of this policy is perhaps its greatest strength. The proposed system would be modeled after the United States' trust relationship with the Native American tribes. The benefits of this policy from Russia's perspective are that it would reduce the power Chechnya is able to wield in the international community, maintain the territorial integrity of the Russian Federation, and preempt future secessionist movements by ethnic populations pursuing the Chechen approach.

In applying this federal trust system to Russia's ethnic minorities, the first step would be to identify those populations entitled to trust status. A set of criteria similar to those applied to Native Americans could be devised by Russia in conjunction with the international community to establish a standard process for granting the status. Based on the Native American model, the criteria could include: a common ancestral identification as a distinct, non-Russian ethnic group; the maintenance of a community distinct from other populations in the area; and the persistence of structures of local political or governmental authority within the ethnic group (American Indian Resource Institute 1991, 26). The Russian federal government would cede certain protections and rights to the ethnic groups that fulfill these three requirements and would acknowledge their local sovereignty. These protections and rights would likely include territorial guarantees, civil rights, self-governance, and local control over natural resources. The territorial component of the trust relationships would not be interpreted as the basis for population transfers within Russia. Rather, populations would be allowed to remain on their ancestral lands. As in the United States, the role of the executive in the implementation of the policy would be extremely restricted and the legislature, in this case the Duma, would exercise primary control over the trust relationships (American Indian Resource Institute 1991, 26-29). Administration of trust relationships could be delegated to Russia's Ministry of Internal Affairs or Ministry of Regional Policy. If administration by either of these ministries proved to be unfeasible, a new ministry or governmental agency could be created with the explicit mandate of managing the newly established ethnic trusts.

While Russian adoption of such a policy toward its ethnic minority populations would be extremely progressive and potentially successful in regions such as Chechnya, it is highly unlikely that the current administration would be willing to pursue such a drastic policy shift. The concessions required for a trust system to succeed are too great for the Russian government to consider. The Soviet tradition of hypercentralization—whose impact is still felt in Russia today—prevents a policy based on decentralization from being feasible. The federal government would also resist the trust system because it would grant control of natural resources, primarily oil and natural gas in the Transcaucasus, to the local, sovereign governments.

Furthermore, a trust system might not succeed even if it were adopted and implemented. It is worth noting that the United States continues to be plagued by the tension between self-government and assimilation of Native Americans after more than two hundred years of attempting to deal with the problem (American Indian Resource Institute 1991, 3). Given the American difficulty in resolving this tension, it seems unlikely that Russia would fare any better in implementing a similar trust system. Moreover, the fluidity of the trust system, a characteristic vital to its longevity in the United States, makes it impractical in the Russian case, where greater stability and clarity are necessary. Given the current weak structure of the Russian state, the establishment of a trust system for ethnic minorities could undermine the state's stability and cohesiveness.

A North Caucasus Federation: Establishing an *Ummah*

One of Russia's primary objections to Chechen statehood is that it could potentially lead to additional independence movements and the subsequent disintegration of the state along Russia's southern border. An alternative solution has been proposed by the Islamic community for resolving the Chechen issue without encouraging new breakaway movements among Russia's ethnic minorities. This proposal calls for the creation of an *Ummah* in the Transcaucasus, also known as a North Caucasus Federation (Anand 2000, 3; Yemelianova 2002, 183-91). The arrangement would not accommodate a Chechen state, but would incorporate the Chechens into a larger, multi-ethnic Islamic state. This solution would not assuage Russia's concerns regarding state integrity, but it would avoid the proliferation of breakaway nation-states along Russia's southern border and would meet Chechnya's goal of achieving independence from Russia.

However, a careful assessment of this proposal suggests that it is unfeasible and has its own set of drawbacks. Chechens are currently

opposed to the resurrection of the Chechen-Ingush Republic, which suggests that they are not open to regional power-sharing arrangements of the sort that would be required for the North Caucasus Federation to succeed (Radio Free Europe/Radio Liberty 2003b). The establishment of an acceptable system of government in a Transcaucasus *Ummah* would present another major challenge. Such a government would need to ensure equitable representation of all minorities and would need to account for the differing religious traditions in the region. But the Federation would most likely be dominated by Wahhabism at the expense of other forms of Islam. Additionally, the *Ummah* solution would only satisfy the national aspirations of Muslims residing in the Transcaucasus; it would not satisfy non-Muslim minorities living in Russia. These groups might resort to independence movements of their own, further undermining the integrity of the Russian state.

The *Ummah* proposal is also alarming to Russia and the West because it could establish a radical Islamic state that would serve as a haven for terrorists in an area of great strategic importance. The spread of Wahhabism throughout Chechnya has radicalized the population and popularized the expansionist tendencies articulated by its practitioners. Furthermore, Chechnya's connections to international terrorists and the presence of many foreign fighters in the region make this alternative implausible given the ongoing war on terror. Due to the high level of international opposition it would generate, this alternative does not appear to be plausible in the current international context.

Two non-political issues would also need to be addressed before a North Caucasus Federation could be created. The first is economic recovery and growth. The region is primarily a single commodity economy sustained by oil and natural gas reserves. It is uncertain whether the oil and gas industries would be sufficient to sustain the North Caucasus Federation or whether funding from other countries would be required to maintain the Islamic state. The likely financial supporters of the Transcaucasus *Ummah* would be other Islamic states, whose political influence within the Federation would increase as a result of its aid. Such an expansion of the Middle East's sphere of influence into the region would not be in the interest of Russia or the West. It is also not clear how the new Islamic federation would fit into the international community. The current unit of sovereignty in the international community is the nation-state, but the North Caucasus Federation would not fit the definition of a nation-state. Nor would it be an international organization. Its establishment would therefore necessitate the creation of a new category of international actors.

This is a development the international community would be unwilling to support because it would likely undermine the existing system of nation-states and could potentially give rise to blocks of newly consolidated regional powers.

Chechen Statehood and the Revival of The United Nations Trusteeship Council

Given the weaknesses of the domestic, regional, and international approaches outlined above, the revival of the United Nations Trusteeship Council offers the best opportunity for a comprehensive solution to the Chechen problem. The UN Charter establishes the Trusteeship Council as one of the UN's principal organs and charges it with shepherding trust territories to independence. Specifically, it states that the Council's role is to "promote the political, economic, social, and educational advancement of the inhabitants of the trust territories, and their progressive development towards self-government or independence as may be appropriate to the particular circumstances of each territory and its peoples."[2] Although the current international environment does not favor the creation of new nation-states, giving Chechnya interim trust status under the United Nations is the best policy option for resolving the conflict. This trusteeship approach is appropriate because, within the context of decolonization, the trusteeship structure can serve those entitled to self-determination and advance the international community's commitment to peaceful stability and security (Smith and Dee 2003, 18-9).

Ceding the issue to the United Nations would effectively eliminate potential charges of Russian dominance of the policies being implemented in Chechnya, neutralize the prominence of unsavory Chechen personalities, and provide a means for policy enforcement. The gradual democratization of Chechnya against the backdrop of internationally ensured stability would be more likely to succeed than other efforts lacking broad international support. However, a UN trusteeship must be implemented quickly to prevent the further radicalization of the Chechen population by the Wahhabi activists already present in the region. A delay in UN intervention might lead to Chechen attacks against the United Nations comparable to those committed in Iraq.

Economic aid and foreign investment would need to accompany the trust framework and support the actions of the Trusteeship Council. This aid and investment would help to pacify the Chechen insurgency by presenting rebels with an economic alternative to violence.[3] At the conclusion of the

trusteeship, if it is successful, Chechnya could emerge as an independent and relatively stable democracy in the Transcaucasus.

The greatest challenge in pursuing this policy recommendation would be to secure Russia's approval of the trust in the UN Security Council (UNSC), the only body with the legal authority to establish it. Russia's opposition would stem primarily from the territorial integrity principle that it holds dear. Russia claims that granting independence to Chechnya would result in the proliferation of independence movements within Russia. The international community would need to reassure Russia that it would not support trusteeship for other groups in Russia because they lack the historical and political justification for trusteeship. Additionally, it would need to present Russia with several incentives to secure its support for trusteeship. These incentives could include membership in the World Trade Organization, an expanded role in the North Atlantic Treaty Organization, as well as bilateral aid agreements and foreign direct investment. The threat of economic or political sanctions against Russia, however, would likely be counterproductive.

The History and Evolution of the UN Trusteeship Council

Within the context of decolonization after World War II, the international community supported the trusteeship system. The UN Trusteeship Council was particularly instrumental in the decolonization of Africa during the 1960s and 1970s. As former colonies transitioned into new nation-states under the guidance of the Council, the need for such a system seemed to disappear, especially as some critics called the success of the program into question.

More recently, a measure of success in trusteeship was demonstrated by the Trusteeship Council in East Timor. The East Timor case revived the trusteeship system as the United Nations intervened to establish an independent state of East Timor, following its separation from Indonesia. However, the decolonization justification for trusteeship in East Timor was not as self-evident as it had been in Africa. The decolonization claim in East Timor was accompanied by a reinterpretation of the Trusteeship Council's mandate.[4] This reinterpretation of the mandate broadened the Council's purpose to "hold in trust the common heritage and common interests of mankind, mainly: environment, sea, rights of peoples, human rights, and take charge of the implementation of the decisions adopted and directions taken in these areas by the Assembly" (de Marco and Bartolo 2002, 70). This reinterpretation of the Council's mandate makes trusteeship more applicable to Chechnya than ever before.

The reinterpretation of the mandate to include the common heritage and interests of humankind coincides with a gradual shift in the philosophy of the international legal community. This community asserts that changes in international law better prepare international actors to deal with self-determination cases, such as East Timor, Kosovo, and Chechnya (Charney 2001, 455). Today, rather than always privileging sovereignty, the international legal community is attempting to strike a balance between national self-determination and the territorial integrity of the state. Self-determination is acquiring an increasing level of favor because "the law of secession gives no preference to federal units over lesser entities" (Grant 1999, 91-2). In cases where the national aspirations of a people result in the total disruption of the existing state, such as the case of Chechnya, the creation and recognition of a new state may be legally advisable at the expense of the territorial integrity principle.

Operating within this legal framework, the Trusteeship Council has been charged with the protection of both human rights and the human environment, a charge that extends beyond the traditionally accepted boundaries of decolonization. For the Council to succeed in its new mission, the international community will have to be open to the establishment of new nation-states not as a product of nationalism, but as a means of protecting the rights of individuals and peoples. The absence of a trusteeship capability would diminish the ability of the international community to address violations of individual and communal rights in cases where it lacked sufficient leverage to alter state behavior through other means.

Chechnya in Trust

The United Nations should look to the East Timor case as a model for Chechnya.[5] The three-phase model employed in East Timor would be appropriate for Chechnya as well. The first phase would require the establishment of a United Nations Mission in Chechnya (UNAMC). This mission would primarily be consultative in nature, but would also be responsible for providing security and overseeing the political transition in Chechnya. It would be charged with evaluating political and security conditions, negotiating cease-fires, coordinating a public referendum on independence versus a special form of autonomy, and engaging and training members of the local population in governance, administration, and security.

Following the referendum, it would be advisable for the United Nations to deploy an interim peacekeeping force prior to the inauguration of a transitional administration. This force, which could be called the Inter-

national Force in Chechnya (INTERFC), should operate with a mandate from the United Nations to restore and maintain peace until a long-term peacekeeping force is deployed to provide security during the transitional administration. Finally, the United Nations would need to establish the transitional administration, which could be called the United Nations Transitional Administration in Chechnya (UNTACH). This body would be responsible for the governance of Chechnya until authority can be turned over to local control.

Using the East Timor case as a precedent, UNTACH would need to have a clearly defined authority and purpose (Martin 2001, 59-66). The administration would be established by the UN Security Council and would be run by the UN Secretary-General through a special representative. This special representative would be responsible for the day-to-day administration of the trust. UNTACH would have a mixed international and local staff. Its purpose would exceed the traditional objectives of guaranteeing international peace and security, which characterized first generation peacekeeping operations, to also include governance and public administration. The personnel and resources of the administration would therefore have to be adequate to fulfill these broader functions (Martin 2001, 59-66).

The scope of the powers exercised by UNTACH would be very broad. UNTACH would be charged with administrating Chechnya and functioning as its executive, judicial, and legislative authority. The UN mission would be responsible for negotiating the disarmament of rebel fighters; establishing consultative bodies of Chechens charged with conveying the interests of the local population to UNTACH; revising political structures to make them more stable, equitable, and transparent; brokering financial agreements with the World Bank; and training the Chechens to assume self-governance (Martin 2001, 59-66). Disarmament of the rebels should include a weapons buy-back or collection program, and could be modeled after the Weapons for Development project, already being used in Chad, Cameroon, and the Central African Republic.[6] The peacekeeping force in Chechnya would be fully integrated into UNTACH. Additionally, UNTACH would have responsibility for the establishment of new legal and political institutions in Chechnya.

The creation of UNTACH based on these principles and goals, which were established in the cases of East Timor and Kosovo, would result in an administration capable of overseeing Chechnya's transition from a former Russian colony to a newly independent nation-state. The Ministry of Foreign Affairs of the Chechen Republic of Ichkeria endorsed this

solution in a 2002 report entitled, *The Russo-Chechen Tragedy: The Way to Peace and Democracy—Conditional Independence under an International Administration.* This endorsement by the Chechen Foreign Ministry and the Chechens' broad support for an international administration leading to conditional independence strengthen the case for establishing a UN trusteeship.

The success of UNTACH could be measured against the UN's Peacekeeping Baker's Dozen, a checklist that has evolved from multiple UN peacekeeping operations. The Peacekeeping Baker's Dozen of desirable peacekeeping characteristics includes: legitimacy; sustained international commitment; achievable political objectives and an exit strategy; host-country support; a feasible and achievable mandate; thorough and timely preparation and planning; the restoration and maintenance of a secure environment; effective governance; capable leadership and effective partnership; sustainable economic and social development; adherence to human rights norms and addressing the past; management of displaced people; and provision of effective emergency relief (Smith and Dee 2003, 97). Chechnya would clearly present UNTACH with a great challenge in adhering to all of these desirable characteristics of peacekeeping and transitional administration. Yet fulfillment of these thirteen criteria alone would not be sufficient to ensure UNTACH's success. The transitional administration must result in the independence of Chechnya as a legitimate and internationally recognized nation-state. Given this high standard for success, it could be at least a decade before UNTACH concluded its work.

Conclusion

Although the conflict between Russia and Chechnya is centuries old, and the most recent wars have been going on for a decade, the current global war on terror creates a new imperative to achieve a lasting solution to the Chechen problem. The presence of foreign fighters and Islamic fundamentalists has elevated the Chechen conflict from an issue of domestic or regional importance to one of international concern and a battleground in the war on terror. However, it is imperative that discretion be exercised in Chechnya, to ensure that only terrorists are targets of the campaign against terrorists. Until war is declared on terrorists instead of terror, abuses of the war on terror will persist in Chechnya (D. Smith 2003).

The international community's failure to intervene in Chechnya would result in the continued radicalization of the Chechen population by Wahhabi fundamentalists, increasing the potential for further conflict and indiscriminate killing of innocent Chechens. The realities of the situation necessitate the intervention of the United Nations in the form of a trust-

eeship for Chechnya. While trusteeship leading to the formation of a new nation-state runs counter to the prevailing international opposition to new state formation, there is a growing legal consensus in favor of such an arrangement in cases where ethnic minorities are persecuted and no other alternative is feasible. At first, the revival of the UN Trusteeship Council would be for the sole purpose of resolving the Chechen question. But if the trust system was successful in Chechnya, it could be the first step in a more lasting revitalization of the Trusteeship Council, establishing it as a more viable policy alternative in the future.

Notes

[1] A mufti is a Muslim religious and legal leader charged with interpreting the Shari'ah, Islamic law.

[2] The UN Trusteeship Council is governed by Articles 75-85 of the UN Charter.

[3] Fearon and Laitin 2003, de Soysa 2002, and Kalyvas 2001 analyze the roles of ethnicity, economics, and governance in post-1989 civil wars.

[4] UNSC Resolution 1272 provided the mandate for UN intervention in East Timor. Additional UNSC resolutions followed to reaffirm and expand the UN's role in East Timor.

[5] Martin 2001 provides a detailed account of the UN intervention in East Timor beginning with the May 5 Agreements through the public referendum rejecting autonomy and embracing independence. Ian Martin was the Special Representative of the UN Secretary-General for the East Timor Popular Consultation.

[6] See United Nations Regional Centre for Peace and Disarmament in Africa. www.unrec.org/eng/Weapons%20for%20Development.htm.

References

American Indian Resource Institute. 1991. *Indian Tribes as Sovereign Governments*. Oakland.

Anand, Vinod. 2000. Export of Holy Terror to Chechnya from Pakistan and Afghanistan. *Strategic Analysis: A Monthly Journal of the IDSA*. 24: 3.

Armstrong, Karen. 2002. *Islam: A Short History*. New York: Random House.

BBC News. 2003. Putin's Man in Chechnya. October 3.

Charney, Jonathan I. 2001. Self-Determination: Chechnya, Kosovo, and East Timor. *Vanderbilt Journal of Transnational Law* 34.

Chechen Chronicles. 1999. Chechnya Announces Transition to Islamic Statehood. What's Next?

Chechen Times. 2003. Rigged Chechen Poll 'Will Lead to New War': Russian Officers Fear a Return to Bloodshed. October 6.

de Marco, Guido and Michael Bartolo. 2002. *A Second Generation United Nations for Peace in the 21st Century*. New York: Kegan Paul.

de Soysa, Indra. 2002. Paradise is a Bazaar? Greed, Creed, and Governance in Civil War, 1989-1999. *Journal of Peace Research* 39: 4.

Economist. 2003. Vote for the Devil. October 9.

Evangelista, Matthew. 2002. *The Chechen Wars: Will Russia Go the Way of the Soviet Union?* Washington, D.C.: Brookings Institution Press.

Fearon, James and David Laitin. 2003. Ethnicity, Insurgency, and Civil War. *American Political Science Review*. 97: 1.

Fowkes, Ben, ed. 1998. *Russia and Chechnya: The Permanent Crisis*. New York: St. Martin's Press.

Gall, Carlotta and Thomas de Waal. 1998. *Chechnya: Calamity in the Caucasus*. New York: New York University Press.

German, Tracey. 2003. *Russia's Chechen War*. New York: RoutledgeCurzon.

Gorodetsky, Gabriel, ed. 2003. *Russia Between East and West: Russian Foreign Policy on the Threshold of the Twenty-First Century*. Portland: Frank Cass Publishers.

Grant, Thomas. 1999. *The Recognition of States: Law and Practice in Debate and Evolution*. Westport: Praeger.

Kalyvas, Stathis. 2001. New and Old Civil Wars. *World Politics*. 54: 1.

Martin, Ian. 2001. *Self-Determination in East Timor: The United Nations, the Ballot and International Intervention*. Boulder: Lynne Rienner Publishers.

Ministry of Foreign Affairs of the Chechen Republic of Ichkeria. 2002. *The Russo-Chechen Tragedy: The Way to Peace and Democracy—Conditional Independence under an International Administration*.

Moscow Times. 2003. How to Manage Chechnya. September 18.

Pelton, Robert Young. 2003. *The World's Most Dangerous Places*. New York: Tembo, LLC.

Politkovskaya, Anna. 2001. *A Dirty War: A Russian Reporter in Chechnya*. London: The Hazrill Press.

Radio Free Europe/Radio Liberty. 2003a. Chechen Administration Head Becomes President. October 6.

Radio Free Europe/Radio Liberty. 2003b. Opposition to Resurrection of Chechen-Ingush Republic. November 3.

Reimold, Frieder. 2004. German Minister, Putin Discuss Chechnya. *Associated Press,* February 12.

Reuters. 2003. Kremlin Candidate Win May Not Sway Chechen Rebels. October 6.

Seely, Robert. 2001. *Russo-Chechen Conflict, 1800-2000: A Deadly Embrace*. Portland: Frank Cass Publishers.

Smith, Derrin. 2003. Speaker at the Colorado Council of International Organizations' Conference: *International Stability in the 21st Century: The Role and Impact of International Governmental and Nongovernmental Organizations*. October 17.

Smith, Kathleen. 2002. *Mythmaking in the New Russia: Politics and Memory During the Yeltsin Era*. Ithaca: Cornell University Press.

Smith, Michael and Moreen Dee. 2003. *Peacekeeping in East Timor: The Path to Independence*. Boulder: Lynne Rienner Publishers.

Smith, Sebastian. 2001. *Allah's Mountains: The Battle for Chechnya*. London: I.B. Tauris.

Yemelianova, Galina. 2002. *Russia and Islam: A Historical Survey*. New York: Palgrave.

Zelkina, Anna. 2000. *In Quest for God and Freedom: The Sufi Response to the Russian Advance in the North Caucasus*. New York: New York University Press.