
SOVEREIGNTY-BUILDING: THE CASE OF CHECHNYA

— JAMES S. ROBBINS —

The purpose of this essay is to elucidate the concept of sovereignty-building, which, simply stated, is the process of becoming a state. It is distinguished from the more familiar concept of nation-building in that nation-building takes the state as a given and seeks ways of building civil society within it. Sovereignty-building begins with civil society as the fundamental unit and looks for ways in which states may be formed around it.¹

Sovereignty-building has both descriptive and prescriptive aspects. Its descriptive power lies in the fact that it explicates the way states are actually created. Its prescriptive aspect is that it advocates honoring existing civil societies and using them as the bases for states. In this way, sovereignty-building is presented as a more worthy alternative to nation-building, which regards states as basic units regardless of their relationships to actual social conditions such as cultural and ethnic divisions, religious schisms, economic disparities, etc. These social divisions are seen as something to be overcome in the interests of the unity and stability of the state. As such, political and economic centralization, cultural integration (or at least "accommodation") and the elimination of social differences are the primary focus of nation-building efforts. Sovereignty-building is an alternative strategy to create stable, peaceful states through the promotion and legitimation of diversity, recognizing the right of people to organize themselves in whatever manner they so choose regardless of existing state borders—which are often irrational and imposed by colonial or other powers rather than by common agreement of the people who live in the area. Rather than forcing civil society into the Procrustean bed of the existing state, the state is remodeled on the pattern of existing civil society, and state borders are altered to configurations that better correspond to the desires of the people who must live within them. A primary vehicle for sovereignty-building is the act of secession, in which a smaller sovereign unit is formed out of part of a larger sovereignty. Sovereignty-building does not in-

James S. Robbins is an Adjunct Assistant Professor of Diplomacy at The Fletcher School of Law and Diplomacy. His forthcoming book is titled SMERSH: Soviet Military Counterintelligence in the Second World War.

The Fletcher Forum of World Affairs, Vol. 21:2, Summer/Fall 1997

volve or in any way imply the overthrow of existing governments (i.e., revolution), but only withdrawing existing state power from an area replacing it with another state.

The concept will be illustrated in the case of the emerging Republic of Ichkeria, better known as and hereafter referred to as Chechnya. However, the concept is not meant to apply only to Chechnya but rather to serve as a universal theory of state development that could apply to any similar case.

Sovereignty and Sovereignty-building

Sovereignty has three essential components: popular legitimacy; physical control of territory and population or rule; and international recognition. Ideally, a state will possess all three elements, and the sovereignty-building framework seeks to develop each of them in turn.

The basis for sovereignty in the sovereignty-building framework is popular legitimacy. Popular legitimacy, the voluntary acceptance by a group of people

**The basis for
sovereignty in
the sovereignty-
building
framework is
popular
legitimacy.**

of a specific government as the legitimate ruling power within a given geographical area, is at the root of Civil Society. The area in question need not conform to a state—in fact, if all states met the above criterion the questions of sovereignty-building and nation-building would both be moot. Rather, the political entity corresponds to any area in which the people share a common identity, either cultural, ethnic, linguistic, religious, tribal or other characteristic. This identity is not determined by outsiders, nor is the legitimacy of the identity able to be evaluated by any except the people for whom it has meaning (the “identity group”).² In short, when people choose to organize themselves around a given

identity, the act of free choice alone legitimates it.³

This view corresponds to the social contract theory of state legitimacy, in which the sovereignty of the state is derived from a direct grant of sovereignty from free individuals.⁴ It is also tied to the modern notion of self-determination of peoples, a concept that is increasingly being accepted as a right under international law.⁵

It should be noted that many states that have achieved international recognition as sovereign lack this vital component of popular legitimacy—for example Iraq, or any authoritarian state. Identity groups such as the Kurds have very clear claims to popular sovereignty, especially since they have been singled out for particularly brutal repression by the Baghdad regime, which negates any pretense the regime of Saddam Hussein could have toward being the legitimate ruler of Kurdistan. But, neither does the presence of democracy in itself negate claims of popular sovereignty by subgroups within the democratic state. The original grant of power to the state is not a *cessio* (a one-time,

irrevocable transfer) but a *translatio* (a temporary grant of stewardship), and identity groups even in democracies may rescind their grant and regain their original sovereign status. Examples of such movements in modern democracies include the Québécois separatists and Scots nationalists. Likewise, Chechnya was recently a part of the democratic Russian Republic, though technically still under Soviet control when it declared independence in 1991.

A related question is that of the unit of the sub-sovereignty. Even within an identity group, not every member will have the same opinion about political sovereignty. Some may wish to remain within the mega-sovereignty, even while acknowledging their identity ties. This is a difficult question, but one which may be resolved through the use of democratic methods such as referenda or other indications of popular opinion (it is worth noting that the American Revolution was probably not actively supported by more than one-third of the population at the time). Even if a vote is taken, one must wrestle with the question of the unit of decision: Should the entire state have a say in whether an identity group within it may secede? The sovereignty-building framework rejects such a notion—the continuance or severing of ties is up to the identity group itself. Yet even then “unit of decision” problems may arise. This is clearly illustrated in the October 30, 1995, secession referendum in Quebec.⁶ The decision was to be taken by a majority vote of the whole of Quebec. The motion was defeated, 50.6 percent against to 49.4 percent in favor. But, had the vote been taken by election district or household, all of the territory of Quebec north of Montreal would today be an independent state.⁷ Under the sovereignty-building framework, smaller units of decision are preferable to larger ones, since they more sharply define the boundaries of the identity group, and of sentiments within it.

Of course, practicality must intervene at some point; state boundaries cannot reasonably be drawn to accommodate every household. Minorities that have their own aspirations for statehood may exist within the new state. It is an unfortunate fact that such groups often find themselves being oppressed by the same people who used the claim of “self-determination of peoples” to win their own independence. The former Soviet republic of Georgia is a clear example—the Ossetian and Abkhazian minority groups have made the same arguments in favor of their right to independence from Georgia that the Georgians made against the Soviets, yet the Georgian government has used military force to prevent any moves towards secession. This is an unfortunate but predictable application of the logic of the state. Once Georgia became independent it was corrupted by the same dynamics against which it fought. This type of situation separates the idealists from the hypocrites, and unfortunately, the latter frequently hold power.⁸ Ironically, both the Ossetians and Abkhazians have sought admission to the Russian Federation for protection against Georgia, a development that is fully permissible under the sovereignty-building framework so long as all parties agree—excluding Georgia.

The protection of Russian minorities has been used by the Russian Federation as an argument against secession by other national groups, but such an argument is contradictory in that it amounts to actual oppression undertaken

in the name of preventing possible oppression. The sovereignty-building framework would counsel splitting off marginal areas with large numbers of non-members of the identity group (operationalized by the logic presented above for small units of decision).

A final question is how large a group an identity group has to be. The logic of the popular sovereignty premise does not point towards any smallest size

**There are many
areas in the
world where
warlords, tribal
leaders or other
local power
brokers rule
without oversight
from any other
agent.**

above the individual, and while an individual may declare sovereignty based on some form of unique identity, perhaps selfhood, the problems in creating a viable state based on one person would be enormous, chiefly because a single person would have a difficult time physically enforcing a claim to political self-rule.⁹ But setting an arbitrary standard for viability runs counter to the principle of free choice; an identity group is as free to try to form a non-viable state as a viable one. One hopes that the arbiter in such cases would be common sense, not externally imposed rules. However, if one must set a population baseline for identity groups to make a claim for popular sovereignty, empirical reasoning would point towards using the size of the smallest sovereign state, San Marino, with a current population of around 24,000.¹⁰ For those who say that such states are not viable, it

is worth pointing out that San Marino has existed for 1700 years, the last 750 of them as a republic.

The second aspect of sovereignty is *de facto* sovereignty or rule, the physical control of the people and territory in question. *De facto* sovereignty entails control of the day to day functions of government, including such things as tax collection, courts and law enforcement, currency control, establishment of standards for citizenship, defense of borders, and so forth. *De facto* sovereignty is concerned with neither popular legitimacy nor international recognition nor anything beyond the physical fact of rulership. Its dictum is, who rules, rules. The person or agency who, in a given area, can set the rules *and enforce them* is the sovereign power. Public participation and approval is helpful, even preferred, and in fact necessary for sovereignty-building, though strictly speaking only public acquiescence or response to compulsion is necessary for physical rule.

Not all states have *de facto* sovereignty over their entire territory. Nor can all agencies that wield *de facto* sovereignty be called states. There are many areas in the world where warlords, tribal leaders, or other local power brokers rule without oversight from any other agent. This can have positive or negative consequences for those under their supervision, depending on circumstances. The region of East Kasai in Zaire is a case in point. The Kasaians, who number 6 million, live in the diamond-mining areas of Zaire, yet they do

not share in the wealth of the region. Government policy has been systematically discriminatory. The Zairian dictator Mobutu Sese Seko mounted a virulent campaign against them in 1992, resulting in thousands of deaths. Yet oppression has taught the Kasaians to become self sufficient. They build their own roads, have their own schools and a respected university, and maintain a separate, stable currency that is the envy of the rest of the inflation-crippled country. Pierre Moukendi, a Kasaiian geographer and intellectual, has stated that their form of *de facto* autonomy is a reasonable approach, given conditions in their country. "The kinds of secessionist movements that we have seen in the past are simply outmoded. Kasaians are as much a part of what we call Zaire as anyone else. But Zaire is not functional, and we have realized that in order to survive we have to take responsibility for ourselves."¹¹

In Transdniestria, on the east bank of the Dniester River in Moldova, ethnic Russians have taken over all functions of government; they call themselves the Transdniestrian Moldavian Republic (Moldavia being the Soviet-era name for the region) and do not recognize the legitimacy of the Moldovan state. Attempts by the Moldovan government to enforce its authority have been met with force, and in recent rounds of the Moldovan presidential election, the Transdniestrians allowed no ballots to be cast in their area of control. Moldovan authorities established polling places on the west bank for those who desired to vote and could reach the polls, but only 2 percent of those eligible actually voted.¹²

Any identity group that seeks to make a bid for full sovereignty will seek to exercise *de facto* sovereignty at some point. This often takes place where state authority has broken down or is perceived as illegitimate by the population. If the state ignores the exercise of *de facto* sovereignty by another agent, it risks serious problems as local people become accustomed to taking care of themselves and the irrelevance of the larger state becomes self-evident, assuming they *can* see to their own affairs effectively. The state then loses legitimacy to the sub-unit, and if it tries to reassert authority, it may run into difficulties, even open warfare.¹³ If the state is able to reassert its authority through force or otherwise, it becomes again the *de facto* sovereign. If it is unable to do so, the local agent retains its sovereign role. This may seem obvious, but the point is that political control of an area is the *only* measure of *de facto* sovereignty; it is a phenomenon that defines itself.¹⁴ Such struggles may result in the formation of new states, and the fact that they are formed through the use of force does not make them illegitimate. On the contrary, warfare is the traditional, most widely used and

If the state ignores the exercise of *de facto* sovereignty by another agent, it risks problems as the irrelevance of the larger state becomes self-evident.

most widely recognized method of establishing statehood. Whether such a state is legitimate is a matter for the people who live within it to decide.

The third aspect of sovereignty is international recognition. Achieving recognition is an extremely important goal for the nascent state, but the least important of the three aspects to the everyday life of the people.¹⁵ International recognition is very difficult to achieve. Established states are wary about granting sanction to emerging states, especially when they are emerging from other established state entities. There are several practical reasons why states are cautious about granting recognition to sovereignty movements:

1. Aversion to disorder: The post-Westphalian international political framework was erected in reaction to the chaos of the Thirty Years' War, and the main purpose of the international system to this day is to preserve international order. If established states routinely recognized emerging sovereignties, it would encourage the formation of more such movements, and the result would be a myriad of continually subdividing states, each with sovereign powers. The potential for disorder would be too great.
2. The principle of territorial integrity: This principle is a central pillar of the international system. Under it, each state refrains from intervening in the internal affairs of any other state. Recognition of a sovereignty movement directly contradicts this principle, since secession breaches the integrity of the territory of the state.
3. Reciprocity: Recognition of a secessionist movement in one state could prompt retaliatory action. For example, if the United States recognizes Chechnya as an independent country, the Russian government could as easily officially recognize Hawaiian secessionists who believe that the annexation of the island group was illegal.¹⁶
4. The strategic dimension: By allowing small states to form on one's borders or within one's state, one opens oneself to significant strategic problems if these new states make alliances with hostile countries, and the new small states will probably be looking for some kind of protection. True, one might respond by allying with similar states in or around the hostile power, but this would lead to the type of chaos that the international system abhors.¹⁷

Sometimes an established state will break ranks and recognize a newly emerged state when other states are hesitant. Germany's precipitant recognition of Slovenia in July 1991 is a case in point. This action accelerated the breakup of Yugoslavia, and because of Germany's international status other states could not but follow suit. However, it is not a rule that a new state is "recognized by one, recognized by all." Northern Cyprus, which was carved out of Cyprus through intervention by the Turkish army, which wields *de facto* sovereignty and has (arguably) popular legitimacy, is recognized only by Turkey.

A sovereignty-building effort can only expect to achieve widespread international recognition under two circumstances: either when it is in the clear self-interest of a major power; or when the regime from which it has seceded grants recognition, thus signaling permission for other states to do the same. Neither is easy to achieve.

Chechnya

The emerging state of Chechnya offers a good case study of the principles of sovereignty-building in action. Chechnya is located in the North Caucasus region, and at 15,000 square kilometers is about half the size of Belgium. It is bordered on the east and northeast by Dagestan, on the west by Ingushetia, on the northwest by Stavropol Kray (all in Russia) and on the south by the Republic of Georgia. Before the war in 1994, about 1.1 million people lived in Chechnya, two-thirds of them Chechen, about one-quarter Russian, and the rest a mix of minorities. Most of the Russians lived in the capital of Grozny, which had a prewar population of 400,000. Even before the war Chechnya had a relatively weak economic base; its most important role was as a transshipment point for Russian oil from Baku. The dominant religion among the Chechen population is Sunni Islam, to which the Chechens converted in the sixteenth century. Islam is a commanding force in the country despite, and in part because of, Soviet attempts to root it out.

The Chechens have lived in the north Caucasus region for centuries, perhaps millennia. In the ninth through the twelfth centuries they lived under the control of the Persian Alans, who were ancestors of the Ossetians, and were brought under Mongol rule during the invasion of 1221. Chechnya remained a Mongol holding for over 500 years. In 1801, Czar Nicholas I mounted an invasion of the region, continuing earlier Russian moves to the south, and formally annexed Chechnya. Yet, fighting continued through the nineteenth century, most notably in 1824-1859, and during the Russo-Turkish War of 1877-1878. In 1918, during the Russian revolution, a North Caucasian Republic was formed which included Chechnya, Dagestan, and some surrounding areas. It was attacked and its forces defeated by White armies under the command of General Denikin. But, in 1919 Sheikh Uzun Haji organized a North Caucasian Emirate in the mountains of Chechnya and led a determined guerrilla resistance that forced Denikin to withdraw. The Bolsheviks, who had cooperated with Chechens, installed a military occupation regime, which led to renewed fighting in August 1920. In January 1921, a Soviet Socialist Autonomous Mountain Republic was formed, which included the Chechens, Ingush, Ossetians and others. Soviet sovereignty was accepted in return for autonomy in domestic affairs, recognition of the *shari'a* as the basic law of the republic, and the return of territory taken by the Tsars. Yet, by November 1922 Chechnya had been detached from the Mountain Republic and made an Autonomous Oblast of the Russian Federation, the first step in an eventual erosion of all of the rights promised by the Bolsheviks.

The cycle of rebellion and repression intensified under Soviet rule. Anti-

Soviet guerrilla groups operated from mountain sanctuaries but were never strong enough to take decisive action against the Soviet government. During World War II, Chechens served in the Red Army, and 36 Chechen-Ingush were awarded the Hero of the Soviet Union citation, the highest award for bravery. However, some Chechen guerrillas cooperated with the German invaders behind the lines. In response, in February 1944, the entire Chechen and Ingush nations, numbering around 400,000 and 100,000 people respectively, were rounded up by special armed formations of the NKVD¹⁸ and shipped to internal exile in Kazakhstan.¹⁹ Within the first year, about 30 percent of them had died. Nevertheless, they retained their spirit and identity, and Aleksandr Solzhenitsyn wrote that during their exile, "everyone was afraid of them. No one could stop them from living as they did. The regime that had ruled the land for 30 years could not force them to respect its laws."²⁰ In 1957,

**The entire
Chechen and
Ingush nations
were rounded up
by special
armed
formations of the
NKVD and
shipped to
internal exile in
Kazakhstan.**

during Khrushchev's anti-Stalin campaign, the Chechens were allowed to return to their homeland, but they were given no special restitution for the misery they had been forced to endure.

The Chechens lived quietly in the Chechen-Ingush Autonomous Soviet Socialist Republic (ASSR) for the next 30 years. In 1988, with the advent of perestroika, a Chechen-Ingush Popular Front was formed as a platform for discussing ecological issues, but it soon began to address political questions. Citizen action groups began forming, and in 1990 a Chechen National Congress (CNC) was convened with the consent and participation of Doku Zavgaev, first secretary of the Communist Party in the Chechen-Ingush ASSR and the first Chechen to hold that post. The Congress passed a resolution calling for the sovereignty of the Chechen-Ingush Republic.²¹ Dzhokar Dudaev, a major general in the Soviet Air Force, was elected chairman of its executive committee. Dudaev, though a loyal Soviet soldier and married to a Russian, ardently pursued the cause of Chechen independence. The CNC began organizing for a bid for full independence in 1991, as the republics that had comprised the Soviet Union all seceded. In the fall of 1991, the Ingush, who decided to press their claims for autonomy from within the Russian Republic, separated from Chechnya by referendum. That decision was supported by all parties, including Moscow.

In August 1991, when Zavgaev was in Moscow to sign a treaty that would have clarified the status of Chechnya, a Russian-organized coup was attempted in Grozny. Pro-independence radicals resisted and the CNC transferred power in Chechnya to its executive committee. Zavgaev was forced out of power, and the CNC called for presidential and parliamentary elections to be held in October. Russian President Boris Yeltsin threatened intervention, but

The following photographs were taken by Ivan Sigal in Chechnya in November 1996. Sigal, a recent graduate of the Fletcher School, was in Russia and the Caucasus on a photojournalism grant from the Institute for International Education. Much of his time was spent looking at the effects of war in the Caucasus.

While the fighting in Chechnya officially ended in August 1996, the capital, Grozny, and many towns are in ruins. The center of Grozny has simply been flattened by Russian shelling: where the parliament building stood is now only a vast, empty field, and almost every building is gaping with shell holes, pockmarked by bullets, and licked black by fire. The physical destruction of the land is matched by the maiming and deaths of thousands of people. More civilians than soldiers died in this war, mainly due to indiscriminate shelling by a Russian army that was unwilling or unable to engage the Chechen rebels in long-term street combat. Even after the war ended, civilian mine casualties continued to turn up in hospitals. Before the Red Cross hospital in Novye Atagi was closed, some 90 percent of the patients there were civilian victims of mines. In November 1996, the Red Cross estimated that approximately five people per week came to hospitals with fresh mine injuries.

Central Grozny landscape. November 1996.





Adam Arsanukaev, Chechen soldier in the Red Cross hospital in Novye Atagi, Chechnya, recovering from an operation. He was wounded in a factional shoot-out on November 11, 1996.

the election was carried out on October 27. Dudaev, in a disputed and probably unfair count, won 90 percent of the vote. Moscow declared a state of emergency in November, but Chechen forces blocked the deployment of Russian troops at the Grozny airport, and within a few days they were withdrawn. A period of stalemate followed that lasted until the Russian invasion of December 1994.

The Chechens have undertaken sovereignty-building in each of its three aspects: development of popular legitimacy; achievement of *de facto* sovereignty; and, currently, the quest for international recognition.

There is no doubt that the Chechens are an identity group based on their common ethnic heritage. This sense of identity was solidified in the deportation and internal exile—it was the defining experience for the modern Chechens (Dudaev was born a week before the roundup and spent his first 13 years in Kazakhstan). Furthermore, their sense of personal sovereignty, as noted by Solzhenitsyn, is very strong. But, whether this was translated into a legitimate, mass-based political expression in 1991 is questionable. Dudaev was an erratic and uncompromising ruler during the stalemate period. He clashed with the Chechen parliament over relations with Russia, and in June 1992 instituted direct presidential rule. A year later the rump parliament was dissolved by decree. A gunfight broke out between supporters of the president and those of the parliament, and 100 people were killed. Meanwhile, an economic blockade by Russia and an explosion in armed gangs and criminality combined to make life miserable in Chechnya. In December 1993, the Nadterechny region of Chechnya organized a Provisional Council as an alternative government, and appealed to Moscow for help. The Federal Counterintelligence Service (FSK, successor to the KGB) began a covert subversion operation through this opposition group. Through 1994 tempers grew more strained until August when open fighting broke out between the Chechen factions, which intensified through the Fall. After the capture of 70 Russian tank crewmen by Dudaev's forces in November, it became clear that this was not a purely internal Chechen dispute. Russian General Pavel Grachev admitted on December 5 that Russian warplanes had bombed targets in Chechnya—a charge previously denied—and negotiations were held the next day between Dudaev and Grachev over returning the Russian soldiers.²² On December 8, Yeltsin convened the Russian Security Council, which issued Decree 2166, authorizing the use of force in Chechnya. The Decree was approved by the Duma the next day, and on December 11, the Russian army invaded.

Up to this point, the question of popular sovereignty was mixed. Some Chechens supported Dudaev, some supported the opposition; others took no stand at all. There was no objective means to settle the question. The war

There is no doubt that the Chechens are an identity group based on their common ethnic heritage.

supplied it. Whatever their internal divisions, most of the Chechen clans and factions, except those few that had been cooperating with the Russians, reacted negatively to the incursion. As the war grew more destructive, and as more non-combatants were killed by indiscriminate Russian air and ground attacks, the wages of internal division became clear. The 21-month war reformed the Chechen identity. The war also resulted in the death of Dudaev in a rocket attack in April 1996, which removed a major impediment to political reconciliation and unity within Chechnya.

One important measure of popular sovereignty is participation in elections. In December 1995, Zavgaev won a Russian-backed election, which was not considered free and fair, especially because of the presence of the Russian occupation army. The January 1997 presidential elections, which were overseen by the Organization for Security and Cooperation in Europe (OSCE) and determined to be free and fair, could be considered much more representative of the sovereign will of the Chechen people. Of the 16 candidates, none favored remaining within the Russian Federation. However, the victor, Aslan Maskhadov, who had been Dudaev's chief of staff and directed the military effort against the Russians, was a moderate candidate and did not call for as radical measures in the pursuit of sovereignty as some of his opponents.²³ By this time, there was no question that the vast majority of Chechens desired some form of political self-rule. They no longer considered themselves citizens of the Russian Federation.

In February 1997, Russian Justice Minister Valentin Kovalyov stated, "Let's not delude ourselves. The Chechen Republic has already secured *de facto* political independence for itself."²⁴ De facto sovereignty began in 1991 with the ouster of the Soviet/Russian administration and the ascent of Dudaev. There was no question that within Chechnya, Dudaev's was the *de facto* government. This came about for several reasons, most importantly the political turmoil that accompanied the breakdown of the Soviet Union. With the 15 union republics each going their separate ways, and with strong political divisions within the dying Soviet government, Chechnya was not "on the front burner" of the Yeltsin administration. Yet, by allowing Chechnya to remain under *de facto* control of the local government for three years, the Russians engendered in the Chechens a sense that they could rule themselves if they chose to.

The overt Russian intervention in December 1994 was an attempt to regain physical control of Chechnya, to reclaim *de facto* sovereignty and bring the area back into the domain of the Russian Republic.²⁵ There is little question that the intervention was legal under Russian law: the basis for intervention was Article 80 of the Constitution of the Russian Federation, which empowers the president to protect the sovereignty, state independence and integrity of the Federation. Article 65 states that the Chechen Republic is a part of the Federation, and Article 71 gives the federal government exclusive jurisdiction over military matters. Because the Chechens had declared sovereignty and had established their own armed formations, they were in violation of these articles, as well as numerous Russian laws. The Russian government also point-

ed to Chechen involvement in separatist movements elsewhere in Russia and beyond Russian borders, the maltreatment of Russians inside Chechnya, the alleged involvement of foreign mercenaries, the influence of the Chechen mafia in Russia and elsewhere in Europe, plus the potential for Dudaev to make chemical weapons, or to blow up nuclear power plants inside Russia, constituting a nuclear threat to Europe.

The resulting slaughter and the total devastation of the Chechen capital of Grozny, which means "Terrible" in Russian, received a great deal of international attention but almost no official protest. Even though the fighting was much more intense than the conflict in Bosnia, Chechnya was considered an internal matter of the Russian Federation. President Clinton compared the incursion to the U. S. Civil War, and President Yeltsin likened the Chechen rebels to the Oklahoma City bombers.²⁶ But, the legal status of the intervention had no bearing on the basic point of contention, which was who ruled Chechnya. That would only be determined by the outcome of the war. After tremendous setbacks in the early stages of the conflict, the Chechens waged a 21-month guerrilla campaign that eventually forced the Russians to withdraw. The Chechens benefited from high morale and good organization on their part, compared to extremely poor readiness and lack of commitment on the part of the Russian soldiers and even officers whom they faced. Mutinies and trading with the enemy were common. Furthermore, as the conflict dragged on, internal political opposition to Yeltsin's policies grew to the point that in February 1996 he was forced to admit that the venture had "perhaps" been a mistake.²⁷ There was no popular mandate for the war, and media coverage of the carnage alarmed many Russian citizens. Furthermore, thousands of troops had been killed, wounded or captured, and to the Russian people the war seemed increasingly wasteful and pointless.

The death of Dudaev in April 1996 did not slow the Chechen resistance. Vice President Zelimkhan Yandarbiyev took over the leadership and the war continued. In May a truce was declared, which was broken after the Russian presidential election in June. In August, Chechen guerrillas seized Grozny, and Russian National Security Advisor Alexander Lebed was authorized to resolve the crisis. An armistice was signed August 31 in Hasavyurt, Dagestan, which provided for a Russian troop pullout and deferred the issue of full sovereignty for five years.²⁸ Russian soldiers withdrew starting in September 1996, and by January 5 all Russian soldiers were gone. The question of *de facto* sovereignty had been settled. The Chechens ruled Chechnya. Mansour Yeskiyev, the Chechen Mayor of the town of Goiskoye, who lives with his family of five in a cardboard hut next to the remains of their bombed-out house, observed that freedom was normal for a civilized people. "If we could fight for two years against such a civilized nation as Russia, are we any less civilized than they?"²⁹

The question of international recognition for Chechnya still remains.

The question of international recognition for Chechnya still remains. As noted above, the international community regarded the Chechen War as an internal affair of the Russian Federation. Since the armistice, the Russian government has been adamant about the risks foreign countries would be taking in granting recognition to the Republic of Ichkeria. The Foreign Ministry has stated that any moves by other countries towards recognition would be "obviously unfriendly," and the reaction would be "most strong," up to or including severing of diplomatic ties.³⁰ Shortly before President Maskhadov's swearing in, the Russian government warned that the attendance of any foreign dignitaries would be considered "unfriendly towards Russia."³¹ While many such dignitaries were invited, none of them were able to attend, claim-

**Reparations for
war damage are
another
important issue
tied to economic
development.**

ing scheduling conflicts or similar problems.³² The Chechens have continued to court international recognition, but as yet have not been successful.³³ One mis-step occurred when Tim Guldemann, the Swiss representative of the OSCE, who was instrumental in arranging the armistice and whose teams oversaw the election, was declared *persona non grata* by the outgoing acting President Yandarbiyev for saying that so far as the OSCE was concerned, Chechnya was "part of the Russian Federation."³⁴ President Maskhadov quickly reversed this action, and Guldemann was present at his inauguration.

In fact, Chechnya only needs recognition from the Russian Federation. If that is achieved, other states will follow. One of the reasons for Maskhadov's election was the perception that he would be a better negotiator than some of his more radical opponents. This perception was affirmed by statements from Moscow to the effect that Maskhadov was an "acceptable" candidate. This was used against him in the election, but did not seem to bother the pragmatic voters, who gave him 68.9 percent of the ballots cast. The nearest candidate, guerrilla leader Shamil Basayev, received 16.3 percent. Former acting President Yandarbiyev was a distant third.³⁵ Yeltsin congratulated the Chechen president-elect, and stated that his election was "an important step toward a political settlement" of the outstanding issues between the two countries.³⁶ He chose Ivan Rybkin, a secretary of the Russian Security Council, to head the Russian negotiation commission.

President Maskhadov faces a number of difficult issues in negotiating with the Russians. The state of economic ties between the two countries must be clarified. Grozny was an oil transfer station for pipelines (now destroyed) from the Caspian region, and the Chechens cannot survive without interacting with Russia. Reparations for war damage are another important issue tied to economic development; Moscow has expressed a willingness to rebuild some of the areas and infrastructure damaged by the war, and the total cost of the rehabilitation program is estimated at four trillion rubles.³⁷ Refugees who fled the fighting still need to be dealt with, and the status of the Russian minority

in Chechnya (what remains of it) must be clarified. There is also the matter of amnesty for war criminals, an issue to which the Chechens have expressed indifference. From their point of view none of their actions were illegal, but were part of their self-determination struggle. In fact, the issue is more important as a factor in Russian internal politics. The Duma seeks to embarrass Yeltsin by granting amnesty to the 600 Russian servicemen who refused to fight in Chechnya, as well as 400 others facing trial on related charges.³⁸

Beyond these issues is the question of sovereignty itself. When asked if he would accept anything less than recognition from Russia, President Maskhadov responded, simply, "no."³⁹ Moscow has been just as clear that Chechnya may be autonomous, but it must remain a part of the Russian Federation. There are around 130 national minority groups totalling 30 million people in 89 semi-autonomous areas within the Russian Federation, and the government fears that if the Chechens are allowed full independence, others will attempt to follow.

These positions seem intractable, and perhaps are at some level, but compromises are possible. One model is that of Tatarstan. The Tatars, another minority group in the Russian Federation, signed a treaty with Moscow in 1993 which granted full autonomy and many prerogatives, but not full independence. The Tatars are allowed to sign international trade and other cooperative agreements with countries outside the Russian Federation, but are not allowed to pursue an independent security policy. Russian Justice Minister Valentin Kovalev has suggested a similar solution for the Chechnya issue:

Just take a look at the *de jure* points of difference that exist between the position of the Chechen side and the federal position. The Chechen side says sovereignty. The question, after all, can be resolved *de jure*.... I would draw your attention to, let's say, the constitution of Tatarstan. It includes precisely that term: "Tatarstan is a sovereign state within the Russian Federation." Sovereignty. In other words, it is not a problem. It can be settled through negotiation.

Now for the next problem: the Chechen side insists that it should be recognized as an entity in international law. I don't see any legal problem here either. In other words, there is a very broad spectrum of various possibilities for autonomizing and consolidating the national statehood of any constituent part of the Russian Federation. So the correct, rational course of action, well thought-out legally and recognized at the level of international law, is precisely to draw up a document that, in our Russian conditions, is called a law "On the procedure for varying the constitutional and legal status of a constituent part of the Russian Federation." We invite everyone to draw up this law, including the Chechen side too.⁴⁰

The President of Tatarstan, Mintimer Shaymiyev, has stated that Tatarstan has a great deal of experience to share with Chechnya. Shaymiyev noted that

a treaty with the Russian Federation, a legal framework for interaction agreed to by both parties, was vital. "Whatever status Chechnya is to have it needs a treaty. It cannot manage without a treaty."⁴¹

The Tatar model may give the Chechens everything they desire short of the possibility of international recognition as a sovereign state, but given the internal difficulties in Chechnya, this may be satisfactory to the people and their moderate political leadership. The situation in Chechnya is difficult. While President Maskhadov's government may rule Chechnya, it is still not able to control the crime in the streets or provide electricity for the homes (those still standing). Hope for a better life after the war may lead to renewed violence if such expectations are not satisfied quickly. Maskhadov has made internal peace his top priority; in his inaugural address he stated, "a state cannot consider itself free whose citizens are in constant fear of their lives." He vowed to strengthen the Muslim religion as a means of promoting peace.⁴² His political opponents will undoubtedly criticize Maskhadov for any continuing violence, and for not pressing Chechen claims against the Russians with sufficient fervor, regardless of whether he does or not. The future is not particularly bright for the Republic of Ichkeria, but its people have for the most part achieved the sovereignty they sought. They may be a poor people, measured materially, but they are free. Now they have to face the responsibilities of freedom.

Conclusions

The case of Chechnya provides an example of how sovereignty may be achieved, but it teaches as many negative lessons as positive. The post-Cold War era has seen an explosion in national and other secession movements. This is due in part to the absence of the larger framework of the East-West struggle that had kept these movements in check. It is also because of the spread of information, of the increased awareness of freedom, and the decreasing rationale and perceived need for large, centralized states. Often this has resulted in violence, as movements press their claims for sovereignty and are met with resistance from the status quo. States need to find a way to cope with such movements without violence, to discover means of transition or reconciliation short of force. In contrast to Chechnya, examples such as Czechoslovakia, which witnessed a successful, peaceful transition to the Czech Republic and Slovakia, and Quebec, which is still an ongoing dialogue, should point the way to the future. But, it must be noted that the fundamental problem lies not with the secessionist movements but with the states themselves. Nonviolent secession is the first choice of almost any such movement; violence is the product of state intransigence, and leads to increased tensions, less reasonable demands, and of course more violence. More moderate approaches can ameliorate passions on both sides and lead to more satisfactory conclusions. But, this must begin with a willingness on the part of the state to imagine that it is not an inviolable unit *per se*, but rather that its boundaries should be determined by the people who live within it.

The time has past when the state should be taken as a given, when unity

should be treated as an objective value. Unity at any cost is a fallacy, because the means destroy the end. In the same speech in which he admitted the mistake in invading Chechnya, Boris Yeltsin explained the rationale behind it by saying that it was "impossible to reach agreement with [Dudaev's men] and force should be used, so that they will live in peace on their own land, and we shall help them to do so."⁴³ But, the sort of peace Yeltsin sought cannot be created through warfare; the rubble of Grozny amply illustrates that point. Where a people decide to reclaim their residual sovereignty and take their political destiny into their own hands, that decision should be respected. The question is not, "Why should the Chechens be allowed to form their own state?" but, rather, why *not*? As Yuri Luzhkov, the Mayor of Moscow, said in support of his contention that Chechnya should be set free, "Love cannot be forced."⁴⁴

Notes

1. For a general discussion of the concept of sovereignty, see F.H. Hinsley, *Sovereignty*, Cambridge: Cambridge University Press (1986).
2. The term "identity group" is used in order to allow for broader interpretations than such terms as "ethnic group" or "nationality." Any basis for organization can qualify as an "identity" so long as people within the group accept it, and that the identity not be based on or entail in a fundamental way the oppression of others.
3. This is because, all people being equal, none have the right to judge the cultural constructs of others, to state that they are "invalid" or "inferior" or "primitive" or any other culturally biased, bigoted, imperialist or at worst racist term.
4. See generally, John Locke, *Two Treatises of Government* (Cambridge: Cambridge University Press, 1960), and Thomas Hobbes, *Leviathan*, (New York: Penguin Books, 1968).
5. See Cass, "Re-Thinking Self-Determination: A Critical Analysis of Current International Law Theories," *Syracuse Journal of International Law and Commerce*, Spring, 1992.
6. For a discussion of the Quebec issue from a Québécois perspective, see Bercuson, "Why Quebec and Canada Must Part," *Current History*, (March, 1995): 123-126.
7. The 1922 Referendum in Ireland is an example of a vote by subunit (in this case, county), though perhaps a cautionary example.
8. See Bonner, Raymond, "In Caucasus, Separatist Struggle is Pursued as Pogrom," *The New York Times*, Feb. 5, 1995, 3. (on Abkhazian separatists) and "Separatists in Georgia Look to Russia for Protection," *The New York Times*, June 12, 1994, 18 (on South Ossetia). In fairness to Georgian President Eduard Shevardnadze, not all of the oppression in Georgia has been at his direction. A State Department official informed me that in 1993 Shevardnadze had given orders that military force not be used in Abkhazia, but he was ignored by one of his Generals, who burst into a Ministerial meeting after the unauthorized military campaign, drunk, waving a sidearm, and draped with the Georgian flag.
9. There is also the question of whether one person can be political, since politics is usually thought of as involving more than one person. Yet the logic of self-determination can reduce to the individual, and while the scope of the paper does not allow for a full elucidation of the argument, I would assert that even a single person could declare statehood in very rare circumstances (e.g., if one bought an uninhabited island; or c.f. "Oceania," a country founded in the early 1980s on an abandoned anti-aircraft platform in the English Channel). However such a state would be extremely difficult to defend and maintain, and would probably never be recognized, even if it enjoyed *de facto* political power and popular sovereignty.

10. Note that technically the number should be the smallest state at its smallest modern size. Vatican City is another alternative, with a population of less than 1,000, but the special status of the Vatican as the seat of Catholicism may rule out its use as a general guide.
11. See Howard W. French, "Zaire Struggles to Keep Neglected Region in Fold," *The New York Times*, September 18, 1996, 12.
12. Dorothy D. Taft, "Moldovan Presidential Election Held Despite Transdnestrian Obstructionism," *CSCE Digest*, 19 (12), (December, 1996).
13. The American Revolution, for example, was not a bid to gain self-rule but rather to maintain the freedoms which the American colonists had come to enjoy during decades of neglect by London. Attempts by Parliament in the 1760s and after to reclaim unexercised prerogatives were the catalyst for the formation of the Continental Congresses.
14. This is a practical example of the dictum, Power is Defined by its Exercise.
15. The exception to this rule would be the case in which the new state was in need of foreign aid, which many often are.
16. For a discussion of the legal aspects of the Hawaiian case, see Francis Anthony Boyle, "Restoration of the Independent Nation State of Hawaii Under International Law," *St. Thomas Law Review*, Summer, 1995, 7 St. Thomas L. Rev. 723. Note that under Article 73 of the United Nations Charter the 1959 statehood vote in Hawaii could be considered illegal, since Hawaii was a colony under the Blue Water doctrine, and colonies needed to be given a choice to vote not to join with the colonizing country. The Hawaiians were asked only if they wanted to become a state, and not given the alternative of independence.
17. The United States once passed up a chance to have a gigantic listening post in the middle of Soviet Central Asia. In 1920 the Emir of Bukhara, under pressure from the Red Army, petitioned to be incorporated as a "sovereign state" of the United States and thereby avoid absorption into the Soviet Union. He was refused, and his Emirate soon conquered. See Sirdar Iqbal Ali Shah, *Escape from Central Asia*, London: Octagon (1980).
18. The NKVD were a forerunner of the KGB, the Soviet security police.
19. See Michael Parrish, *The Lessor Terror* (London: Praeger, 1996), Chapter six.
20. Aleksandr Solzhenitsyn, *The Gulag Archipelago* (New York: Harper and Row, 1973), 84.
21. Note the subtle change in terminology, from Autonomous Soviet Socialist Republic (ASSR) to Republic, i.e., Union Republic. The reason for this self-promotion was that Union Republics had the right to secede under the Soviet Constitution, whereas ASSR's did not. This is one reason why the Soviet Union could disintegrate without armed opposition on the part of Moscow, but the tiny and relatively insignificant Chechen ASSR had to be brought to heel.
22. Grachev, Dudaev Both Satisfied With Their Meeting," *TASS*, December 6, 1994.
23. For a sample of candidate opinions on various Chechen-Russian issues, see "Chechen Presidential Contenders Interviewed on Relations with Russia," *BBC Summaries of World Broadcasts*, January 27, 1997. Source: Russian Public TV, Moscow, in Russian 1800 gmt 25 Jan 97. Movladi Udugov, one of the more radical candidates, stated emphatically that "Russia must either recognize Chechnya's independence or else it will have to destroy the Chechen Republic of Ichkeria with nuclear bombs. There is no alternative."
24. Quoted in Irina Lobovas, "Chechnya's Sovereignty: Book Cover Without Text," *Soviet Press Digest*, February 1, 1997, SOURCE: IZVESTIA, p. 1. Kovalyov's standard of proof was the fact that the Chechen presidential election was held in accordance with Chechen laws with no reference to the laws of the Russian Federation.
25. Recent works on the military aspects of the Chechen conflict include: Edgar O'Ballance, *Wars in the Caucasus, 1990-1995*, (New York: New York University Press, 1997); *The*

- Chechen Tragedy: Who is to Blame?* (Commack, N.Y.: Nova Science Publishers, 1996); Timothy L. Thomas, *The Caucasus Conflict and Russian Security: the Russian Armed Forces Confront Chechnya* (Fort Leavenworth, KS: Foreign Military Studies Office, 1995); *Voyna v Chechne: neobkhodimost' provedeniia Mezhdunarodnogo tribunala: VI* (Kruglyi stol, Moskva i iulia 15, 1995). KGB vchera, segodnia, zavtra: mezhdunarodnye konferentsii i kruglye stoly. Moskva: Obshchestvennyi fond "Glasnost'" (1995); and Christopher Panico, *Conflicts in the Caucasus: Russia's war in Chechnya*, Conflict Studies; no. 281. London: Research Institute for the Study of Conflict and Terrorism (1995).
26. Nikolai Topouria, "West Gave Yeltsin 'Free Hand' in Chechnya: Rebels," *Agence France Presse*, April 22, 1996 22:11 GMT. The case could be made that Chechnya is a colonial uprising, but this would run afoul of the U.N. "blue water" doctrine which indicates that colonies by definition have to be separated from the mother country by an ocean. The Chechens might also claim the rights of indigenous peoples.
 27. Andrey Shtorkh, "Yeltsin Admits Chechnya Was a Mistake," *TASS*, February 16, 1996.
 28. Andrey Surzhansky, "Lebed, Maskhadov Sign Statement on Chechen Settlement," *TASS*, August 31, 1996.
 29. Alessandra Stanley, "Chechens Hail Today's Vote As Step Toward Sovereignty," *The New York Times*, January 27, 1997, 1.
 30. "Moscow Repeats Warning Against Recognition of Chechen Independence," *BBC Summary of World Broadcasts*, February 1, 1997, Source: *ITAR-TASS* news agency (World Service), Moscow, in English 1712 gmt January 30, 1997.
 31. "Kremlin Security Advisor to Attend Maskhadov's Inauguration," *Agence France Presse*, February 9, 1997 09:15 GMT.
 32. The leaders of the Baltic States all came down with scheduling problems around this time. See "President Meri Unable to Attend Chechen President's Inauguration," *BBC Summary of World Broadcasts*, February 7, 1997, Source: *ITAR-TASS* news agency (World Service), Moscow, in Russian 2116 gmt February 5, 1997.
 33. The Chechens have fully joined the international community in at least one symbolic respect: they have established an official website, www.chechnya.org.
 34. Ilya Maksakov, "Tim Guldumann Expelled From Chechnya," *Soviet Press Digest*, February 6, 1997. Source: *Nezavisimaya Gazeta*, 1. Ingushetia's President Ruslan Ayshev, who gave Guldumann temporary sanctuary, described Yandarbiyev's action as "strange and incomprehensible.
 35. Sebastian Smith, "Maskhadov Elected President of 'Independent' Chechnya," *Agence France Presse*, January 28, 1997, 28:05 GMT.
 36. Maksakov.
 37. *Ibid.*
 38. *Ibid.*
 39. "Maskhadov Calls on World to Recognise Chechen Independence," *Agence France Presse*, January 28, 1997 28:14 GMT.
 40. "Russian Justice Minister Comments on Status of Chechnya," *BBC Summary of World Broadcasts*, February 12, 1997, Source: Russian Public TV, Moscow, in Russian 1200 gmt 11 Feb 97.
 41. NTV, Moscow, in Russian 1635 gmt 12 Feb 97.
 42. Quoted in Philippa Fletcher, "New Chechen President Pledges Peace, Independence," *Reuters North American Wire*, February 12, 1997.
 43. Shtorkh.
 44. Quoted in Alexander Potapov, "My Watch Always Shows Moscow Time," *Russian Press Digest* February 13, 1997, *TRUD*, 1,3.





Journal of International Affairs

THE SINGLE TOPIC JOURNAL WITH MULTIPLE PERSPECTIVES

South Asia: The Challenges of Statehood

The Summer 1997 issue analyzes the political development and economic progress of the South Asian states. This year marks the 25th or 50th anniversary of statehood of the five nations in the region, and thus makes it an appropriate time to evaluate the progress these countries have made and the challenges that lie ahead of them.

Articles and authors include:

India's Perspective on the CTBT

Ambassador Arundhati Ghose

Western Perspective on the CTBT

John Holum

Political Anarchy in Afghanistan

Zalmay Khalilzad

Women and Development

Nancy Barry

Regional Population Growth and Development

Nafis Sadik

Subscription Order

One-year Subscription:

- Individual (\$16.00)
- Institution (\$32.00)

Two-year Subscription:

- Individual (\$31.00)
- Institution (\$62.00)

Foreign Postage: \$8.00 per year
(no postage necessary for U.S., Canada or Mexico)

****Pre-payment required in U.S. dollars drawn on U.S. banks****

Name _____

Institution _____

Address _____

City/State/Zip _____

Send check with order to *Journal of International Affairs*, Box 4, International
Affairs Building, Columbia University, New York, NY 10027 USA
Phone: 212-854-4775 Fax: 212-662-0398 e-mail: jia@columbia.edu