



DEENS MODEL UNITED NATIONS 2022

HISTORIC SECURITY COUNCIL

BACKGROUND GUIDE

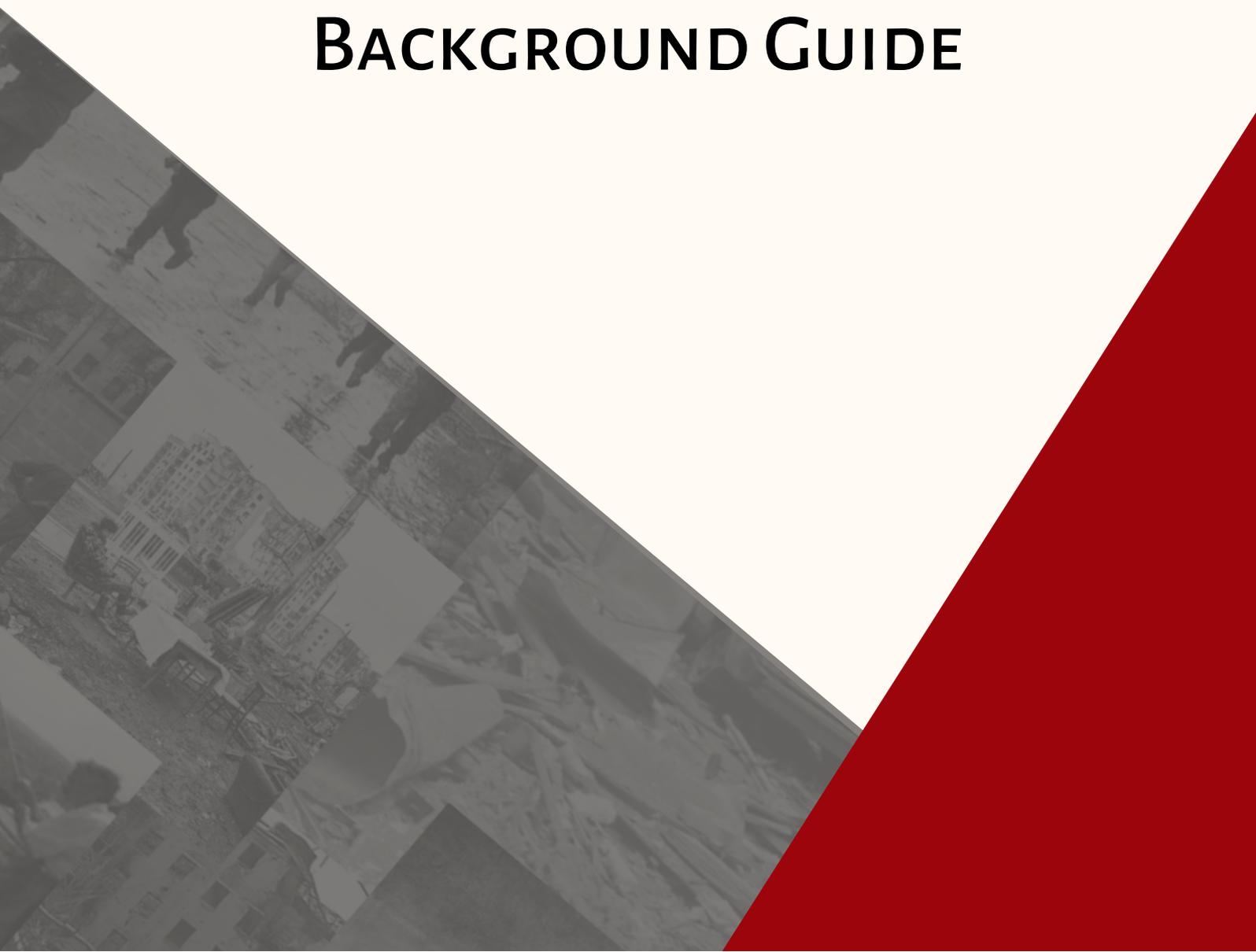


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LETTER FROM THE EXECUTIVE BOARD

Greetings Delegates,

It gives us immense pleasure to welcome you to the Historic Security Council for this year's edition of the Deens Model United Nations.

The agenda at hand is intricate, complex, and requires an in-depth and extensive discussion to come to a resolution. We have tried our level best to put together a comprehensive background guide for you, but we implore you to go above and beyond with your research. These two days will hopefully be steeped with intense debate and ground-breaking solutions to the present conflict.

We hope to provide you with a platform to grow as a debater and negotiator. To the newcomers out there, we urge you to speak up as the ability to see how you can respect the difference of opinions and work around them without compromising your own stand takes precedence over how experienced you are. And as for the experienced delegates, we promise you an enriching debate, which is not restricted to the intellectual sphere, but tackles the ground reality of war.

Our primary goal would be to maximise participation from all delegates. That being said, we encourage you to reach out to us at any point of time with queries regarding the agenda of committee proceedings.

Kindly note that this will be a semi-crisis committee.

Good luck and regards,

Navya Sarah John (Co-Chairperson)

Naren Maran (Co-Chairperson)

Rishit Chakravarty (Vice-Chairperson)



INTRODUCTION TO THE COMMITTEE (UNSC)

In the Charter of the United Nations, established in 1945, the Security Council was created in order to maintain “international peace and security.” In instances where diplomacy does not resolve a conflict, the Security Council is within its right to use militaristic measures under Chapter VII of the Charter. Apart from this, the United Nations Security Council also has the role to develop friendly relationships between countries, to cooperate in solving international problems, to promote respect for human rights, and to coordinate actions undertaken by nations. A key difference between the UNSC and the other UN organs is the fact that UN decisions are legally binding. This means that countries belonging to the UN have to strictly abide by UNSC decisions, and the UNSC has mechanisms (like sanctions) to encourage compliance and punish noncompliance. In today’s time, the Security council comprises 5 Permanent Members known as the P5: United States, United Kingdom, Russia, France and People’s Republic of China. Apart from these P5 nations, 10 other countries are elected on 2-year terms. Resolutions made in the UNSC are passed by a 2/3 majority, or at least 10 votes. However, the UNSC is also subject to veto powers of the P5 nations; if any of the P5 nations vote no on a resolution, it will automatically fail.

Any change in the voting procedure for documents will be totally under the discretion of the Executive Board and will be communicated to the delegates on the day of the conference. In the context of this MUN, observer states do not have substantive voting rights (for resolutions or amendments) but are allowed to vote in terms of procedural matters.

The Security Council's directives & resolutions are extremely crucial because, as specified under Chapter V of the UN Charter, an approved resolution can condemn an action carried out by any UN member state. It is also the only organ which has control over the UN peacekeeping forces, and can authorise the use of force through blockades. Lastly, it allows collective military action between member states in order to resolve any dispute or problematic event.

Article 25 of the Charter highlights that all UN committees and organisations are obliged to accept and proceed with the verdicts and decisions of the Security Council. Even if other organs of the UN are allowed to suggest other UN organisations to take certain actions, the Council has the ability to command them to carry out their decisions.

HISTORICAL BACKGROUND

The Chechen Republic of Ichkeria, situated in the Northern Caucasus of Eastern Europe, was a former republic of Russia. 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 collapse of the Soviet Union in 1991, it existed as the Checheno-Ingush Autonomous Soviet Socialist Republic. With the dissolution of the USSR, the region became independent, and Dzhokhar Dudayev was elected President of Chechnya.

Dudayev, backed by the National Congress of Chechen People, campaigned for the recognition of Chechnya as a separate nation, with full prerogative of sovereignty. The President of Russia, Boris Yeltsin refused to acknowledge this movement, on the grounds that it had not been an independent entity before dissolution. What followed was almost a decade of brutal struggle between the two parties.

TIMELINE OF THE EVENTS THAT LED UP TO THE FIRST CHECHEN WAR

January, 1992:

The Chechen republic formally declares its recognition of the pre-1934 border with Ingushetia.

February, 1992:

The Dudayev regime declares that it will pursue an independent foreign policy, in particular with Islamic countries such as Turkey. Russian military installations are plundered by apparently pro-Dudayev Chechens. A new anti-Dudayev political movement is formed known as "Daymokhk" (Fatherland).

March, 1992:

Armed clashes occur between pro- and anti-Dudayev forces, prompting the republic's parliament to declare a state of emergency. The Dudayev regime accuses Russian (Confederation of Independent States) forces of providing arms to its internal opponents.

June, 1992:

Amid dangerous security conditions, Russian army units complete their withdrawal from Chechnya. At the same time, the emigration of Russian civilians from the republic continues.

TIMELINE OF THE EVENTS THAT LED UP TO THE FIRST CHECHEN WAR

July, 1992:

The Chechen parliament accuses Dudayev of usurping power in the republic and ruling arbitrarily and against democratic norms.

February, 1993:

Anti-Dudayev members of parliament accuse the Chechen President with attempting to seize complete power in the republic. A new "National Reconciliation Council" emerges as an umbrella group for anti-Dudayev groups in Chechnya.

May, 1993:

Large anti-Dudayev rallies are held in Grozny (capital of Chechnya). These demonstrations continue into June. Several key government buildings are occupied by opposition forces. Pro-Dudayev civilians as well as regular military forces of the republic surround the sector of the city held by the protesters.

June, 1993:

Dudayev military units shell several buildings in Grozny which are occupied by dissident forces. According to Russian media, three sub-regions (known as rayons) declare their independence from the Dudayev government.

TIMELINE OF THE EVENTS THAT LED UP TO THE FIRST CHECHEN WAR

July, 1993:

The now divided regions of Chechnya and Ingushetia conclude a treaty of friendship and cooperation.

August, 1994:

The "Provisional Council of Chechnya," a coalition of anti-Dudayev forces, declares that it is taking power in the republic. This move apparently has Moscow's approval. Fighting breaks out in the republic between pro- and anti-Dudayev forces.

September, 1994:

Fighting intensifies in Chechnya as Dudayev attempts to suppress armed resistance to his rule. Combat continues over subsequent months.

November, 1994:

Moscow issues an ultimatum. Chechen government was told to disarm and submit to Moscow or face retaliation.

THE FIRST CHECHEN WAR

The First Chechen War was the result of a string of events that peaked in December 1994. President Yeltsin dispatched Russian soldiers to Chechnya in an effort to restore order amid escalating political tensions in Moscow. The Russian and Chechen forces start to fight. These battles, in large part, fall under the Battle of Grozny. It began with a clandestine Russian intelligence operation to seize Grozny, the nation's capital, in an effort to depose Dzhokhar Dudayev, the head of the Chechen nation.

On November 26, 1994, the attack was carried out by armed units of the opposition Provisional Council under the command of Umar Avturkhanov with assistance from the Russian Armed Forces.

After the Battle of Grozny, Russian soldiers tried to invade Chechnya's mountainous region but were repulsed by fierce guerrilla fighting. Despite having a vast advantage in firepower, manpower, weaponry, artillery, combat vehicles, airstrikes, and air support, Boris Yeltsin's government decided to declare a ceasefire with the Chechens in 1996 and eventually a peace treaty in 1997 due to widespread demoralisation of federal forces & almost universal public opposition to the conflict.

THE FIRST CHECHEN WAR

Internal Strife in Chechnya & Tensions Between Grozny & Moscow

Thousands of individuals of non-Chechnyan ethnicity fled the country after claims of violence and discrimination towards the non-Chechen populace. The opposition attempted a coup d'état in March 1992, but it was violently put down. In order to prevent a referendum on a vote of no-confidence, Dudayev dissolved the Chechen parliament in June 1993 and instituted direct presidential authority a month later.

Russian troops sent to the Ossetian-Ingush conflict were instructed to move to the Chechen border in late October 1992. Dudayev, who saw this as "an act of aggression against the Chechen Republic," proclaimed a state of emergency and threatened general mobilisation if Russian troops didn't withdraw from the Chechen border.

Post another coup d'état attempt in December 1993, the opposition came together & organised themselves to form the Provisional Council of the Chechen Republic as a potential alternative government for Chechnya. The Provisional Council called on Moscow for assistance & in August 1994, the opposition coalition based in North Chechnya launched a large-scale armed campaign to remove Dudayev from power.

Moscow clandestinely supplied separatist forces with financial support, military equipment & mercenaries.

THE FIRST CHECHEN WAR

Russia also suspended all civilian flights to Grozny while aviation & border troops set up a military blockade of the republic, & eventually unmarked Russian aircraft began combat operations over Chechnya. The opposition forces, who were joined by Russian troops, launched a clandestine but poorly-organised assault on Grozny in mid-October 1994, followed by a second, larger attack on 26–27 November 1994.

Despite Russian support, both attempts were unsuccessful. Dudayev loyalists succeeded in capturing some 20 Russian Army regulars & about 50 other Russian citizens who were clandestinely hired by the Russian FSK state security organisation to fight for the Provisional Council forces. On 29 November, Yeltsin issued an ultimatum to all warring factions in Chechnya, ordering them to disarm and surrender. When the government in Grozny refused, Yeltsin ordered the Russian army to "restore constitutional order" by force.

Beginning on 1 December, Russian forces openly carried out heavy aerial bombardments of Chechnya. On 11 December 1994, five days after Dudayev & Russian Minister of Defence General Pavel Grachev of Russia had agreed to "avoid the further use of force", Russian forces entered the republic in order to "establish constitutional order in Chechnya and to preserve the territorial integrity of Russia." Grachev boasted he could topple Dudayev in a couple of hours with a single airborne regiment, and proclaimed that it would be "a bloodless blitzkrieg that would not last any longer than 20 December."

THE FIRST CHECHEN WAR

On 11 December 1994, Russian forces launched a three-pronged ground attack towards Grozny. The main attack was temporarily halted by the deputy commander of the Russian Ground Forces, General Eduard Vorobyov, who then resigned in protest, stating that it is "a crime" to "send the army against its own people." Many in the Russian military and government opposed the war as well. Yeltsin's adviser on nationality affairs, Emil Pain, and Russia's Deputy Minister of Defence General Boris Gromov, also resigned in protest of the invasion "It will be a bloodbath, another Afghanistan", as did General Boris Poliakov. More than 800 professional soldiers and officers refused to take part in the operation; of these, 83 were convicted by military courts and the rest were discharged.

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CONTRIBUTION OF RELIGION

Something that started as an ethno-territorial conflict, soon diffused and transformed into a Wahabi or Salafi religious issue. During the almost two-year period after the 1997 Peace Treaty came into force, the situation in Chechnya worsened and got more destabilised. A major contributor to this was the presence of Sunni militants in the region.

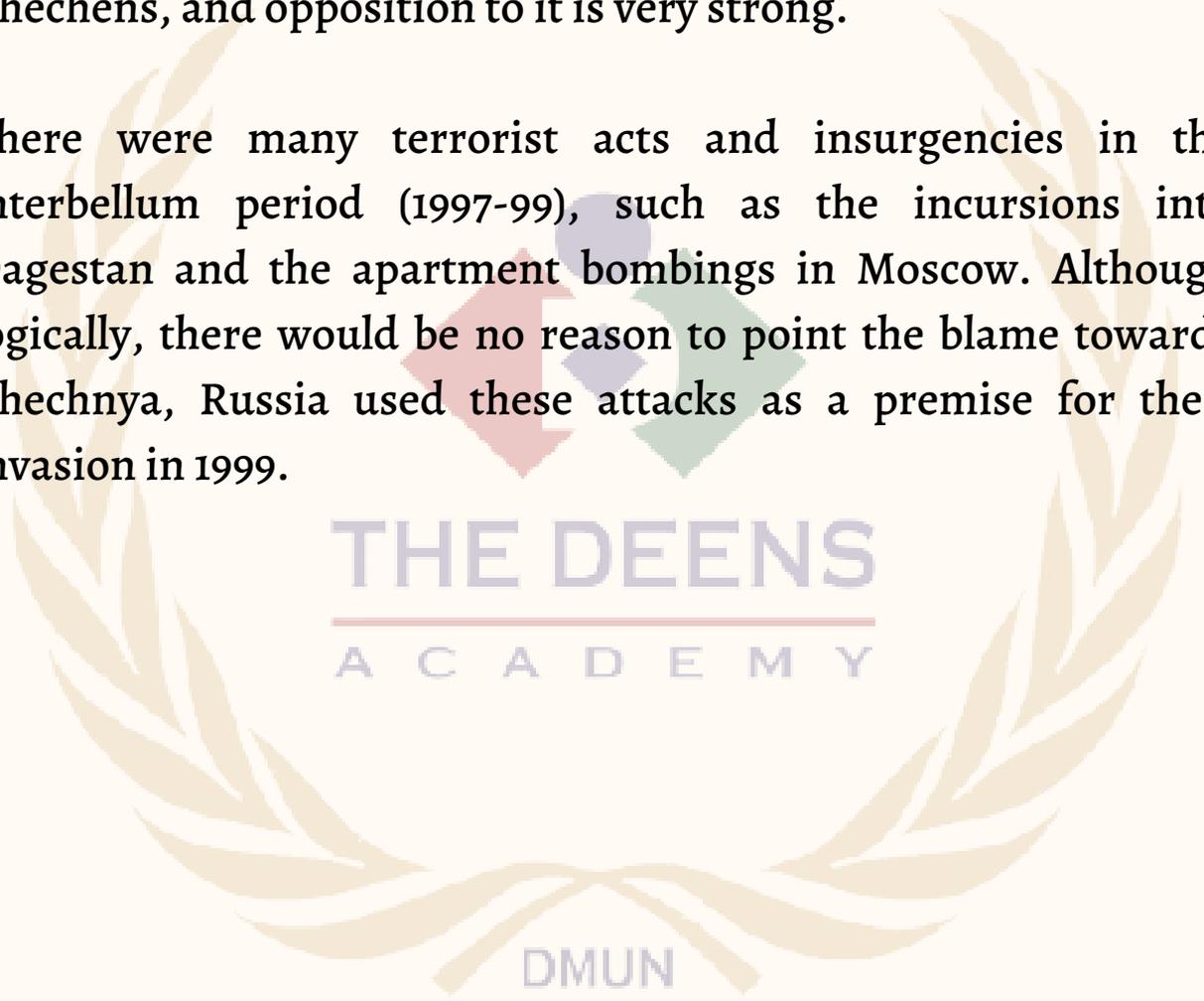
In the former Soviet Union, two forms of Islam coexisted, the 'official Islam' which was approved by the Soviet authorities and the 'parallel' or Sufi Islam. The first form of Islam included the clerics who were educated in the politically tolerated Islamic seminaries and directorates, and recognized by the Soviet establishment.

The second form was a parallel Islam which was often intertwined with ethnic cultures, and, unlike the first form. Nevertheless, owing to the restrictions put on 'official Islam' like, the number of mosques and clerics the parallel Islam thrived and filled the spiritual gap among the population. It is quite a well-known fact that the Chechen war of liberation always had an Islamic character, mainly because it was associated with the earlier resistance of North Caucasian Muslims against imperial Russia and the Bolsheviks.

CONTRIBUTION OF RELIGION

Moreover, the Chchens considered Islam a source of their identity. This Islam, however, was not the alien Salafi/Wahhabi but the traditional North Caucasian Sufi Islam. Wahhabism/Salafism does not enjoy much support among Chechens, and opposition to it is very strong.

There were many terrorist acts and insurgencies in the interbellum period (1997-99), such as the incursions into Dagestan and the apartment bombings in Moscow. Although logically, there would be no reason to point the blame towards Chechnya, Russia used these attacks as a premise for their invasion in 1999.



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GEO-POLITICAL ASPECTS

The analysis of the involvement and impact that Russian political parties and other geopolitical actors have on the argumentation on Chechnya has been neglected by both the Russian Federation and nations abroad.

In 1991 the parliament of the republic declared Chechen-Ingush's independence from Russia. Russian President Boris Yeltsin sent troops to Chechen-Ingush to prevent the republic from seceding. In late 1994 and early 1995, the Russian army invaded Chechnya. After numerous unsuccessful attempts to institute a cease-fire Russian and Chechen authorities negotiated a settlement in August 1996 that resulted in a complete withdrawal of Russian troops and the holding of elections in January 1997.

The agreement that ended the fighting, however, has left matters unresolved. Inhabitants of the Chechen Republic insisted they now belonged to an independent state; the Russians, while acknowledging Chechen autonomy, continually maintained that the republic was still part of Russia.

Moreover, every country's stance on this issue, was more or less dependent on how they interpreted the peace treaty and whether or not they recognized this dispute as an international dispute (as proliferated by the republic) or as a non-international conflict i.e. an internal matter within the sovereign Russian Federation wherein no other state could get involved and take juxtaposed action.

GEO-POLITICAL ASPECTS

There were several countries that sided with either side or just remained neutral or not voicing their opinion over this issue considering this dispute contained the element of non-state actor involvement.

The term "internal disturbances and tensions" was introduced in international human rights by the International Committee of the Red Cross in 1971 and it is defined as "the situation in which, though not being an armed conflict in the real sense of the word, there are clashes of a certain degree of seriousness, length of time and displays of violence in the territory of a state." (3) Additional Protocol II in article 1 (2) provides that "riots, isolated and sporadic acts of violence and other acts of a similar nature" are not considered armed conflicts and the provisions of the Protocol do not apply to them.

In consonance with the legal pickle mentioned above, countries and their bloc positions mainly revolved around the categorization of the dispute.

PERTINENT LEGAL FRAMEWORK

Humanitarian

The 1990s to early 2000s period has been a very volatile phase for the inhabitants in and around the disputed region. The First Chechen war concluded with the Yeltsin government declaring a ceasefire and both parties signing a peace treaty (Peace Treaty and Principles of Interrelation between The Russian Federation and The Chechen Republic of Ichkeria) (preceded by the Khasavyurt Accord) on 12th May 1997 within which Clause 1 connotes the “forever rejection of the use of force or the threat of force in resolving matters of dispute” active from the day of signing under Clause 5. Ironically, The Second Chechen war began in the year 1999 violative of the Law of Treaties.

There have been several questions on the misappropriation of resources and consequent violation of human rights violation in the region in consonance with this time period, specifically during the beginning of the Second Chechen war in 1999.

The newly formed Russian side was accused of several crimes in the course of this dispute like unsolicited assassinations, rape, arson, etc in the disputed region which apparently went unnoticed all along The First Chechen War and later continued on till the end assessment of both the wars towards the end of the Second Chechen War.

PERTINENT LEGAL FRAMEWORK

Murder, torture, rape, and enforced disappearance, when committed as part of a widespread or systematic attack on the civilian population, are listed as crimes against humanity in the Rome Statute of the International Criminal Court. Russia has signed the Statute but not ratified it, so the ICC cannot exercise jurisdiction over any crimes committed in Chechnya (events in this particular statement as mentioned before are for reference purposes and have happened after the freeze date).

Russia's forces and fighters from the Chechen side have obligations under international human rights and humanitarian law, as well as domestic law, to pursue political and military objectives without raining death and brutality on the unarmed population of Chechnya. The Russian Federation has permitted war crimes and violations of human rights to take place with impunity.

The Judgement of 1995 adjudicated by the Constitutional Court of The Russian Federation in Moscow clearly enunciates the ground for considering the case on Presidential Decrees and Federal Government's Resolution on the Situation in Chechnya wherein the court recognizes the use of "unlawful use of armed forces" on the Russian side and apparent denial of Federal laws and further goes on to call the Chechen Republic a subject of the Russian Federation.

PERTINENT LEGAL FRAMEWORK

As a non-international armed conflict, the war in Chechnya falls under Common Article 3 of the Geneva Conventions, which forbids the killing, ill-treatment, and torture of those not taking part in hostilities. In addition, it is covered by Additional Protocol II to the Geneva Conventions of 1977, to which Russia is a party. An international conflict, either a conflict of two or more states or a struggle for national liberation, is particularly the object of the Four Geneva Conventions 1949, and Additional Protocol I, to the Geneva Conventions 1977.

Russia claims that the conflict is an internal problem for the Russian Federation (1). The Chechen side, backed by some non-governmental organisations, insists that the war is an international conflict in accordance with article 1 (4) of Additional Protocol I. (2). Most countries and international organisations, including the United Nations, as well as specialists in public international law and international human rights, tend to admit that the war in Chechnya, at least in some phases, meets the criteria for a non-international conflict.

Several 5000 inhabitants have disappeared since the beginning of the Second Chechen War in 1999 all in all raising further questions on the existence of the criteria for the presence of crimes against humanity involving systematic persecution and so on as enlisted by the General Assembly in 1976 with regards to the South African situation, further designated in Article 1 and Article 4 of the 1996 Draft Code of Crimes against the Peace and Security of Mankind.

PERTINENT LEGAL FRAMEWORK

While several future reports unreservedly opposed non-state actor activities supposedly happening in the Chechen region, they equally went on to condemn the excessive use of force and civilian damage serving to be a consequent outcome of the aforementioned actions from the Russian side. Russian military tactics apparently adhered to a pattern of directly targeting civilians. These “tactics” breach the requirement enumerated in Article 48 of the First Additional Protocol to the Geneva Conventions.

Article 48 provides that “in order to ensure respect for and protection of the civilian population and civilian objects, the Parties to the conflict shall at all times distinguish between the civilian population and combatants and between civilian objects and military objectives and accordingly shall direct their operations only against military objectives.”

Incidents from the First Chechen War serve as a testimony to the Russian side’s military capability in the current second war for example the Samashki Massacre where 100 civilians were brutally slaughtered by the Russian side and the Shali Cluster Bomb attack of 1995 followed by air raids in the First Battle of Grozny.

Consolidation of all these events also leads us to discuss the primal Right to Self-Determination and concepts like secession and so on which are discussed in detail in the next section of the background guide.

PERTINENT LEGAL FRAMEWORK

Territorial

The problems in Russo-Chechen relations and the efforts to solve them reflect other problems in post-Soviet Russia, especially problems to do with the administrative form, the territory of the Federation and all the political, economic, legal, social and moral issues connected with them. A number of legal arguments have been made both for and against Chechnya's right to secede from the Russian Federation. Chechnya appeals to international law while arguing for its right to self-determination, whereas Russia appeals to its own Constitution while arguing for safeguarding its integrity.

Before the collapse of the United Soviet Socialist Republic, there existed separate Soviet Socialist Republics, mainly: the Georgian SSR, Azerbaijan SSR, Ukrainian SSR, Uzbek SSR, Turkmen SSR, the Russian SFSR et cetera. The principle that was selectively applied during the split was to maintain the existing borders (*uti possidetis juris*). Since the (current) Chechen Republic only existed as an autonomous region under the Russian SFSR, its independence was not recognized. However, it was granted a *de facto* sovereignty status. On this note, we can recall the opinion of the Badinter Commission: "Whatever the circumstances, except where the states concerned agree otherwise, the right to self-determination must not involve changes to existing frontiers existing at the time of independence (*uti possidetis juris*)."

PERTINENT LEGAL FRAMEWORK

However, it can also be argued that Chechnya's claim to self-determination is fulfilled considering the availability of territory, and that of a reasonable number in population. This can also be backed by the fact that the European Union had previously abandoned the consideration of *uti possidetis* while recognizing the independence of Bosnia, Croatia and Slovenia. Moreover, the aggression of Russia to annex Chechnya and the genocide during the Soviet era may be moral ground for their secession.

This gives way to the next question. Is Chechnya's claim to sovereignty valid?

In addition to the previously mentioned components (1. physical control of a territory and population), 2. popular legitimacy and 3. international recognition are relevant. Popular legitimacy, the voluntary acceptance of a given government as the lawful authority by a group of people 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 nation-building would be arguable.

PERTINENT LEGAL FRAMEWORK

Some states that fulfil the necessity of popular legitimacy might fail to be internationally recognized.

1. In the case of the Chechen Republic, there is no question that they are a group based on their common ethnic heritage.
2. Up till 1993, the question of popular legitimacy was mixed. This was mainly because of the erratic rule of Dudayev. The First Chechen War, and the elections that followed in 1995 partially answered this question.
3. The question on international recognition still remains unanswered. Since the Russian Federation had pinned the situation in Chechnya an internal one, it has labelled any recognition by foreign states “obviously unfriendly” and would have “dire consequences”, including severing of ties. Although the Republic of Ichkeria has continued to court international recognition, it has not succeeded thus far.

CURRENT SITUATION

August and September 1999 - Russia mounted a massive aerial campaign over Chechnya, with the stated aim of wiping out militants who invaded Dagestan earlier in the same month. On 26 August 1999, Russia acknowledged bombing raids in Chechnya. The Russian air strikes were reported to have forced at least 100,000 Chechens to flee their homes to safety.

1 October 1999 - Russia's new Prime Minister Vladimir Putin has declared the authority of Chechen President Aslan Maskhadov and his parliament illegitimate, Putin has announced that Russian troops would initiate a land invasion but progress only as far as the Terek River, which cuts the northern third of Chechnya off from the rest of the republic. Putin's stated intention is to take control of Chechnya's northern plain and establish a relevant cordon sanitaire.

QUESTIONS A RESOLUTION MUST ANSWER

1. Logical deduction of whether principles of statehood would apply in the given context.
2. Does the scenario classify as an internal conflict within the Russian Federation or has it obtained an international status under the ambit of relevant legal principles?
3. How would the dire violations of international humanitarian and human rights law be of Question on the dire international human rights violations and their structured interpretation framework.
4. Would the 1997 Chechen Presidential elections be considered legitimate considering the circumstances?
5. How lawful was the apparent disproportionate use of force by the Russian Federation?

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EXTRA RESEARCH LINKS

- <https://reliefweb.int/report/russian-federation/endless-brutality-ongoing-human-rights-violations-chechnya>
- <https://reliefweb.int/report/russian-federation/endless-brutality-ongoing-human-rights-violations-chechnya>
- <https://casebook.icrc.org/case-study/russia-constitutionality-decrees-chechnya>
- https://ploughshares.ca/pl_armedconflict/russia-chechnya-1999-first-combat-deaths-in-current-phase/
- <https://www.sciencespo.fr/mass-violence-war-massacre-resistance/en/document/massacres-civilians-chechnya.html>
- <https://www.ohchr.org/en/press-releases/2009/10/russian-official-tells-commission-human-rights-aid-would-help-political>
- <https://digitalcommons.du.edu/cgi/viewcontent.cgi?article=1130&context=hrhw>