

## Britain's Self-Governing Territories and the Status of Bermuda: A Model for Chechnya?

Edward W. Walker

Executive Director, Berkeley Program in Soviet and Post-Soviet Studies, University of California, Berkeley

*Note: First published in Russian as, "Samoupravliaiushchiesia territorii Britanii i status Bermudskix ostrovov: Model' dlia Chechni?" Panorama, no. 2, 1995, pp. 22–38.*

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For the most part, statehood is treated dichotomously in international law—either a polity is a fully independent sovereign state, or it is not. If independent, the polity is afforded full diplomatic recognition by the international community, is treated as a subject on international law, and is eligible for membership as a sovereign state in international organizations, including the U.N. General Assembly. To the extent that the international community does recognize an intermediate status between full independence and incorporation, the tendency is to treat "dependent status" as a form of colonialism, or at best as an anachronistic legacy of colonialism that should give way to full independence or incorporation in the near future.

This dichotomous thinking is similarly characteristic of many supporters and opponents of secessionist or independence movements around the world. Again, the tendency is to view statehood as "either-or"—either we will have full independence or full incorporation within a larger independent state. It is, of course, widely recognized that the form of incorporation varies—it matters whether the larger state is federal or unitary, centralized or decentralized. But the first choice is generally understood as statehood or incorporation, and only then, assuming incorporation, is the question of degree of autonomy addressed.

This dichotomous approach to statehood is unnecessary and may be confounding the search for creative solutions to certain territorially-based ethnic conflicts, including the current conflict between Russia and Chechnya. It is itself, arguably, an anachronistic legacy of the era of decolonization when the assumption was that all forms of dependent status were necessarily coercive and exploitative. There are, in fact, many examples of territorially-defined, administrative units that are neither independent states nor constituent units of a larger, independent state. These include the former overseas "colonies" of the continental powers, U.N. protectorates and trusteeships, self-governing territories, freely associated states, internationally guaranteed or neutralized states, and condominiums. And despite the tendency of the U.N. to treat all forms of "dependent" status as equal, in many cases the existing status of these territories is supported by both their people and their governments.

There are, however, two key distinction that must be made between these cases. First, the people (or governments) of these territories may or may not be "sovereign" in the sense that they possess a unilateral right, whether *de facto* or *de jure*, to define their own political status, including that of full independence. Second, the degree to which they are self-governing (autonomous) may vary. Typically, of course, colonies were neither sovereign nor self-governing—neither the people of the colonies nor their representatives had a right to determine their legal status. In contrast, most of Britain's "Dependent Territories" today, including Bermuda (see below), are both sovereign and self-governing, with two notable exceptions: Hong Kong and Gibraltar. Hong Kong has been afforded significantly less self-government than the other Dependent Territories by Britain, apparently because of concern that greater democratic self-government would strain relations with the People's Republic of China (PRC). Moreover, the people of Hong Kong have had virtually no role in the decision to return Hong Kong to the People's Republic of China in 1997. Similarly, Britain continues to recognize the validity of the 1713 Treaty of Utrecht giving Spain the right to claim Gibraltar if Britain chooses to relinquish its sovereignty over the territory.

There were, of course, many inhabited, non-independent territories in the past when colonialism was still widespread. In recent years, however, their number has diminished as more and more have sought, and attained, full independence. Nevertheless, there are still a significant number of inhabited dependent territories—Great Britain alone "possesses" eleven: Hong Kong (population 6,000,000); Bermuda (population 60,000); the Cayman Islands (population 30,000); Gibraltar (29,000); the British Virgin Islands (population 17,000); Montserrat (population 11,000); Turks and Caicos (population 12,000); Anguilla (population 9,000); St. Helena and Dependencies

(population 6,000); the Falkland Islands (population 2,000); and Pitcairn Island (population 50). Britain also has a special (and peculiar) relationship with the Channel Islands and the Isle of Man.

The specifics of the relationships between London and the Dependent Territories vary between cases. At times the relationship is defined by specific agreements. At others, it has emerged, like the non-written British "constitution" itself, out of informal practice and custom and is nowhere codified in a single, or even in a series, of documents. Moreover, the relationships are invariably complicated, and indeed may be difficult to specify with precision.

In considering the status of Britain's eleven dependent territories, it is important to appreciate that their relationship with Britain is more distant than the relationship between Puerto Rico and the United States. Unlike citizens of Puerto Rico, who are automatically afforded U.S. citizenship, citizens of Britain's Dependent Territories are not automatically afforded full British citizenship. Since 1983, separate passports have been issued for British Dependent Territories citizens (BDTCs) by the passport offices of the Dependent Territories themselves. Moreover, criteria for establishing citizenship is left to the individual governments.

Because they are not British citizens, BDTCs do not vote in national elections in the United Kingdom unless they are somehow able to establish British citizenship independently (dual citizenship is of course possible). And unlike Puerto Rico, they do not elect observers to the British parliament, nor do they have a veto power over the application of British legislation to their territory. Britain does, however, guarantee their external security and domestic order, and it represents the Dependent Territories before foreign governments and in international organizations.

Nevertheless, in most cases the Dependent Territories are "sovereign," at least *de facto*, in that their governments may request the convening of a special inter-governmental conference with Britain to consider independence. And although there are no formal rules to this effect, Britain has made clear that it will grant independence as long as independence is a reflection of the "will of the people" and as long as international obligations do not preclude it from doing so.

As noted above, the specifics of the relationship between the Dependent Territories and Britain vary. Quite typical, however, is the relationship between Bermuda and the United Kingdom. Examining this relation in some detail may be of particular interest in Russia today for at least two reasons. First, Bermuda is in practice as close to being a fully independent as possible without actually being so. Indeed, Britain has made clear that greater autonomy for Bermuda short of independence would not be acceptable. Were Bermuda to request, for example, that it have the right appoint the Governor, or that the Governor's already very limited powers (see below) be reduced further, Britain would insist that Bermuda become independent on the grounds that it must have some measure of involvement in the decision making process needed to fulfill its responsibilities.

A second reason that Bermuda may be of interest to Russia is that a referendum on independence was held on August 16, 1995. Interestingly, the referendum failed by a wide margin, testimony to the fact that non-independent self-government may in some cases have considerable advantages over full independence.

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Bermuda is a small island located some 1050 kilometers off the U.S. east coast, approximately two hours by jet from New York City. The island has a population of some 58,000, roughly 60 percent of which is black, and 40 percent white. When it was first discovered by Juan de Bermudes in 1511, Bermuda was uninhabited—its first permanent settlers were Englishmen shipwrecked on the island in 1609. The British Crown made its first legal claim to the island in 1612 by issuing a charter to the Somers Islands Company that gave British settlers a right to land backed by British law. Bermuda was subsequently declared a Crown colony in 1684. As was the case with the colonies established in North America by British settlers in the same period, the island began to develop its own institutions of self-government—a parliament was established in 1620, giving Bermuda the third oldest extant parliament after Britain and Denmark.

Bermuda is today an extremely prosperous community with one of the highest per capita incomes in the world—in 1985, per capita income was \$16,816, compared with \$16,537 for the United States. At the same time, Bermuda enjoys an extremely low unemployment rate (roughly 3 percent) and virtually no poverty. The island's prosperity is tied to its very successful tourist industry (some 590,000 tourists visited the island in 1994) and its ability to attract

foreign investment through highly favorable tax laws for both corporations and individuals. Bermuda has neither an individual income tax, a corporate profits tax, nor a capital gains tax, with most government revenue coming from import tariffs, property taxes, and a payroll tax.

Like Britain, Bermuda was for many years a democracy without a constitution. In 1966, however, a constitutional conference was convened under the auspices of the British Government at Bermuda's request, which led to the adoption of a written constitution in 1968. The constitution formalizes Bermuda's system of internal government as well as its relationship with Britain.

The institutional structure of Bermuda's state is similar that of Britain's. The head of Government (called the Premier) is appointed by a Governor. The Governor asks the member of the lower house of parliament who, in his/her judgement, is best able to command majority support in the lower house, which makes the Governor's decision essentially formal given that Bermuda has a two-party system—the Premier is thus invariably the leader of the largest party in the lower house. The 40 members of the lower house (the House of Assembly) are elected from 20 electoral districts (two members from each district) in a first-past-the-post electoral system, which accounts for the fact that Bermuda has only two significant, competitive parties—the ruling United Bermuda Party (UBP) and the opposition Progressive Labor Party (PLP). The upper house of parliament is called the Senate and has eleven members.

With regard to Bermuda's relationship with Britain, citizens of Bermuda are not necessarily citizens of Britain. (They may have dual citizenship, but Bermuda citizens must meet the same criteria as citizens of any other country for establishing British citizenship.) As non-citizens, they do not vote in British elections. However, the fundamental democratic principle that adults should not be the subject of law without the right of representation in making those laws is preserved because (1) Bermuda is largely self-governing, with only limited powers reserved for Britain, and (2) those powers reserved for Britain were approved by democratically-elected representatives of Bermuda's citizenry when Bermuda's parliament ratified the constitution in 1968. Moreover, Britain has made clear that, should the people of Bermuda indicate a preference for independence, Britain would honor that wish. In this sense, then, Bermuda is "sovereign" but not independent.

The "delegate affairs" of the U.K. Government fall into four categories: external affairs, national defence, internal security, and the police. Executive authority for these powers rests with a Governor who is appointed by the British monarch after nomination by Britain's Prime Minister. It is assumed that the Prime Minister will, however, consult with the Government of Bermuda before nominating a candidate, which therefore gives Bermuda a *de facto* veto power over the nomination. The British Monarch is Bermuda's Head of State, with the Governor being the Queen's local representative.

The Governor chairs a "Governor's Council," which advises the Governor on policy in the four reserved areas of Britain's competence. The members of Council are the prime minister, called the Premier, along with not less than two or more than three cabinet ministers. It is again assumed that the Governor will exercise his/her powers with due consideration for the preferences of the Bermuda Government. Moreover, the Governor may delegate certain powers to the Bermuda Government, as indeed occurred in 1977 when the then Governor delegated to the Minister of Home Affairs of Bermuda control over matters of recruitment, training, and finance of the police, including the appointment of the Police Commissioner.

The principal powers of the Governor are as follows. The Governor appoints the Premier and may dissolve parliament and call for new elections if he/she concludes that the current Government is untenable. The Governor may also refuse a request to dissolve parliament made by the Premier. However, it is understood that the Governor will act at his/her initiative rarely, and only in the interest of coherent government and not in pursuit of particular political ends. The Governor also appoints an opposition leader, who heads the largest party opposition party in the lower house. The Governor has powers of appointment over the Public Service Commission, Magistrates, Judges, Supreme Court judges, Justices of the Court of Appeals, the Attorney General, and the Auditor. In most of cases, however, the Governor may act only after consulting with various governmental bodies, which *de facto* means receiving the recommendations and obtaining their approval.

As noted earlier, the Governor has powers of appointment over the police but has formally delegated this authority to the Government of Bermuda. The Governor is responsible for the "armed forces" of Bermuda, and although the

constitution does not specify this, it is accepted that the Governor appoints the commander of the Bermuda Regiment, currently the only military formation on the island and consisting of some 700 troops. Finally, the Governor appoints three of the eleven members of the Senate, although it is important to appreciate that the powers of the Senate are quite limited.

Along with responsibility for the powers vested in the Governor, Britain is responsible for Bermuda's external security, providing a security guarantee through the British armed forces (similar to the guarantee that Britain had given the Falkland Islands prior to the 1983 war with Argentina). Britain also represents Bermuda in the international arena through its Foreign Ministry and diplomatic missions abroad.

In all other respects, Bermuda is self-governing. Executive power is vested in the cabinet, the members of which are nominated by the Premier for appointment by the Governor (again, essentially a formality). The overwhelming majority of the laws that bind the citizens of Bermuda are either found in British common law (which Bermuda shares with Britain) or are in statutory laws adopted by Bermuda's parliament. In particular, key laws regulating the economy, including laws on taxation, rights of property, environmental law, business law, and regulation of the tourist industry, as well as social and monetary policy (the Bermuda dollar is pegged to the U.S. dollar at a one-to-one exchange rate) are adopted by Bermuda's parliament.

In addition, Bermuda controls its own fiscal policy, and the Government is entirely responsible for its own budget. Those powers reserved for Britain which are of internal significance only, i.e., internal security (the Bermuda Regiment) and the police, are financed by Bermuda, as is the office of the Governor itself. As suggested earlier, Bermuda also determines its own criteria for citizenship and the rights of non-resident and resident aliens, important issues for an island community with a large tourist and foreign resident presence.

Finally, Bermuda has its own court system, with Magistrates Courts for small civil claims, minor criminal offenses, and other domestic matters. Appeals from the Magistrates Courts are made to the Supreme Court, which is also the first court for serious criminal offenses, major civil claims, and divorce and marriage matters. Appeal from the Supreme Court is made to Bermuda's Court of Appeal, the members of which are appointed by Governor after consultation with the Premier and the Leaders of the Opposition. The Court of Appeal sits four times per year, and its members also sit on the Court of Appeal of certain other smaller jurisdictions in the Caribbean. As with certain independent members of the British Commonwealth, final appeal is to the British Privy Council in London, which is appointed by the Queen, and, like the U.S. Supreme Court, only considers matters involving substantial points of law and has discretion over whether to accept particular cases. Decisions of the Privy Council are binding in Bermuda.

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Despite the limited nature of the powers reserved for the British Government in the Bermuda constitution, the question of full independence for the island has been a major political issue since the early 1960s. It remained politically divisive even after the adoption of the 1968 constitution. As a result, in 1977 (race relations on the island were quite tense at the time, with riots breaking out in December) the Bermuda Government prepared a Green Paper on independence. This was followed in 1979 by a White Paper, which concluded that Bermuda was not yet ready for independence but that the issue should be revisited in the future.

For the most part, the issue of independence remained in the background in Bermuda in subsequent years until December 1993, when Britain announced that it would end the Royal Navy's 200 year presence on the island by closing its naval base. Unexpectedly, Bermuda's Premier, the Hon. Sir John Swan, responded by stating that the closure represented "a further erosion of ties with Britain," and he went on to announce not only that his conservative Government had concluded it was time to put the matter of Bermuda's independence to a vote.

Politics in Bermuda, like everywhere else, are complicated. Swan's governing United Bermuda Party (UBP) had been in power throughout the period since the adoption of the 1968 constitution, and Swan himself had been Premier since 1982. Ironically, the UBP had long been vigorously opposed independence, and indeed had used independence, never popular on the island, as a political club against the opposition Progressive Labor Party (PLP), which generally supported independence. Thus Swan's announcement that the Government wished to proceed with a referendum and that Swan himself actually supported independence turned Bermuda's politics on its head, leading

both conservative UBP opponents of independence, of which there were many, as well as the PLP, which wanted to lead the country to independence on its own terms, into a curious alliance.

Having been on the political agenda for so many years, the implications of independence have been thoroughly explored by Bermuda. It is generally agreed that the principal reasons to support independence are symbolic. Independence, it is held, will foster national confidence, a sense of community, and patriotism. Bermudian citizens will be able to take pride in a national anthem, a national flag, and other trappings of independent statehood. Moreover, independence is supported by many blacks because, despite constituting a majority of Bermuda's citizens, many of them feel that they are treated like second-class citizens, a feeling that some argue is fostered by the current relationship with Britain, with its hint of colonialism. Swan himself apparently concluded that independence would help foster a sense of supra-racial patriotism and pride in statehood, thereby reducing tensions between blacks and whites. Finally, Swan seems to have decided that independence was inevitable and that the UBP should be the party that receives the political credit for realizing it on the party's own terms.

Opponents of independence, on the other hand, have tended to stress the economic costs of independence. In its Green Paper of February 1995, the Government estimated that direct costs would range from a low of \$800,000 to a high of \$2,300,000 per year. These include the costs of creating of a Ministry of External Affairs (\$423,000 per year, plus a one-time cost of \$50,000 for fitting out office space); a mission of some sort at the U.N. (\$325,233–\$453,224 per year, plus \$50,000 for fitting out office space); and a mission in London (\$362,733–\$470,724 per year, plus \$50,000 for fitting out office space). There would also be an annual membership fee for the U.N., as well as a charge for U.N. peacekeeping operations, which for Bermuda, with its high per capita GNP, would be approximately \$452,000 per year, as well as an annual fee of \$80,000 for membership in the British Commonwealth. In addition, the Government would need to consider membership in various international organizations (the International Telecommunications Union; the Universal Postal Union; the International Maritime Association; United Nations Educational, Scientific, and Cultural Organization); the World Health Organization; the International Labor Organization; the World Meteorological Organization, the Food and Agricultural Organization, and the International Civil Aviation Organization), which would cost approximately \$452,000 per year.

On other hand, the Government assumed that there would be no additional cost for national defense associated with independence because it assumed that Bermuda would sign some sort of defense treaty with Britain, the U.S., or Canada. The Government also concluded that the Bermuda Regimes is currently capable of ensuring domestic order. And the Government also assumed that, as with other Commonwealth countries, the Queen would remain Bermuda's head of state and would appoint a Governor-General as her local representative, the costs of which would be approximately the same as those spent on the Governor today. However, the office of Deputy Governor would be abolished, bringing a savings of some \$266,000 per year to the Government.

These direct costs of independence for a population as rich as Bermuda's would therefore be negligible. Much more contentious is whether independence would have a negative impact on the engines of Bermuda's economic prosperity—tourism and foreign investment. Opponents of independence have argued that Bermuda's relationship with Britain adds to the charm of the island and is thus important for its tourist industry. Given, however, that Bermuda would presumably remain a member of the British Commonwealth and would continue to recognize the Queen as its Head of State, it is difficult to believe that most tourists would care about, or indeed be aware of, its status as an independent state. Moreover, as the 1995 White Paper concluded, "The inherited traditions associated with Parliament, the Judiciary, the Regiment, and the Police would continue, much as they do today."

More convincingly, some have argued that the current relationship with Britain has helped attract foreign investors, both because foreign investors view the relationship as an indicator of Bermuda's attitude toward foreign investment in general, and because they value the existing reliance of Bermuda on Britain's higher courts. Again, however, supporters of independence argue that Bermuda's attractiveness for foreign investors rests primarily in its own foreign-investment laws, particularly its tax laws, and that independence will entail virtually no change in the rules affecting foreign investment. Nevertheless, there is concern that the international business community would view a vote for independence as a sign that politics in Bermuda were radicalizing, and in particular that race relations were deteriorating, and that this would affect long term investment decisions.

All these issues were debated at great length by opponents and supporters of independence in the wake of the Premier's announcement of July 1994 that the Government felt it was time to reconsider the question of

independence once again. Yet another Green Paper was prepared on February 5, 1995, and a referendum was scheduled for August 15, 1995. Voters would be asked to answer "yes" or "no" to the following blunt question: "Are you in favor of independence for Bermuda?"

As 1995 began, polls indicated that a majority of Bermudians opposed independence. Moreover, while blacks were significantly more inclined to support independence than whites, at no point did independence receive support from a majority of blacks. In the weeks leading up to the referendum, and despite a vigorous campaign by Swan and his supporters for a "yes" vote, polls indicated that support for independence was actually waning, with some 68 percent of the electorate having decided to vote "no." Even more ominously for supporters of independence, a poll taken at the end of July indicated that, for the first time, a majority of blacks were opposed to independence, with 57 percent against, 24 percent for, and 19 percent still undecided. Politically desperate, Swan responded by announcing that he would resign if independence were rejected.

Unfortunately, Bermuda was struck by a hurricane the night before the referendum was scheduled to take place. As the hurricane approached, Swan announced that the referendum would proceed regardless because he lacked the legal authority to postpone it. Bermuda's referendum law requires that polling stations must be opened regardless of circumstance, and only if polling officers then conclude that it is impossible to proceed, can the polling stations be closed. They must, however, be reopened the next day, or as soon as circumstances permit. Nevertheless, at 8 a.m. on the morning of August 15, two hours before the polls were to open, a Government spokesman announced that hurricane damage was so severe that the referendum would be postponed, while another Government official indicated it might not be rescheduled until December. The announcement was followed by an immediate public outcry from opponents of independence who were convinced that the referendum would result in a decisive "no" vote and that Swan was trying to delay the referendum until public opinion changed. Several Members of Parliament sought an injunction from the Supreme Court to force the referendum to proceed immediately. Apparently in view of the public reaction, the Government announced late that afternoon that the referendum would take place, as required by law, the next day.

The referendum finally took place on August 16, and the results were fully consistent with predictions by pollsters. Seventy-three percent of those voting opposed independence, with 26 percent in favor. Approximately 57 percent of the electorate voted in the referendum, despite the hurricane and a call for a boycott by the opposition. The extent of public support for continuing the existing relationship with Britain is particularly remarkable when one considers that both of the current Bermuda Government at the time, as well as the PLP in general (even if they did not support the current independence initiative), were in favor of independence. For the referendum to have been valid, forty percent of the electorate, approximately 15,000 voters, would have had to have voted "yes," far more than the 5,714 who actually did so. On August 17, the day after the referendum, John Swan lived up to his promise and resigned. He was replaced by UBP member the Hon. David Saul, formerly the Minister of Finance.

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What are the lessons of Bermuda's status for Russia today? A first, rather obvious one is that neither Bermuda's small population and territory nor its status as a self-governing territory has prevented it from becoming an extremely prosperous, orderly, and politically stable community. This is true, it should be stressed, even though Bermuda has virtually no natural resources and virtually no industry—far more important has been its stable political climate, well-functioning legal institutions, prudent macro-economic policies, tax and other laws designed to attract foreign investment, and a successful tourist industry.

Second, the results of the August 16 referendum make clear that the great majority of Bermuda's citizens are happy with the island's status as a self-governing territory. Doubtless critical to this support has been the fact that the citizens of Bermuda have appreciated that they and their elected representatives are in a position to decide their own fate. Had Britain resisted independence, or worse, had it flatly insisted that Bermuda was not entitled to independence, it is safe to assume that politics on the island would have been much more polarized and independence would have acquired far more support from an indignant population.

Finally, it is worth considering the implications of the "Bermuda model" for Chechnya. Regardless of Russia's legal right to use force against the Chechen separatists in December 1994, it is now clear that the enormous brutality in the way the war has been prosecuted makes it inconceivable that Chechnya will become a "normal" subject of the

Russian Federation, even one with considerable autonomy and a treaty-based relationship with Moscow like Tatarstan's. This would be true even if Moscow were capable of committing large financial resources to begin to repair the devastation of the war, which it is not. If Moscow continues to insist dogmatically on the "preservation of its territorial integrity" and the full application of its constitution on Chechen soil, the best that Russia can hope for is that Chechnya will become its Northern Ireland—a deep, festering wound that will be a great burden for the Russian people and a political headache for whatever party is in power in Moscow. In fact, however, it is much more likely that, without much great flexibility from Moscow than has been evident to date, Chechnya will prove to be the source of far greater violence than Northern Ireland has been for Britain in the past.

It is therefore very much in Russia's interest to allow the citizens of Chechnya to define Chechnya's relationship with Russia in the future, even if that means allowing them to opt for full independence. This requires allowing Chechnya to conduct a referendum on its status. However, it would be reasonable for Moscow to have a say in the way the referendum questions are framed. In particular, Moscow could insist that the choice confronting the citizens of Chechnya not be presented in the stark terms of "full independence" or "full incorporation." Rather, the citizens of Chechnya should be given the choice of an intermediate status, whether that be defined as a "self-governing territory," "associated state," or whatever. It would also be perfectly reasonable for Moscow to insist that all citizens of Chechnya, regardless of ethnicity, be allowed to participate in the referendum, including of course ethnic Russians who had residence permits for Chechnya prior to the war.

It is important to appreciate that full independence for Chechnya, with its small and strategically isolated territory and highly vulnerable position, is likely to be far less conducive to the normalization of life in the republic than a mutually agreed-upon associated status with Russia based on self-government. Although it has an external border with Georgia, the huge mountains to Grozny's south makes significant trade across that border virtually impossible. Thus Chechnya is not in a position to conduct normal trade with the outside world without Moscow's indulgence. Moreover, Chechnya's economy is totally devastated, and it will need at least the cooperation of Moscow, if not massive direct aid, to begin to restore its economic infrastructure.

Wise leaders in both Moscow and Grozny should therefore appreciate that a face-saving compromise is available for Chechnya that falls short of full independence but that does not entail full incorporation either, benefits that many other governments of small and isolated nations elsewhere have discovered. This is not to say, of course, that Moscow is London or that Chechnya is Bermuda. But it does at least suggest that some sort of status for Chechnya as a self-governing territory outside the Russian federation is worth considering.

The details of such a potential status vary enormously. By way of example, however, the arrangement might entail the following:

1. Chechnya would not be defined as a constituent unit of the Russian Federation, and the Russian constitution would not be binding on Chechen territory.
2. Russian laws would be binding on Chechen territory only to the extent that they did not contradict Chechen law, and Chechen's constitutional and supreme court would be the final interpreters of laws on Chechen territory.
3. Chechen citizens would not automatically be afforded Russian citizenship (although dual citizenship would be permitted).
4. Chechnya would not send representatives to the Federal Assembly (observers might be possible), and Chechen citizens would not vote in Russian national elections, including elections for the Russian president.
5. The Russian President would be recognized as Chechnya's Head of State.
6. Moscow would be allowed to appoint a Governor (perhaps nominated by the Russian prime minister and appointed by the president), with Grozny retaining a right of veto over the appointment, possibly in the form of approval by the Chechen parliament.

7. The Governor, who would be the Russian president's representative in Chechnya, would have very limited powers—for example, a right to appeal to the Chechen parliament to declare a state of emergency, which would then permit the dispatching of federal forces to restore domestic order if that proved necessary.
8. Moscow would be responsible for Chechnya's external security (obviously a largely symbolic power, since only Russia in practice poses, or could pose, a security threat to Chechnya).
9. Moscow would have the right to police Chechnya's external border with Georgia.
10. Border controls would be set up between Chechnya and Russia unless both sides preferred that they not be.
11. The Russian ruble, controlled by the Russian central bank, would continue to be the currency of Chechnya, although Chechnya would have the right to issue its currency if it so chooses.
12. Moscow would be responsible for representing Chechnya abroad and for providing consular services to Chechen citizens in foreign countries.
13. Chechnya would be afforded observer status on certain Russian international delegations of particular importance to it (possibly on an intermittent basis—for example, Chechnya might be afforded the right to address the U.N. General Assembly as part of the Russian delegation on certain occasions or in certain predefined circumstances).

Not all of this would have to be negotiated beforehand, although the general outlines would have to be agreed to before a referendum was held to allow the Chechen electorate to understand what the different options entailed. Nevertheless, were Moscow to insist in its negotiations with Grozny that, pursuant to a cease fire and a pullback of forces (the full disarmament of the Chechens seems entirely unrealistic), parliamentary and/or presidential elections would be held in which all political forces in Chechnya were allowed to participate, and that a referendum then take place in which the people of Chechnya would be given a choice between full independence, "associated status" with Russia as a self-governing territory, or full incorporation in the Russian federation as an autonomous republic on the Tatarstan model, Russia would win back some of the goodwill it has lost with the international community as a result of its brutal prosecution of the war. Much more importantly, it might at least begin to heal the terrible wounds the war has inflicted on Chechnya, Chechen-Russian relations, and on the normalization of political life in Russia as whole.