

FAKE SELF-DETERMINATION OF PEOPLES AS THE INSTRUMENT OF RUSSIAN AGGRESSION

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Abstract: *The article exploring the main pseudo-legal justification for the covert and later open invasion of the Russian Federation into Ukraine, the 'protection of the will of the peoples of Ukraine'. This official position and propaganda thesis regarding the falsification of the 'self-determination of the peoples of Ukraine' could not be neglected as worthless and void because it is well-thought-out, aimed at leveling the efforts of Ukraine to gain international support in countering aggression, raising the objections of states, especially non-Western ones, and rejecting any international collective sanctions. The author shows that the Russian thesis is groundless because according to any international legal criterias there are no regional peoples in Ukraine that could have a right for self-determination, and the latter never occurred. The more difficult issue situated in the 'gray zone' of international law is a 'remedial secession', but even this ambiguous concept is inapplicable to Ukrainian realities because the state powers equally represent the population of the state and no repressive policy is implemented toward a group or a region.*

Keywords: *people, self-determination, remedial secession, international law, territorial integrity of state, political unity of state, aggression, Russian aggression against Ukraine*

INTRODUCTION

The main pseudo-legal justification for the covert and later open invasion of the Russian Federation into Ukraine, starting in 2014, was 'protection of the will of the peoples of Ukraine'. This thesis was also combined with others that were more difficult to justify in legal language, but which could look like prerequisites for such a 'will': 'ancient Russian lands', as well as protection of the interests and rights of compatriots/ethnic Russians/citizens of the Russian Federation, especially 'in the context of an anti-constitutional coup'. The Russian official position and propaganda regarding the falsification of the 'self-determination of the peoples of Ukraine' are well-thought-out, aimed at leveling the efforts of Ukraine to gain international support in countering aggression.

I. 'PROTECTION OF THE WILL OF THE PEOPLES OF UKRAINE' AS THE MAIN JUSTIFICATION FOR RUSSIAN AGGRESSION

The technologies of using the slogan of the right of peoples to self-determination in the interests of a certain state in various versions have been known for a very long time. In the context of this article, it is worth mentioning the USSR Law of 1990 *On the Procedure for Resolving Disputes Related to the Withdrawal of a Union Republic from the USSR*. It laid down a mechanism for preventing the withdrawal of union republics from the USSR or, in the event

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that such attempts could not be prevented, the fragmentation of union republics using the self-determination of autonomies and ethnic groups within them. Soviet legislation, which quite consistently insisted on the existence of a ‘new historical community – the Soviet people’ and at the same time quite inconsistently used other ethno-political terminology, in this case proclaimed the existence of several peoples in each union republic (Article 2).

Each of these ‘peoples’, which was correlated with a certain autonomous republic, autonomous region, autonomous district or population of “localities of compact residence of national groups”, was granted, in the event of the union republic’s desire to leave the USSR, the right to a *de facto* autonomous referendum (separate calculation and procedure for using the results of the republican referendum), the outcome of which could become the basis for leaving the union republic and “raising the question of its state and legal status” or blocking the union republic’s exit from the USSR (Article 3, Clause 8 of Article 14, etc.).¹

The same technology can be associated with the referendum on the state and legal status of Crimea on January 20, 1991, which, in the event of the adoption of the *New Union Treaty*² (the referendum on this project was to be held on August 20, 1991), was to lead to the withdrawal of Crimea from the Ukrainian Soviet Socialist Republic. It was this referendum that initiated the creation of the Crimean Autonomous Soviet Socialist Republic, but within the Ukrainian SSR, and later the Autonomous Republic of Crimea within independent Ukraine. The fragmentation of the territories of other union republics was also envisaged.

The same technology was later used by Russia to prevent Ukraine from consolidating and developing its European and Euro-Atlantic choice. An example is the Russian-funded proxy organization All-Ukrainian Public Movement *Ukrainian Choice — People’s Right* led by Victor Medvedchuk, which, starting in 2012, in particular, promoted the idea of organizing regional and local referendums to resolve fundamental issues of Ukraine’s internal and foreign policy, while simultaneously fueling regionalism and separatism in the country.³

Such technology has nothing common with the realization of the right of peoples to self-determination, but instead is part of the doctrine of controlled chaos as a means of managing nonlinear political processes.⁴ This means was directly used by the USSR and is currently used by Russia, and is now also integrated into the doctrine of hybrid warfare.⁵

¹ Закон СССР от 3 апреля 1990 г. N 1409-I «О порядке решения вопросов, связанных с выходом союзной республики из СССР» [Law of the USSR of April 3, 1990 No. 1409-I “On the procedure for resolving issues related to the withdrawal of a union republic from the USSR”]. In: *Wikisource* [online]. [2026-02-28]. Available at: https://ru.wikisource.org/wiki/Закон_СССР_от_03.04.1990_№_1409-I?wprov=srpw1_1.

² Договор о Союзе суверенных государств. 1991. [Treaty on the Union of Sovereign States]. In: *museumreforms.ru* [online]. [2026-02-28]. Available at: <http://museumreforms.ru/node/14039>.

³ Манифест общественного движения “Украинский выбор” 17. 4. 2012. [Manifesto of the public movement “Ukrainian Choice”]. In: *constituanta.blogspot.com* [online]. [2026-02-28]. Available at: https://constituanta.blogspot.com/2012/05/blog-post_6158.html.

⁴ See, for example: Грищенко, А.А. Теорія хаосу у зовнішньополітичному плануванні [HRYTSENKO, A. A. The theory of chaos in the foreign policy planning]. *Актуальні проблеми міжнародних відносин та безпеки*. 2024, р. 73.

⁵ КРЕСИН, О. В. Основні види гібридних загроз та правові основи забезпечення конструктивної взаємодії інститутів держави і суспільства [KRESIN, O. V. Main types of hybrid threats and legal foundations for ensuring constructive interaction between state and society institutions]. In: *Національна стійкість України: стратегія відповіді на виклики та випередження гібридних загроз: національна доповідь*. Київ: Kuras Institute for political and ethno-national studies of the NAS of Ukraine, 2022; КРЕСИН, О. В. Сучасне осмислення гібридних загроз і методів ведення воєн [KRESIN, O. V. Modern understanding of hybrid threats and methods of warfare]. *Найковий вісник НА СБУ*. 2022, Iss. 83.

Vladimir Putin stated in early March 2014 about the right to self-determination of individual regions that are not represented by the Ukrainian authorities after the Revolution of Dignity, as well as about the “Kosovo precedent”.⁶ This was also proclaimed by some deputies of the Verkhovna Rada of the AR of Crimea in a building captured by Russian troops in the *Declaration on the Independence of the Autonomous Republic of Crimea and the City of Sevastopol* on March 11, 2014.⁷ ‘Self-determination of the peoples of Crimea’ was named as the basis for the recognition of the so-called ‘Republic of Crimea’ as an independent state and at the same time its accession to the Russian Federation in their agreement of March 18, 2014.⁸ The *Legal Substantiation of Russia’s Position on Crimea and Ukraine* prepared by the Russian Foreign Ministry later that year already indicate the existence of a single people of Crimea, who expressed its will in an extreme situation.⁹

Statements about the realization of the right of the “multinational peoples” of the Donetsk and Luhansk regions to self-determination as a basis for secession and the creation of new states are also contained in the ‘acts’ of the meetings of self-proclaimed representatives of these regions in April 2014.¹⁰ The fake “referendums” of 2014 in certain areas of these regions were recognized by Russia.¹¹

⁶ Владимир Путин ответил на вопросы журналистов о ситуации на Украине. [Vladimir Putin answered journalists’ questions about the situation in Ukraine.]. In: *kremlin.ru* [online]. 4. 3. 2014 [2026-02-28]. Available at: <http://kremlin.ru/catalog/countries/UA/events/20366>.

⁷ Декларация о независимости Автономной Республики Крым и города Севастополя. Утверждена Постановлением Верховной Рады Автономной Республики Крым на внеочередном пленарном заседании и Постановлением Севастопольского городского совета на внеочередном пленарном заседании 11 марта 2014 года [Declaration of Independence of the Autonomous Republic of Crimea and the City of Sevastopol. Approved by the Resolution of the Verkhovna Rada of the Autonomous Republic of Crimea at an extraordinary plenary session and by the Resolution of the Sevastopol City Council at an extraordinary plenary session on March 11, 2014]. In: *evpatori.ru* [online]. [2026-02-28]. Available at: <http://www.evpatori.ru/deklaraciya-o-nezavisimosti-avtonomnoj-respubliki-krym-i-g-sevastopolya.html>.

⁸ Договор между Российской Федерацией и Республикой Крым о принятии в Российскую Федерацию Республики Крым и образовании в составе Российской Федерации новых субъектов от 18 марта 2014 года. [Treaty between the Russian Federation and the Republic of Crimea on the admission of the Republic of Crimea to the Russian Federation and the formation of new subjects within the Russian Federation, dated March 18, 2014]. In: *publication.pravo.gov.ru* [online]. [2026-02-28]. Available at: <http://publication.pravo.gov.ru/document/view/0001201403180024>.

⁹ Правовые обоснования позиции России по Крыму и Украине. 7 ноября 2014. МИД РФ. [Legal justifications for Russia’s position on Crimea and Ukraine. November 7, 2014. MFA RF]. In: *web.archive.org* [online]. [2026-02-28]. Available at: <https://web.archive.org/web/20150924092903/http://www.russianunesco.ru/rus/article/1636>. See also: Правовые аспекты вхождения Республики Крым в состав Российской Федерации. МИД РФ, 2015. [Legal aspects of the accession of the Republic of Crimea to the Russian Federation. MFA RF, 2015.]. In: *archive-czech.mid.ru* [online]. [2026-02-28]. Available at: <https://archive-czech.mid.ru/pravovye-aspekty-vhozheniya-respubliki-krym-v-sostav-rossijskoj-federacii>.

¹⁰ Декларация о суверенитете Донецкой Народной Республики. [Declaration of Sovereignty of the Donetsk People’s Republic]. In: *worldconstitutions.ru* [online]. 7. 4. 2014 [2026-02-28]. Available at: <https://worldconstitutions.ru/?p=1058>; Акт о провозглашении государственной самостоятельности Луганской Народной Республики. [Act on the Proclamation of State Independence of the Luhansk People’s Republic]. In: *yadocent.livejournal.com* [online]. 27. 4. 2014 [2026-02-28]. Available at: <https://yadocent.livejournal.com/1138859.html>; Декларация о суверенитете Луганской Народной Республики. [Declaration of Sovereignty of the Luhansk People’s Republic]. In: *yadocent.livejournal.com* [online]. 27. 4. 2014 [2026-02-28]. Available at: <https://yadocent.livejournal.com/1138859.html>.

¹¹ Основные высказывания Сергея Лаврова по итогам голосования в Донецкой и Луганской областях. [Sergey Lavrov’s key remarks following the voting results in the Donetsk and Luhansk regions]. In: *tass.ru* [online]. 12. 5. 2014 [2026-02-28]. Available at: <https://tass.ru/politika/1179587>.

The thesis about the self-determination of “all peoples living in the territory of present-day Ukraine” was proclaimed by Putin on February 24, 2022 as a justification for the start of a full-scale invasion of Ukraine.¹² A few days before Russia, on the basis of ‘self-determination of peoples’, recognized the independence of the ‘Donetsk People Republic’ and ‘Luhansk People Republic’.¹³ And on September 23–27, fake ‘referendums’ were organized in the occupied territories of the Zaporizhzhia and Kherson regions on their separation from Ukraine, the creation of new independent states and accession to the Russian Federation. On September 29, Putin, as President of Russia, recognized the ‘new states’, “confirming the principle of equality and self-determination of peoples,”¹⁴ and the next day, treaties were concluded with them on their accession to the Russian Federation.

It should be emphasized that the Russian leadership has not abandoned the thesis of ‘self-determination of the peoples of Ukraine’ even now, it has reached a completion in accusing Ukraine of committing aggression against its own regions. As Putin stated on September 3, 2025, Russia is fighting not so much for territories as for human rights, and they have been violated due to Ukraine’s war against the population of its individual regions since 2014. “And if these people during democratic electoral procedures, including during referendums, have expressed their support for being part of the Russian Federation, this opinion must be respected” – this is democracy and corresponds to the right of peoples to self-determination in accordance with the UN Charter. And in order for Ukraine to enter into negotiations on concluding peace with Russia, it, among other things, must first withdraw troops from the ‘southeast’ of the state, hold a referendum on the statehood of its territories.¹⁵

This speech caused discussion in Russia,¹⁶ because the wordings of Putin, at first glance, are vague. But clarification can be found, for example, in his speech on April 17, 2014: the ‘southeast of Ukraine’ or ‘Novorossiya’ includes the Kharkiv, Luhansk, Donetsk, Kherson, Mykolaiv, Odesa regions, with the center in Novorossiysk (in Russia), which “were not part of Ukraine in tsarist times” and “were transferred to it in the twenties by

¹² Обращение Президента Российской Федерации. [Address by the President of the Russian Federation]. In: *kremlin.ru* [online]. [2026-02-28]. Available at: <http://kremlin.ru/catalog/countries/UA/events/67843>.

¹³ Указ Президента Российской Федерации “О признании Донецкой Народной Республики” № 71. [Decree of the President of the Russian Federation “On the recognition of the Donetsk People’s Republic” No. 71]. In: *publication.pravo.gov.ru* [online]. 21. 2. 2022 [2026-02-28]. Available at: <http://publication.pravo.gov.ru/Document/View/0001202202220002>; Указ Президента Российской Федерации “О признании Луганской Народной Республики” № 72. [Decree of the President of the Russian Federation “On the recognition of the Lugansk People’s Republic” No. 72]. In: *publication.pravo.gov.ru* [online]. 21. 2. 2022 [2026-02-28]. Available at: <http://publication.pravo.gov.ru/Document/View/0001202202220001>.

¹⁴ Указ “О признании Запорожской области” № 685. [Decree “On the recognition of the Zaporizhzhia region” No. 685]. In: *kremlin.ru* [online]. 29. 9. 2022 [2026-02-28]. Available at: <http://kremlin.ru/acts/news/69463>; Указ “О признании Херсонской области” № 686. [Decree “On the recognition of the Kherson region” No. 686]. In: *kremlin.ru* [online]. 29. 9. 2022 [2026-02-28]. Available at: <http://kremlin.ru/acts/news/69464>.

¹⁵ Владимир Путин ответил на вопросы Журналистов. Пекин, 3 сентября 2025 г. [Vladimir Putin answered journalists’ questions. Beijing, September 3, 2025.]. In: *kremlin.ru* [online]. [2026-02-28]. Available at: <http://kremlin.ru/events/president/news/77914>.

¹⁶ See for example: Родионов, Д. Разговоры о референдуме на Украине – это пока фронт не развалился. Зачем власти РФ предлагают киевскому режиму всенародное голосование по территориям. [Rodionov, D. Talk of a referendum in Ukraine is just a matter of time before the front collapses. Why are the Russian authorities proposing a nationwide vote on territorial issues to the Kyiv regime?]. In: *svpressa.ru* [online]. 6. 9. 2025 [2026-02-28]. Available at: <https://svpressa.ru/politic/article/480380/>.

the Soviet government.”¹⁷ It is likely that Zaporizhia region was simply omitted from this list, for one reason or another, and the AR of Crimea and the city of Sevastopol were considered as already ‘reunited’ with Russia.

The fact that this vision of political geography remains the focus of Russia’s official position was confirmed in an interview in 2025 by Nikolai Patrushev, one of the closest to Putin and the most influential figures in the Russian Federation: “The residents of the regions of Ukraine, including the Black Sea regions, must determine their own future. And they are unlikely to associate their fate with neo-Nazism. They do not want to be weak-willingly submitted to the illegitimate authorities in Kiev.”¹⁸

So, despite the cessation of the insistence in the Russian official position in 2025 on the existence of separate peoples in each of the regions, the thesis of ‘self-determination of the peoples of Ukraine’ continues to remain key for the pseudo-legal justification of the aggression of the Russian Federation. The geographical scope of this thesis is extended to the Odesa, Mykolaiv and Kharkiv regions, while preserving its traditional content: ‘anti-constitutional coup’ in Ukraine, ‘the coming to power of the Nazi regime’, ‘the expression of the will of the population of the regions’. The basis is being formed for propaganda and official demands for referendums in several regions of Ukraine regarding their statehood, and regarding the occupied territories, the ‘expression of the people’s will’ is declared to have already been accomplished.

II. THESIS ON THE PEOPLE’S EXERCISE OF THE RIGHT TO SELF-DETERMINATION AS AN ATTEMPT TO AVOID RESPONSIBILITY FOR AGGRESSION

The subject of the exercise of the right to self-determination is a people, which, on the basis of the norms and doctrine of universal and regional international law, can be defined as a special type of human community that encompasses the entire permanent population in a certain way separated territory, has a subjective unity that can be based on objective factors, as well as institutions common to the entire community or other means of expressing common features, solidarity and aspirations, strives to become a separate society and is capable of self-determination in the form of expression of will in order to ensure joint political development, is a subject of political, social, economic and cultural development of humanity and a bearer of national sovereignty.¹⁹

¹⁷ Путин: компромисс по украинскому вопросу должен быть найден не между Россией и США. [Putin: A compromise on the Ukrainian issue should be found not between Russia and the US]. In: *tass.ru* [online]. 17. 4. 2014 [2026-02-28]. Available at: <https://tass.ru/politika/1128075>; Путин заявил, что хочет гарантии для «жителей Новороссии» – Харьков, Донецк... [Putin stated that he wants guarantees for the “residents of Novorossiia” – Kharkov, Donetsk...]. In: *pravda.com.ua* [online]. 17. 4. 2014 [2026-02-28]. Available at: <https://www.pravda.com.ua/rus/news/2014/04/17/7022779/>.

¹⁸ Николай Патрушев: контуры победы в СВО уже хорошо просматриваются. [Nikolai Patrushev: The contours of victory in the Special Military Operation are already clearly visible]. In: *tass.ru* [online]. 29. 4. 2025 [2026-02-28]. Available at: <https://tass.ru/interviews/23801487>.

¹⁹ КРЕСІН, О. В. – КРЕСІНА, І. О., Народ як суб’єкт міжнародного права [KRESIN, O. V. – KRESINA, I. O. The people as a subject of international law]. In: *Права людини: філософські, теоретико-юридичні та політологічні виміри*: Збірка статей. Lviv: Мегацита і право, 2018; KRESIN, O.V. – KRESINA, I.O. The People as a Subject of International Law. *Jus Gentium*. 2018, Vol. 3; and other.

It is the complex of these characteristics that clearly distinguishes the people as a community that also already constitutes or is capable of becoming a political nation and self-determining itself – in particular, in order to create a state. Therefore, the people can be formed on the basis of an ethnic, racial, linguistic, cultural, historical group, but never coincides with it and must instead represent the entire society in a certain territory and in inseparable connection with it: this is not an *ethnos*, but a *demos*. Such an approach not only combines such fundamental ideas of human associations as the people, the nation and the state, but also harmonizes them with democracy as a people's rule, a way of organizing society in which power belongs to the people. If (and as long as) a developed inclusive democracy is present in the state, then its implementation coincides with the internal and external self-determination of the people.

Despite the fact that in various social sciences there are other views on the essence of the people, it was precisely its socio-political concept that was laid down as the basis of the modern international legal order, constituted by the UN Charter and the entire body of international law. Accordingly, only such an approach in modern conditions is legally relevant for determining the issue of the admissibility of claims of various communities to be recognized as peoples and, accordingly, to exercise their right to self-determination in any of its possible forms.

Despite a well-established and generally consistent approach to the self-determination of peoples, there are inconsistencies in the current practice and doctrine of international law. The political and economic interests of various actors within peoples, as well as foreign states, can lead to attempts to construct new peoples from ethnographic groups, dialect speakers, within regions with complex historical or social features, etc. – beyond the issues of colonialism or the formation of inclusive democracy. In such cases, the complex questions of the so-called 'remedial secession' or 'last-resort self-determination of peoples' accompanied with the intervention of third states can be claimed.

In particular, official acts of the Russian Federation, speeches of its leadership, and Russian propaganda materials argue that the 2010 advisory opinion of the International Court of Justice on the accordance with international law of the unilateral declaration of independence in respect of Kosovo changed approaches to understanding the people and its exercise of the right to self-determination, affirming the possibility of 'last-resort self-determination of the people'.

It should be noted that, in defining the scope of the issue, the ICJ indicated that it would not consider whether Kosovo had achieved statehood, "whether international law generally confers an entitlement on entities situated within a State unilaterally to break away from it" (para. 56). As the Court noted, "during the second half of the twentieth century, the international law of self-determination developed in such a way as to create a right to independence for the peoples of non-self-governing territories and peoples subject to alien subjugation, domination and exploitation" (para. 79). There is no rule in international law that would prohibit the declaration of independence in such cases. Instead, the principle of territorial integrity in international law is limited to the sphere of relations between States (para. 80).

During the consideration of the advisory opinion, the participants stated that the basis for the secession of a certain territory from the state could be not only the exercise of the people's right to self-determination, but also the right of the population of that territory

to ‘remedial secession’ in exceptional circumstances. The Court indicated that the issues of the limits of the former and the existence of the latter were not directly within the scope of this advisory opinion (paras. 82, 83). At the same time, the authors of the Declaration of Independence were recognized by the Court as “representatives of the people of Kosovo” (para. 109).²⁰

It is important that the Court emphasized: the principle of territorial integrity is inapplicable in cases of independent secession from the state of a certain part of it. It can also be considered new that the right to self-determination concerns the formation of a new state within the space covered by the OSCE. The 1975 Helsinki Final Act of the CSCE, in essence, declared that the issue of self-determination of peoples in Europe had been resolved and therefore the territorial integrity of states is inviolable. Of course, the cases of the dissolution of the USSR, Czechoslovakia, and Yugoslavia were an exception to this rule, since they were about republics in federations. To implement the ethnocultural aspirations of groups within states, pan-European international acts were adopted on the rights of national minorities, regional or minority languages, and in individual states – legislation on autochthonous minorities, northern indigenous peoples and communities. But this entire legal framework was based on the certainty that secessions in Europe were impossible. The 2010 advisory opinion on Kosovo demonstrated the rejection of general agreement on this issue.

But the problem of modern changes in the understanding of the grounds, forms, and limits of the realization of the right of peoples to self-determination and its correlation with the principle of territorial integrity of states is actually deeper. On the one hand, it reflects the objective contradictions of the decolonization process, its doctrinal understanding, international and national legal regulation. It is enough to recall, for example, the long and controversial history of the constitutional provision of the status of France’s ‘overseas departments’, which may now be continued by the complex formula ‘state within a state’ (the future agreed name of New Caledonia – L’État de Nouvelle-Calédonie).²¹

On the other hand, the slogan of exercise of the right of people to self-determination remains a convenient subject for manipulation to mask aggression. After all, according to the acts of international law, colonial (and other unfree – under apartheid oppression, etc.) peoples who seek to exercise the right to self-determination in the form of gaining independence also have the right to receive assistance from foreign states and international organizations, including in their armed struggle.

Thus, self-determination of peoples in the form of secession and the creation of their own states in international law is considered primarily in the context of decolonization. However, the broad formulation of the *Declaration on Principles of International Law* of 1970 assumes the possibility of external self-determination of peoples in states where the government does not represent the interests of the entire population regardless of

²⁰ Accordance with international law of the unilateral declaration of independence in respect of Kosovo. Advisory opinion of 22 July 2010. In: *International Court of Justice* [online]. [2026-02-28]. Available at: <https://www.icj-cij.org/case/141>.

²¹ Un accord pour l’avenir de la Nouvelle-Calédonie, 12 juillet 2025, modifié le 15 juillet 2025. In: *La site officiel du Gouvernement* [online]. [2026-02-28]. Available at: <https://www.info.gouv.fr/actualite/un-accord-pour-l-avenir-de-la-nouvelle-caledonie>.

race, religion or skin color (Article 5, paragraph 7).²² This provision is directly referred to recently by the Minister of Foreign Affairs of the Russian Federation Sergei Lavrov.²³

In this regard, it is necessary to consider the foundations of modern changes in the understanding of the right of peoples to self-determination in international law. The decision of the ICJ in *the East Timor* in 1995 declared that respect for the right of peoples to self-determination follows from the UN Charter and the practice of this organization, and therefore undoubtedly has the character of an obligation of states *erga omnes* (para. 29).²⁴

Although the Court (due to the lack of relevant jurisdiction) did not directly indicate the illegality of the conduct of Australia and Indonesia in obstructing the exercise of the right of the people of East Timor to self-determination, as well as its right to territorial integrity and political unity, the relevant allegations of the party to the proceedings (Portugal) were not subject to any doubt there.

The qualification of the right of a people to self-determination as *erga omnes* and *jus cogens* is contained in the ICJ advisory opinion *Wall* 2004: “The obligations *erga omnes* violated by Israel are the obligation to respect the right of the Palestinian people to self-determination (para. 155), “all States are under an obligation not to recognize the illegal situation... They are also under an obligation not to render aid or assistance in maintaining the situation...” (para. 159).²⁵

According to the current authoritative codification, recognized as a reflection of customary international law, the *Articles on the Responsibility of States for Internationally Wrongful Acts* of 2001, the right of peoples to self-determination should be considered as an imperative norm of international law (*jus cogens*). Accordingly, a deviation from this is inadmissible and cannot be justified by the norms of national law or international treaties. Obstruction of the exercise by a people of the right to self-determination is a serious violation, entailing aggravated responsibility of the state with all the consequences provided for this.²⁶ A state that is a violator of the right of peoples to self-determination will not be able to invoke the unlawfulness of the actions of other states (in particular, the commission of aggression) that contribute to the exercise of this right.

The 1986 ICJ judgement in the *Nicaragua* case implicitly states that some cases of the use of force by one state against another can be justified if they relate to assisting a people in exercising its right to self-determination in the context of decolonization. In other cases, this is unlawful intervention.²⁷

²² Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations. In: *United Nations Digital Library* [online]. [2026-02-28]. Available at: <https://digitallibrary.un.org/record/202170?v=pdf>.

²³ TÓTH, T. A. ‘Sergey Lavrov Gave an Exclusive Interview to Magyar Nemzet’, July 7, 2025. In: *Magyar Nemzet* [online]. [2026-02-28]. Available at: https://magyarnemzet.hu/english/2025/07/sergey-lavrov-gave-an-exclusive-interview-to-magyar-nemzet#google_vignette.

²⁴ Case Concerning East Timor (Portugal v. Australia). Judgment of 30 June 1995. *Reports of the International Court of Justice*. 1995.

²⁵ Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory. Advisory opinion of 9 July 2004. *Reports of the International Court of Justice*. 2004, pp. 199–200.

²⁶ Responsibility of States for internationally wrongful acts. General commentary. *Yearbook of the International Law Commission*. 2001, Vol. II/2.

²⁷ Military and Paramilitary Activities in and against Nicaragua (Nicaragua v. United States of America). Judgment of 27 June 1986 (Merits). §§ 191, 206–209. In: *International Court of Justice* [online]. 27. 6. 1986 [2026-02-28]. Available at: <https://www.icj-cij.org/sites/default/files/case-related/70/070-19860627-JUD-01-00-EN.pdf>.

The Independent International Fact-Finding Mission on the Conflict in Georgia, established by a decision of the Council of the EU, reached an even more precise conclusion in its 2009 report: “International law does not recognize a right to unilaterally create a new state based on the principle of self-determination outside the colonial context and apartheid. An extraordinary acceptance to secede under extreme conditions such as genocide has so far not found general acceptance. ... This applies also to a process of dismemberment of a state, as might be discussed with regard to Georgia after the dissolution of the Soviet Union. According to the overwhelmingly accepted *uti possidetis* principle, only former constituent republics such as Georgia but not territorial sub-units such as South Ossetia or Abkhazia are granted independence in case of dismemberment of a larger entity such as the former Soviet Union. Hence, South Ossetia did not have a right to secede from Georgia, and the same holds true for Abkhazia for much of the same reasons. Recognition of breakaway entities such as Abkhazia and South Ossetia by a third country is consequently contrary to international law in terms of an unlawful interference in the sovereignty and territorial integrity of the affected country, which is Georgia.”²⁸

At the same time, there are decisions in national judicial practice that formulate the possibility of exceptions to this established approach. In particular, in the decision of the Supreme Court of Canada on the possibility of secession of Quebec in 1998, it was noted: “a right to external self-determination (which in this case potentially takes the form of the assertion of a right to unilateral secession) arises in only the most extreme of cases and, even then, under carefully defined circumstances”. Among the latter: 1) subjugation, subordination, exploitation of a people by an external actor outside the formal colonial context (for example, in the case of military occupation); 2) the actual deprivation of the people of the possibility of internal self-determination (this situation is impossible where the government represents the entire population of the state and adheres to democratic procedures), or “where a definable group is denied meaningful access to government to pursue their political, economic, social and cultural development”. Beyond this, not only does the right to external self-determination not arise, but the population cannot be defined as a people.²⁹

Such exceptions were also substantiated in the position of the Russian Federation presented to the ICJ in connection with the preparation of the advisory opinion on Kosovo (2009): ‘remedial secession’ is possible only in extreme conditions, when “violent acts of discrimination are continuously committed against the people in question and all the possibilities for a resolution of the problem within the existing State have been exhausted”, when secession can be defined as “a measure of last resort, where the very existence of the people, or its characteristic features, are in danger”, in the case of an “outright armed attack by the parent State, threatening the very existence of the people in question”. Otherwise, “all efforts should be taken in order to settle the tension between the

²⁸ Report. Independent International Fact-Finding Mission on the Conflict in Georgia. 2009, Vol. 1, p. 17. In: *echr.coe.int* [online]. [2026-02-28]. Available at: https://www.echr.coe.int/documents/d/echr/hudoc_38263_08_Annexes_eng.

²⁹ Reference re Secession of Quebec. Supreme Court Judgement. In: §§ 126, 133-138. In: *Supreme Court of Canada*. [online]. 20. 8. 1998 [2026-02-28]. Available at: <https://decisions.scc-csc.ca/scc-csc/scc-csc/en/item/1643/index.do>.

parent State and the ethnic community concerned within the framework of the existing State”.

In the case of Kosovo, Russia denied the existence of circumstances for secession: the population of Kosovo was never recognized as a people according to the Constitution of Yugoslavia (only the population of the member republics are peoples); Albanians in Kosovo never declared themselves a separate people and did not demand external self-determination until 1999; NATO justified its armed intervention in the conflict only by protecting human rights and minorities, and the need to prevent a humanitarian catastrophe; the same applies to the content of the UN Security Council resolution on the establishment of an international administration in Kosovo.³⁰

Russia, continuing the policy of the USSR in the last years of its existence, implemented a policy of controlled chaos in the post-Soviet states, the results of which were the creation of the ‘Republic of Artsakh’ (Nagorno-Karabakh), the ‘Transnistrian Moldavian Republic’, the ‘Republic of Abkhazia’, the ‘Republic of South Ossetia’. All these entities, as proven in the decisions of the ECHR, are just occupation administrations of the Russian Federation, which exercises illegal control over their territories. But Russia did not officially recognize them as states.

The ICJ advisory opinion on Kosovo became not a legitimate basis, but only an excuse for the Russian Federation to recognize the ‘independence’ and ‘include’, and in reality – to annex the ‘Republic of Crimea’, ‘Donetsk People Republic’, ‘Luhansk People Republic’, parts of the Kherson and Zaporizhia regions, as well as to plan and unsuccessfully attempt to repeat this with parts of the Kharkiv, Mykolaiv and Odesa regions.

Additional allegedly relevant arguments for the use of armed force against Ukraine in the Russian official doctrine and propaganda in this context were: the desire to restore democracy (‘return to power of the legitimate President of Ukraine’, elimination of the consequences of the ‘anti-constitutional coup’), self-defense (‘the threat of a potential NATO attack on Russia from the territory of Ukraine’) and a state of extreme necessity (‘the uncontrolled development of neo-Nazi armed groups that commit violence against Russians or the Russian-speaking population’, ‘avoiding a humanitarian catastrophe’). All three of these arguments, apart from their inconsistency with Ukrainian realities and contradiction to the principles and imperative norms of international law, to a certain extent fall into the ‘gray zone’ of the latter and may be based on individual precedents.³¹

In addition, the state of extreme necessity and self-defense are defined as circumstances that exclude the responsibility of states in the already mentioned *Articles on the Responsibility of States for Internationally Wrongful Acts* of 2001.³² In such cases, the qual-

³⁰ Accordance with International Law of the Unilateral Declaration of Independence by the Provisional Institutions of Self-Government of Kosovo. (Request for advisory opinion). Written Statement by the Russian Federation. §§ 86-88, 91-104. In: *icj-cij.org* [online]. 16. 4. 2009 [2026-02-28]. Available at: <https://www.icj-cij.org/sites/default/files/case-related/141/15628.pdf>.

³¹ See, for example: KRESS, C. The State Conduct Element. In: Claus Kress – Stefan Barriga (eds.). *The Crime of Aggression: A Commentary*. New York: Cambridge University Press, 2017, pp. 502-507.

³² Resolution 56/83. Responsibility of States for internationally wrongful acts. In: *United Nations General Assembly* [online]. 12. 12. 2001 [2026-02-28]. Available at: <https://documents.un.org/doc/undoc/gen/n01/477/97/pdf/n0147797.pdf>.

ification should be carried out on the basis of an examination of the circumstances of the committed acts of both states, the reasons and circumstances of the specific case.

III. CRITERIA FOR THE EXISTENCE OR FORMATION OF NEW PEOPLES

In order for self-determination of people to occur, the existence of this people is necessary. The only acceptable criteria can be those formulated and accepted in international law and its doctrine. On the basis of my previous studies already mentioned, the following requirements or indicators can be put forward to determine whether there is a people who supposedly aspire to and is capable of exercising the right to self-determination.

A. Subjective separation. The population within certain definable region does not recognize national unity within the state; it has, in addition to the ethnic identities of groups within its limits, a consciousness of belonging to the region as a separate historical, social, and political reality – and this must be consistently expressed by a significant part of the region's population over a long period of time and supported by the majority of the region's population.

B. Objective separation. The consciousness of the separateness of the population of the region should be based on an obvious and objective distinctiveness that reflects the social, cultural, and economic unity of the population of the region and the corresponding difference from the population of other regions.

C. Institutionalization of separation. In addition to subjective and objective separation, the population must consistently demonstrate the will to independent state-building within the region. This must be expressed in the creation and support by the majority of the population of certain institutions common to the region (for example, parties) or other means of expressing such will and solidarity.

D. Policy of separation. All of this should be dialectically linked to the policy of separation and distinction of the relevant region by the state, which is implemented by granting a special status to the population of the region, unequal to other regions (worse), or other special discriminatory, restrictive, repressive policy towards this region.

The presence and unity of objective, subjective and institutional indicators attest the existence of a people and not just an ethnic or regional group. But this does not necessarily imply the secession of a certain region from the state, because self-determination can be fulfilled within its framework. Secession is justified only in the case of consistent and deliberate implementation by the state of the aforementioned policy of separation, which indicates an unwillingness to integrate all population within the framework of a single society.

The most important indicator of **the subjective factor**, namely the identity of the population, is the state population census. The last full population census in Ukraine was conducted in 2001. According to it, 77.8% of the state population considered themselves Ukrainians, 17.3% considered themselves Russians. It is quite important that the percentage share of Ukrainians compared to the 1989 population census increased by 5%, and that of Russians decreased by the same percentage (in 1989 – 72.7% and 22.1%, respectively). Each other ethnic groups counted for less than a 1%.

In the AR of Crimea, the share of Ukrainians was 24.3%, Russians – 58.3%; in the city of Sevastopol – 22.4% and 71.6%; Donetsk region – 56.9% and 38.2%; Zaporizhia region –

70.8% and 24.7%; Luhansk region – 58% and 39%; Kherson region – 82% and 14.1%. In each of these regions, the share of Ukrainians significantly increased, and the share of Russians significantly decreased compared to the 1989 census.³³

In all regions of Ukraine outside the Crimean Peninsula, Ukrainian self-identification of the population clearly dominated. In Crimea, in conditions of mass artificially stimulated migration and strict Russification during the Soviet era, Russian self-identification dominated, but even there the percentage of Russians significantly decreased – and not due to migration.

It is important that according to the 2001 census, 10,183 residents of the Transcarpathian region (0.8% of its population) considered themselves Rusyns. Apart from the question of whether Rusyns can be considered a separate ethnic group, it is important that the census methodology provided for the possibility of such self-identification of the population. At the same time, no one identified themselves as a representative of the ‘Crimean’, ‘Donetsk’, ‘Luhansk’, ‘Zaporizhzhya’, ‘Kherson’ peoples.

It is difficult to talk about the existence of **objective indicia** of social, cultural, and economic distinctiveness of Crimea, Donetsk, Luhansk, Zaporizhia, and Kherson regions. For the most part, researchers and publicists pay attention to the peculiarities of the ethnic composition of the population of these regions. At the same time, the peculiarities are associated not with a region as a whole, but with specific ethnic groups within its limits.

Social and economic distinctiveness is inherent to individual areas within the regions of Ukraine, not to entire regions. The exception here is the city of Sevastopol, which was formed as a militarized enclave and a base for the Soviet naval fleet (social structure of the population, the determining role of migration in its formation).

Examples of areas that are special in a social and economic sense are the southern coast of Crimea (significant importance of tourist and recreational infrastructure) and Western Donbas as areas within the Donetsk and Luhansk regions (dominant influence of the coal mining and metallurgical sectors of the economy on the social structure of the population).

The only obvious feature of the mentioned regions was that the majority of the population in some of them considered Russian as their native language: 90.56% in the city of Sevastopol, 76.55% in the AR of Crimea, 74.92% in Donetsk, 68.84% in Luhansk regions. In other regions, this share was quite significant, but less than half of the population: 48.19% in Zaporizhia and 24.86% in Kherson regions. These are the data of the 2001 census, and the data of sociological surveys demonstrate a gradual decrease in this share of the population in all regions and, on the contrary, an increase in the share of those who consider Ukrainian as their native language.

Furthermore, it is important that linguistic identification never coincided with ethnic identification in these regions: a significant proportion of the population identified themselves as Russian-speaking Ukrainians. Both trends are quite understandable in the context of Ukraine’s postcolonial development.

³³ Про кількість та склад населення України за підсумками Всеукраїнського перепису населення 2001 року. Державний комітет статистики України. [On the number and composition of the population of Ukraine according to the results of the All-Ukrainian Population Census of 2001. In: *State Statistics Committee of Ukraine* [online]. [2026-02-28]. Available at: <https://web.archive.org/web/20161012015723/http://2001.ukrcensus.gov.ua/results/general/nationality/>.

The situation in the aforementioned regions is significantly different regarding the **institutionalization of political regionalism**. The only one of them that had autonomy is the AR of Crimea. Its creation was initiated in 1989 by the Verkhovnyi Sovet of the USSR.³⁴ The basis was the conclusions of its Commission: “The restoration of the rights of the Crimean Tatar people cannot be carried out without the restoration of the autonomy of Crimea through the formation of the Crimean Autonomous Soviet Socialist Republic as a multinational republic within the Ukrainian SSR.”³⁵

In a referendum on January 20, 1991, the Crimean Regional Council of People’s Deputies put forward the question of the creation of the Crimean ASSR as a subject of the USSR, without mentioning any national character of this autonomy. However, the “expression of the will of the peoples of Crimea” and the “restoration of statehood” were mentioned.³⁶ Similarly, the Law of the Ukrainian SSR on the Restoration of the Crimean ASSR (as part of the Ukrainian SSR) of February 12, 1991 did not indicate any features of this autonomy, in fact creating it as a purely administrative unit.³⁷

Unable to consider in details the manifestations of separatism in Crimea in the 1990s in this article, it should only be noted that the slogan of the relevant forces on the peninsula at that time was unification with Russia in the process of restoring the empire in its Soviet or other forms.

An objective picture of the institutionalization of political regionalism in the mentioned regions is reflected in the results of the regional and local elections in 2010. Among the parties whose representatives were elected to the Verkhovna Rada of the AR of Crimea, and Donetsk, Zaporizhia, Luhansk, and Kherson regional councils, and the Sevastopol

³⁴ Постановление Верховного Совета СССР № 845-1 О выводах и предложениях комиссий по проблемам советских немцев и крымско-татарского народа. [Resolution of the Supreme Soviet of the USSR No. 845-1 On the conclusions and proposals of the commissions on the problems of Soviet Germans and the Crimean Tatar people]. In: *RusDeutsch* [online]. 28. 11. 1989 [2026-02-28]. Available at: <https://geschichte.rusdeutsch.ru/22/45/296>.

³⁵ Выводы и предложения Комиссии Совета Национальностей Верховного Совета СССР по проблемам крымско-татарского народа. Октябрь–ноябрь 1989 г. [Conclusions and proposals of the Commission of the Council of Nationalities of the Supreme Soviet of the USSR on the problems of the Crimean Tatar people. October–November 1989. In: *Принудительное переселение крымских татар. Путь к реабилитации: Материалы и документы*. Moscow: Аквариус, 2015, p. 203.

³⁶ Заявление Третьей сессии Крымского областного совета народных депутатов “О необходимости отмены Указа Президиума Верховного Совета СССР от 30 июня 1945 года “О преобразовании Крымской АССР в Крымскую область в составе РСФСР” и Закона Российской Советской Федеративной Социалистической Республики от 25 июня 1946 г. “Об упразднении Чечено-Ингушской АССР и преобразовании Крымской АССР в Крымскую область” [Statement of the Third Session of the Crimean Regional Council of People’s Deputies On the Need to Cancel the Decree of the Presidium of the Supreme Soviet of the USSR of June 30, 1945 ‘On the Transformation of the Crimean ASSR into the Crimean Region within the RSFSR’ and the Law of the Russian Soviet Federative Socialist Republic of June 25, 1946 ‘On the Abolition of the Chechen-Ingush ASSR and the Transformation of the Crimean ASSR into the Crimean Region’]. In: *sevkrimrus.narod.ru* [online]. 8. 9. 1990 [2026-02-28]. Available at: <https://sevkrimrus.narod.ru/ZAKON/1990obl.htm>; Декларация о государственном и правовом статусе Крыма [Declaration on the state and legal status of Crimea]. 12. 11. 1990. *Ibidem*; Решение четвертой внеочередной сессии Крымского областного совета народных депутатов о проведении референдума [The decision of the fourth extraordinary session of the Crimean Regional Council of People’s Deputies to hold a referendum]. 13. 11. 1990. *Ibidem*.

³⁷ Закон УРСР “Про відновлення Кримської Автономної Радянської Соціалістичної Республіки” № 712-XII [Law of the UkrSSR On the renewal of the Crimean Autonomous Soviet Socialist Republic]. In: *zakon.rada.gov.ua* [online]. December 1991 [2026-02-28]. Available at: <https://zakon.rada.gov.ua/laws/show/712-12#Text>.

city council, there was not a single party that declared in its program the representation of a separate people within one of the mentioned regions. At the same time, attention should be paid to several political parties that advocated the unification of Ukraine as a whole or its individual regions with Russia with the aim of restoring the USSR, the Russian Empire, or creating a Slavic union. To some extent, the Communist Party of Ukraine (CPU) can be included among them.

In the Verkhovna Rada of the AR of Crimea, among 100 deputies, 13 deputies, or 13%, belonged to such parties (the “Soyuz” party – 5, the CPU – 5, the political party “Ruska Yednist” – 3). In the Sevastopol City Council, among 76 deputies, there were 17 such deputies, or 22.4% (the “Rusky Bloc” party – 9, the CPU – 8). In the Donetsk region, among 180 deputies, there were 8 representatives of the CPU, or 4.4%. In the Zaporizhzhia Regional Council, among 100 deputies, there were 8 representatives of the CPU, or 8%. In the Luhansk Regional Council, among 124 deputies, there were 13 representatives of the CPU, or 10.5%. In the Kherson Regional Council, out of 84 deputies, there were 9 representatives of the CPU, or 10.7%.³⁸

So, the ideas of regional distinction or self-determination of peoples within regions were not presented and supported in the local council elections that took place before the Russian invasion of Ukraine in 2014. But could they have been presented? Yes, absolutely. For example, in the same 2010 elections, two parties representing the Hungarian minority in Transcarpathian region and in Ukraine in general received a certain number of seats in the local councils of this region.

Instead, one can see in all the mentioned regions a significant (from 4.4 to 10.7%) representation of the CPU – as a party of Soviet revenge, including the idea of restoring the USSR. In addition, in the AR of Crimea and the city of Sevastopol, pro-imperial parties were represented – 8% and 11.8%, respectively. But even in the sum with the election results of the CPU, this amounted to 13% and 22.4%, respectively. A significant, but not decisive result, reflecting the views of a minority of the population – compared to parties whose programs had a clearly all-Ukrainian agenda.

In the local government elections in 2015 and 2020, no deputies were elected to the authorities of the AR of Crimea and the city of Sevastopol, as well as to regional councils in Donetsk and Luhansk regions. Also, candidates promoting communist ideology were not allowed to run in these elections. According to the results of both elections, no party that claimed to represent the interests exclusively of the population of the respective region or any people within its limits entered the Zaporizhzhia and Kherson regional councils.³⁹

There is no need to talk about the **policy of regional distinction** by the Ukrainian authorities. As already noted above, official Russian documents have accused Ukraine, starting in 2014, of ignoring the interests of Ukrainian regions and the Russian-speaking population, discriminatory and repressive policies towards national minorities, forced change of identity, and assimilation of Russians.

³⁸ *Чергові вибори депутатів Верховної Ради Автономної Республіки Крим, місцевих рад та сільських, селищних, міських голів 31 жовтня 2010 року: Інформаційне видання* [Regular elections of deputies of the Supreme Council of the Autonomous Republic of Crimea, local councils and village, settlement, city mayors on October 31, 2010: Information edition]. Kyiv: Центральна виборча комісія, 2011.

³⁹ Data from the Internet-portal of the Central Election Commission of Ukraine. In: *cvk.gov.ua* [online]. [2026-02-28]. Available at: <www.cvk.gov.ua>.

However, published under the patronage of the Ministry of Foreign Affairs of the Russian Federation book about the Revolution of Dignity of 2013-2014 actually proclaims the “heroization of Nazism” through the popularization of the memory of Stepan Bandera as the only “crime” of its participants.⁴⁰ In his speech “on the 10th anniversary of the coup d’état in Ukraine,” the Russian Foreign Minister Sergei Lavrov called the main problem of the Revolution of Dignity the intervention of the West and the alleged violation of the latter’s agreements with Russia on spheres of influence and NATO expansion. Among the “crimes of the Kyiv regime,” he indicated, in fact, only the refusal of the Acting Minister of Foreign Affairs Andriy Deshchytsia to sign a joint statement with Lavrov on “the beginning of a broad national dialogue in Ukraine with the participation of all regions of the country, with a view to its federalization.”⁴¹ Both mentioned claims are absurd, but what matters that even official Russian position could not find any arguments for self-substantiation.

The only statement of Russia, which, although not true, was based on real processes, was the thesis of an attempt to change the language legislation. In February 2014, the Verkhovna Rada of Ukraine repealed the Law *On the Principles of Language Policy* No. 5029-VI of July 3, 2012. But the 2014 Law was not signed by either the Acting President of Ukraine Oleksandr Turchynov or the President of Ukraine Petro Poroshenko. Only in 2018 did the Constitutional Court of Ukraine recognize the 2012 Law as inconsistent with the Constitution of Ukraine and as having lost its force.

Thus, the change in language legislation in 2014 did not take place, despite the Russian claims, but the corresponding public expectations existed and were fueled by this propaganda. At the same time, in the event of the repeal of this law, there would be a return to the Law *On Languages in the Ukrainian SSR* of 1989 – that is, to the established norms that were adopted back in Soviet times, were in force for 23 years and did not cause protests in the regions of Ukraine.

CONCLUSIONS

The thesis of ‘self-determination of the peoples of Ukraine’, which is consistently promoted in Russian official and propaganda discourses, despite its apparent absurdity, is a thoroughly developed intellectual construct, based not only on the systematic falsification of the history of Ukraine and Eastern Europe and of ethno-political concepts. Its basis is also the skillful manipulation of complex and not fully agreed issues that are part of the ‘gray zone’ at the junction of international security law, international human rights law, international humanitarian law, and other branches of international law. Also,

⁴⁰ ГРИГОРЬЕВ, М. С. *Евромайдан: сущность и последствия антиконституционного переворота на Украине в 2014 году* [GRIGORIEV, M. S. *Euromaidan: essence and consequences of the anti-constitutional coup in Ukraine in 2014*]. Moscow: Международные отношения, 2024.

⁴¹ Выступление и ответы на вопросы Министра иностранных дел России С. В. Лаврова в ходе конференции, приуроченной к 10-й годовщине госпереворота на Украине [Speech and answers to questions by Russian Foreign Minister Sergey Lavrov at a conference marking the 10th anniversary of the coup d’état in Ukraine]. In: *The Ministry of Foreign Affairs of the Russian Federation* [online]. 16. 2. 2024 [2026-02-28]. Available at: https://mid.ru/ru/foreign_policy/news/themes/id/1932734/.

important and obvious is the calculation of the authors and promoters of this thesis on the insufficiency, complexity, duration, and even unavailability in the context of Russian aggression of the mechanisms of international judicial, quasi-judicial, and political qualification of the actions of the Russian Federation and the refutation of the ‘self-determination of the peoples of Ukraine’ proclaimed by it.

Primitivization or ignoring of this thesis as worthless, characteristic for Western scholars and experts, does not create a basis for understanding its roots, structure, manipulative appeal to the norms of international law. And it also does not allow to understand the ways of influence of this thesis on the official positions of many states, the mechanisms of its weaving into the current agenda and modes of thinking of the non-Western world, its mobilization potential for the Russian consumer of information.

Based on the study of the norms and doctrine of international law, it is possible to identify four main criteria for the formation of a new people, which are reduced to its distinction and constitution: subjective separation; objective separation; institutionalization of separation; policy of separation and distinction of the relevant region by the state. According to these criteria, the population of the regions of Ukraine, and in particular the AR of Crimea, the city of Sevastopol, Donetsk, Luhansk, Zaporizhzhia and Kherson regions, are not separate peoples. The majority of the population of these regions identifies itself as Ukrainians or, in the case of the Crimean Peninsula, as representatives of several of the most numerous ethnic groups – but not ‘Crimean’, ‘Zaporizhzhya’ or other peoples.

There is also no objective basis for the current existence or future formation of such peoples, no institutionalized will for their separate development. There is no reason to speak of a policy of separation or discrimination of these regions in Ukraine, which could contribute to the artificial formation of new peoples within their limits.

We can only speak of residual phenomena of separatism in Crimea, related to the imperial and colonial policy of the USSR and even the Russian Empire, but the corresponding revanchist ideological mix has lost support and has become a niche for marginal political forces. Of course, in the case of all the mentioned regions, there is no issue of and cannot be any issue of self-determination of peoples.

Instead, the modern Russian thesis on the ‘self-determination of the peoples of Ukraine’ and its ‘protection’ should be considered in the context of the political technology of controlled chaos, which Russia inherited from the USSR and is consistently developing in the future. It is aimed at the fragmentation of post-Soviet states in order to undermine their statehood, establish political control and annex individual regions. This is just a form of Russian irredentism and imperial revenge.

The Russian official thesis on the ‘self-determination of the peoples of Ukraine’ has a rather complex and profound nature and is actually not obvious to an outside observer because it was purposefully formulated taking into account the ‘gray zones’ of modern international law. The latter offers some ambiguous assumptions regarding possible exceptions to the general approach to the grounds and implementation of the right of peoples to self-determination and its correlation with the principle of territorial integrity and political unity of states. Acts of international law and the practice of international judicial institutions of recent decades suggest the possibility of the so-called remedial secession (last-resort implementation of the right to self-determination in the form of withdrawal

from the state) for regional communities that cannot be unambiguously defined as peoples. The right to such self-determination can be considered outside the colonial context and placed above the principle of preserving the territorial integrity of states. In fact, the main criterion in this case is whether the state authorities equally represent the interests of different groups of its population. This creates a field for manipulation and falsification of information and its qualifications.

In such conditions of questioning the fundamental approaches of international law, meticulous qualification of facts and legal bases in each specific situation becomes of utmost importance. And if there is no possibility of judicial review or it requires a long time, and the UN Security Council is paralyzed, chaos is created in which the positions of states and international organizations are largely formed on the basis of publicly available information and political influences. It is clear that this can be skillfully used by an aggressor who disguises his actions as assistance to the people, real or newly invented, in the exercise of its right to self-determination and has powerful capabilities to promote his official narrative. In particular, Russia is trying to justify its aggression as an allegedly forced intervention to protect the 'self-determination of the peoples of Ukraine', and also, in connection with this, but without any consistency – the protection of its citizens, ethnic Russians, the Russian-speaking population, human rights in general, the avoidance of a humanitarian catastrophe, the restoration of the constitutional order, self-defense, etc.

Thus, countering Russian pseudo-legal position is fundamentally important, because it was this thesis that became the basis for justifying the Russian Federation's aggression against Ukraine and even accusing the latter of aggression against 'newly independent states', for the illegal inclusion of the aforementioned regions in the Constitution of the Russian Federation, and for ultimatum demands to transfer the remaining territories of Zaporizhia, Kherson, Donetsk, and Luhansk regions to it as a prerequisite for the start of peace negotiations between Ukraine and Russia.