

# THE PRINCIPLE OF RESPECTING THE RIGHT OF THE UKRAINIAN NATION TO SELF- DETERMINATION AND PRESERVING TERRITORIAL INTEGRITY IN THE FACE OF RUSSIAN AGGRESSION

Prof. Dmytro Dzvinchuk

Ivano-Frankivsk National Technical University of Oil and Gas, Ukraine  
e-mail: [dzvin56@ukr.net](mailto:dzvin56@ukr.net); <https://orcid.org/0000-0002-6391-3822>

**Abstract.** The article provides a comparative analysis of the leading principles of the UN: respect for the nation's right to self-determination and the territorial integrity of the state, as well as their relationship, conditions of implementation and peculiarities of compliance in the context of gross violation by the Russian Federation of both of these principles in Ukraine. The author proves that the fundamental international legal principles of relations between states provide for respect for the right of nations to self-determination, including for their independent choice of their geopolitical activity, the right to inviolability of territorial integrity. This right is superior to the right of nation's self-determination (with the exception of colonized countries and countries in which the rights of national minorities are grossly violated on a regular basis).

**Keywords:** the nation's right to self-determination; sovereignty; the principle of territorial integrity

## 1. PROBLEM STATEMENT

Modern Ukraine has de facto become the epicenter of the undeclared third world war, which Russian imperialism unleashed against the entire democratic world, because most of the countries of the European continent are largely involved in this war. In a certain way, the basis for the deployment of Russia's large-scale armed aggression on the territory of sovereign Ukraine was both the absolutely illegitimate principle of dividing the world into zones of political interests and spheres of influence between the main world geopolitical players, which is not enshrined in any UN legal document, and certain contradictions containing the United Nations, first of all, such as the right of the nation to self-determination and the principle of respecting the territorial integrity of the state.

These contradictions received their modern aggravation in 2008 as a result of the unilateral declaration of Kosovo's independence from

Serbia, when the principle of the nation's right to self-determination prevailed over the principle of respect for territorial integrity.

It is important to emphasize that the recognition by the overwhelming majority of international community of peoples countries of the separation of Kosovo from Serbia was regarded as “an extreme measure taken in connection with the exhaustion of all other ways to reconcile the Albanian people with the metropolis and preserve the state within its former borders.” Nevertheless, the Kosovo precedent actually gave a “start” to separatist movements not only in the post-Yugoslav and post-Soviet areas, but also in Western Europe – from Spain (Catalonia) to Great Britain (Scotland) [Lyuba 2018, 132]. Thus, Professor Jason Sorens, a well-known specialist in the study of the geography of secession conflicts, argues that “in modern conditions, the region with the most separatist potential is Eurasia” [Sorens 2016]. Since the Eurasian continent is of high geostrategic interest among the subjects of world politics, even small ethnic or religious local disagreements with external assistance and support can become global. This situation raises questions of regional security of the states of the Eurasian region as one of the key issues in determining their foreign policy [Gostichsheva 2019, 114].

It should be emphasized that it was the exhaustibility of all other possible ways of reconciliation between two ethnic and religious groups that are different in terms of value and culture – Albanians and Serbs, which became the reason for recognizing such an extreme form of self-determination as secession. However, despite this, the Kosovo precedent has launched a number of processes of applying double standards to violate international legal norms.

The biggest violator of the fundamental principles of the United Nations was Putin's Russia, which was one of the few countries that refused to recognize Kosovo as an independent state and at the same time politically referred to the Kosovo precedent in its imperial ambitions, using the forces of the regular army, unleashed a war first on Georgia, where army bayonets provided “declaration of independence” of Abkhazia and South Ossetia in 2009, and then in Ukraine, where the same “declaration of independence” was falsified by the same use of military force as an instrument of organizing a “nationwide referendum”, first by the Autonomous Republic of Crimea in 2014, and then by the so-called “DNR” and “LNR” in 2022.

Thus, there is an evident contradiction of international legal principles regarding the self-determination of peoples, national sovereignty, and the inviolability of the territorial integrity of states. According to the researcher from Kharkiv O. Lyuba, “the existence of these contradictory principles in the modern version is a favorable environment for the further fragmentation of independent states and the complication of the process

of conflict-free resolution of the crisis. The principle of equality and self-determination of peoples, which some states appeal to, justifying their actions and trying to legitimize them, can be viewed separately from other basic principles of international law, namely, non-interference in the affairs of a sovereign state, territorial integrity and inviolability of state borders” [Lyuba 2018, 132].

All of the above determines the relevance of the study of the essence and relationship of such leading principles of the UN as the principle of respect for the right of the nation to self-determination and the principle of the territorial integrity of the state in view of their blatant violation by the Putin regime of Russia in relation to Ukraine and the distorted interpretation by Russian political leaders and propaganda of the fundamental rights of the UN in justifying their imperial aggression.

## 2. ANALYSIS OF RECENT RESEARCH AND PUBLICATIONS

The state and problems of the right of nations to self-determination are actively covered both in foreign and Ukrainian expert and scientific discourse space. The topics of such publications are broad and multidisciplinary, they unfold within the framework of a number of modern scientific directions: law, public administration, national security, sociology and cultural studies. Such Ukrainian scientists as O. Dashkovska [Dashkovska 2016], N. Zaiats [Zayats 2015], K. Klymenko [Klymenko 2022], V. Kolisnyk [Kolisnyk 2001], I. Lossovskiy [Lossovskiy 2018], A. Luhovskiy [Luhovsky 2017], O. Liuba [Lyuba 2018], I. Rafalskiy [Rafalsky 2013], M. Rozumnyi [Rozumnyy 2016], O. Tarasov [Tarasov 2014], B. Chernikov [Chernikov 2017] are fruitfully working in this field; the publications of researchers I. Nurieva from Azerbaijan [Nurieva 2010], E. Gostishcheva from Kazakhstan [Gostichsheva 2019], and M. Koskenniemi from Finland [Koskenniemi 1994], whose research we will rely on in this scientific investigation, are worthy of attention.

The purpose of the research is to conduct a comparative analysis of the leading principles of the United Nations – respect for the right of the nation to self-determination and the territorial integrity of the state, their relationship, conditions of implementation, and peculiarities of compliance in the context of blatant violation by the Russian federation of both of these principles concerning Ukraine.

## 3. PRESENTATION OF THE MAIN RESEARCH MATERIAL

Historically, the idea of national self-determination in the world’s political thought appears together with the emergence and development

of the theory of natural human rights in the Enlightenment era. Hugo Grotius, John Locke, Jean-Jacques Rousseau, Thomas Paine, and other thinkers laid the foundations for the concept of human rights and the people as the only source of state power and bearer of state sovereignty. Based on these ideas, during the war for the independence of the North American colonies from Great Britain at the end of the 18th century, Thomas Jefferson proposed the principle of the nation's right to self-determination, which was enshrined in the US Declaration of Independence in 1776. An important point of this declaration was the establishment of the right of the people to change the form of government if the state does not have the opportunity to ensure the inviolable natural rights of a person, first of all, the right to life, freedom, and the pursuit of happiness.

In Europe, the first official document that declared the principle of the sovereignty of nations was the Constitution of the French Republic, adopted in 1789 during the Great French Revolution. Subsequently, this principle "in the course of its evolution turned into the principle of nationalities, which was interpreted as the right of European nations to create a sovereign national state" [Chernikov 2017, 708]. However, the direct formulation of the concept of "the right of a nation to self-determination" appears in the political and scientific discourse in the second half of the 19th century in the presentation of the Swiss jurist and politician, Professor of the University of Zurich I. Bluntschli (Johann Kaspar Bluntschli). The left-wing parties of Europe, which united into the Communist International, picked up this idea. The Comintern, which dreamed of socialist revolutions in Europe, saw in the principle of the nation's right to self-determination the legitimization of the right to revolt and revolutionary changes both in the state power itself and in the state system as a whole, including territorial division and territorial organization of power.

The First World War, in which continental empires (such as Austria-Hungary, for example) took part, in whose borders many peoples of Europe lived within their historical territorial boundaries, extremely exacerbated the issue of the nation's right to self-determination. At the Versailles Peace Conference in 1918, the then President of the United States of America, Thomas Woodrow Wilson, in opposition to Comintern radicalism, put forward a more moderate program for post-war settlement in Europe, called "Wilson's 14 points". This program envisaged the creation of a strong international organization – the League of Nations and the resolution of territorial disputes in Europe based on the idea that the main subject of power is the people, who have the full right to self-determination. In accordance with these principles, the division of the territory of Germany, its loss of all overseas colonies, the disintegration of Austria-Hungary into separate Austria and Hungary with the simultaneous withdrawal from its composition

and the restoration of independence/establishment of the statehood of Poland, Czechoslovakia, and the Kingdom of Serbs, Croats and Slovenes (from 1929 – Yugoslavia).

The end of the Second World War was marked by the creation of the UN and the establishment of the concept of human rights at the highest level, including one of these rights – the right to self-determination of peoples and nations, since “the right of peoples and nations to self-determination is a prerequisite for the enjoyment of all basic human rights.”<sup>1</sup> In particular, the Declaration on the Principles of International Law emphasizes that self-determination is the right of all peoples to freely determine their political status and to carry out their economic, social and cultural development without external interference, and every other state is obliged to respect this right.<sup>2</sup> As Ihor Rafalskyi notes, “The right of peoples to self-determination has been one of the fundamental principles not only of international law, but also of modern political practice for almost two centuries. After the adoption of the UN Charter, this principle turned from an exclusively political principle into a principle of positive international law. It was further developed in the International Covenant on Economic, Social and Cultural Rights (1966), the International Covenant on Civil and Political Rights (1966), the Covenants of 1966, the Declaration on the Principles of International Law of 1970, the documents of the Conference on issues of security and cooperation in Europe (1975), in the Vienna Declaration of 1986, in the documents of the Copenhagen meeting, the Conference on the Human Dimension of the OSCE in 1990, the resolutions of the UN General Assembly General realization of the right of peoples to self-determination (1994) and in other international legal acts” [Rafalsky 2013, 137].

In the interpretation of the United Nations, the principle of national self-determination is based on the idea of the community as a full-fledged subject, as well as the collective will of citizens as a source of sovereignty and the main basis for the implementation of one or another state policy. Self-determination is a principle according to which each community is free to organize its public and political life, decides on its own the principles of internal political organization, foreign policy orientations, etc. On the basis of this principle, every nation is recognized as having the right to form its own state or voluntarily enter into contractual relations with other nations [Rozumnyy 2016, 9].

---

<sup>1</sup> UN General Assembly Resolution 1514 (XV) of 14 December 1960, Declaration on granting independence to colonial countries and peoples, <https://www.ohchr.org/en/instruments-mechanisms/instruments/declaration-granting-independence-colonial-countries-and-peoples> [accessed: 27.05.2023].

<sup>2</sup> Declaration on the principles of international law, [http://zakon3.rada.gov.ua/laws/show/995\\_569](http://zakon3.rada.gov.ua/laws/show/995_569) [accessed: 27.05.2023].

At the same time, UN General Assembly Resolution 2625 (XXV) dated October 24, 1979 emphasized that “self-determination is not considered as a requirement for the creation of an independent state as a form of self-determination.” The realization of the right to self-determination can also take place in the form of free accession to an independent state or unification with it, autonomy within the existing borders of the state, in the form of establishing any other political status or in the form of the withdrawal of a certain people from the state (secession or irredentism). A federation option is also possible [Rafalsky 2013, 137].

Already here we can see the manifestation of a legal collision of a certain inconsistency between the right of a nation to self-determination and the right to the inviolability of the territorial integrity of the state. However, this formal conflict is clearly explained in various UN documents, for example, the Declaration on the Granting of Independence to Colonial Countries and Peoples clearly defines that “any attempt to completely or partially destroy the national unity and territorial integrity of the country is incompatible with the goals and principles of the UN Charter”. therefore, everyone must “respect the sovereign rights of all peoples and the territorial integrity of their states.”<sup>3</sup> Likewise, the Declaration on the Principles of International Law Concerning Friendly Relations and Cooperation in accordance with the UN Charter emphasizes that only indigenous peoples can be subjects of the right to self-determination at the level of the creation of one or another form of statehood. Self-determination within the territories of other nations is tantamount to violating their same right [Nurieva 2010, 263]. Therefore, the Charter of the UN clearly states that “indigenous people, depending on their number, have the specified right, and other groups of national minorities are not granted the right to self-determination in the form of secession.”<sup>4</sup>

As M. Koskenniemi notes, “In a modern state-organized society, the realization of the right to external political self-determination by a nation that has not yet created its statehood inevitably leads to a collision with the right to self-determination of any other nation. In fact, in this case, we are talking about the requirements of the national minority living compactly in a certain territory, which is connected with its formation as a nation in its original territory, historical homeland, that is, an autochthonous national community, secession – leaving the state within which it exists and creating

---

<sup>3</sup> Resolution of the Verkhovna Rada of Ukraine No. 2633-IX of 6 October 2022, Pro Zvernennya Verkhovnoyi Rady Ukrayiny do mizhnarodnoho spivtovarystva pro pidtrymku prava na samovyznachennya narodiv rosiys'koyi federatsiyi, <https://zakon.rada.gov.ua/laws/show/2633-20#Text> [accessed: 27.05.2023].

<sup>4</sup> The Charter of the United Nations and the Statute of the International Court of Justice, 1940. New York, 1946, <http://zakon2.rada.gov.ua/laws/show/995010> [accessed: 27.05.2023], p. 2.

its national statehood or accession to another already existing state with its consent. Such a claim always conflicts with the sovereignty and territorial integrity of the state from which it is expected to leave, and, accordingly, with the right to external political self-determination of the nation (of the nation-building people, a part of which is the national minority claiming secession), which has already implemented this right, having created this state” [Koskeniemi 1994, 260].

Let’s apply the above principles and international legal prescriptions of the UN to Ukraine. Our country is multi-ethnic with a clearly defined dominance of Ukrainians (their share in the total population is more than 77%), Russian diaspora scattered throughout the territory (as of 2001, there were just over 17% of them and in none of the regions did not constitute a formal majority of its residents) and numerous national minorities (Jews, Poles, Hungarians, Romanians, Germans, Crimean Tatars, Greeks, Karaites, etc.), whose number is less than one percent.

Consequently, the subject of any national self-determination in Ukraine is exclusively the Ukrainian people. The Russians, who sporadically settled Ukrainian lands after the annexation of Ukraine to Muscovy as a result of the Pereyaslav agreements, cannot be considered an indigenous people, moreover, they, as an ethnic group, have already received their self-determination within another state – Russia. Thus, Russians, in accordance with UN principles and international legal norms, have no right to any form of self-determination within Ukraine. Considering their small number, the indigenous peoples of the Ukrainian state, which include the Crimean Tatars (constituting 0.5% of the citizens of Ukraine), the Karaites (numbering just over 1 thousand people), the Krymchaks (there are less than 500 of them) have the right to national autonomy within the existing statehood, but by no means secession. In fact, all indigenous peoples, including the most numerous Crimean Tatars, have never claimed to secede from Ukraine, they are quite satisfied with the existing cultural and political autonomy. As Doctor of Law N. Zaiats notes, “recently, classical Western states prefer the form of national or cultural-political autonomy of regions. Such formations have existed for quite a long time in Finland, Denmark, Italy, and Spain” [Zayats 2015, 23].

Thus, according to the fundamental international legal norms described above, any “referendums” in any territories of Ukraine, including the Crimea, Donetsk, Luhansk, Zaporizhzhya, or Kherson regions, cannot be recognized as legitimate and cannot under any circumstances be considered a form of national self-determination. After all, Ukraine as a state is already a form of self-determination of the Ukrainian people, therefore the self-determination of any region of Ukraine by its nature is not national, but only territorial. So, theoretically, it is possible to assume that a certain

region of a certain country, in which the majority consists of representatives of the dominant state-forming ethnic group, for some political, economic or other reasons, would like to withdraw from its state entity. In this case, it will only be about an attempt at territorial self-determination, which is defined as regional separatism in the international legal context!

The issue of observing the principle of territorial integrity in connection with the annexation and occupation of part of Ukraine by the Russian Federation became particularly acute.

On October 5, 2022, four federal laws of the Russian Federation on the ratification of so-called “international treaties” recognized on October 2 by the Constitutional Court of the Russian Federation as conforming to the Constitution of the Russian Federation, and four federal constitutional laws of the Russian Federation on the illegal annexation of the Russian Federation were published on the Official Internet Portal of Legal Information of the Russian Federation part of the territory of Ukraine. In accordance with the provisions of these acts, “Donetsk People’s Republic”, “Luhansk People’s Republic”, “Zaporizka Oblast” and “Kherson Oblast” are accepted into the Russian Federation from September 30 as “subjects of the Russian Federation”, and their names are added to the list of relevant subjects in the part one of the article 65 of the Constitution of the Russian Federation.

Earlier, in March 2014, the “Republic of Crimea” and the “city of federal importance Sevastopol” were entered into the Constitution of the Russian Federation in the same way.<sup>5</sup>

However, according to the Constitution of Ukraine,<sup>6</sup> the sovereignty of Ukraine extends to its entire territory, and the territory of Ukraine within the existing border is integral and inviolable (parts one and three of Article 2). Since Ukraine is a unitary state (part two of Article 2), questions about changing the territory of Ukraine at the final stage are decided exclusively by an all-Ukrainian referendum (Article 73).

The sovereignty, territorial integrity and existing state border of Ukraine are recognized by all countries of the world in accordance with the UN Charter and are guaranteed by a number of bilateral and multilateral international treaties, to which the Russian Federation itself is a party, in particular, the Final Act of the Conference on Security and Cooperation in Europe (Helsinki Act) 1975 p., the Memorandum on Security Guarantees in Connection with Ukraine’s Accession to the Treaty on the Non-Proliferation

---

<sup>5</sup> Yurydychna otsinka aktiv RF shchodo protypravnoyi zminy terytoriyi Ukrayiny, <https://rpr.org.ua/news/yurydychna-otsinka-aktiv-rf-shchodo-protypravnoi-zminy-terytorii-ukrainy> [accessed: 27.05.2023].

<sup>6</sup> Final Act of the Conference on Security and Cooperation in Europe of 1 August 1975, [https://www.osce.org/files/f/documents/0/c/39505\\_1.pdf](https://www.osce.org/files/f/documents/0/c/39505_1.pdf) [accessed: 27.05.2023].



of Nuclear Weapons (Budapest Memorandum) of 1994, the Treaty between Ukraine and the Russian Federation on the Ukrainian-Russian State Border of 2003, etc.

On October 4, 2022, the President of Ukraine signed Decree No. 687/2022 “On the Nullity of Acts Violating the Sovereignty and Territorial Integrity of Ukraine” [Lossovskiy 2018], which recognizes the decrees of the President of the Russian Federation of March 17, 2014 No. 147, of February 21, 2022 No. 71, of February 21, 2022 No. 72, of September 29, 2022 No. 685, of September 29, 2022 No. 686 as null and void, i.e., as having no legal consequences.

The founding documents of the UN clearly deny the legality of any attempts at territorial self-determination, which will be recognized a priori as illegitimate. In the international law and political practice of developed states, there is a postulate according to which any form of national self-determination is possible only when the mother state gives its consent to a specific form of implementation of this principle. All national entities formed outside of this rule are illegitimate, they have no legal grounds for receiving international legal recognition from other states. Kharkiv lawyer O. Tarasov explained this issue well. Characterizing the institute of subjects of international law, he noted: “An illegitimate entity does not have any international rights and does not fulfill any international obligations. Moreover, unlike the mother state, it does not have the right to self-defense. At the same time, even exceeding boundaries necessary for the protection of state interests does not create consequences for the state in the form of the possibility of secession of part of its territory” [Tarasov 2014, 248-49].

As K. Klymenko emphasizes, the analysis of the relationship between the principles of the territorial integrity of states and the self-determination of peoples in international law provides all the grounds for the conclusion that “neither international law nor the legislation of Ukraine as a territorial sovereign provides for the right of part of the population of Ukraine to political secession; the subject of the title for the territory of Ukraine includes the entire people of Ukraine, who exercised their right to self-determination through the creation of the state of Ukraine, which is unquestionably recognized by the international community in general and the Russian Federation in particular” [Klymenko 2022, 449].

An important point in the context of our research is the fact that the Helsinki Agreements of 1975, which consolidated the agreement between European states on territorial issues, including the recognition of the principle of self-determination, at the same time insisted on the principle of territorial indivisibility and the recognition of existing borders. Likewise, the Declaration on the Principles of International Law, recognizing the right of nations to self-determination, at the same time emphasized

that “the territorial integrity and political independence of the state are inviolable.”<sup>7</sup> Therefore, if the state faithfully fulfills its international obligations and adheres to the specified document, it is completely inviolable and sovereign. In this context, any secession is impossible, provided that the state has a government that legally represents the entire population (elected according to the established procedure), and there are no signs of discrimination against national minorities in its actions [Luhovsky 2017, 243].

Both at the international level and at the level of many of the world’s most powerful countries, there is an unshakable political and legal position according to which the principle of territorial integrity is higher than the principle of national self-determination [Tarasov 2014, 709]. In particular, this is clearly stated by the leaders of China. Similarly, specifically in relation to the armed aggression of the Putin regime in Ukraine, it was stated that “Kazakhstan’s position regarding the territorial integrity of states, the rejection of any forms and manifestations of separatism remains constant, it is based on the fundamental principles of the UN regarding the preservation of the sovereignty and territorial integrity of states in their internationally recognized borders, finding peaceful ways to resolve disputed issues” [Chernikov 2017, 115].

According to V. Kolisnyk, “national self-determination, if without speculation, does not directly contradict the principle of territorial integrity of the state. This principle is a principle of interstate relations, and the right to self-determination is realized not in interstate relations, but in the process of internal development of a multinational state. Implementation of the right of peoples (nations) for self-determination definitely contains a certain threat to the territorial integrity of the state, but this threat becomes the greater, the more real, the less this state is inclined to respect human rights, the rights of every people living on this territory” [Kolisnyk 2001, 38]. An indisputable fact follows from such positions: in Ukraine there are no subjects, factors or grounds for any national self-determination in the form of secession, since “the principle of the right to equality and self-determination of peoples does not provide for secession as a mandatory form of self-determination; on the contrary, the right to secession is expressly limited to special cases, which include decolonization, the struggle against occupation and the racist regime, while the priority during the exercise of the right to self-determination is given to the territorial integrity of the state. And here it is obvious that the population of neither the Autonomous Republic of Crimea, nor certain regions of the Donetsk or Luhansk regions meet the criteria of colonial, oppressed or repressed peoples. It also cannot be argued that they were denied real access to the authorities of Ukraine for the implementation

---

<sup>7</sup> Declaration on the principles of international law.

of their political, economic, cultural and social development, especially given the representation of the ‘Donetsk guys’ in the Ukrainian authorities of the times of Yanukovych” [Klymenko 2022, 448].

In modern Russia, which declares and pursues a tough imperial policy, in particular, constantly violates fundamental human rights, discriminates against numerous national minorities, there are such subjects of national self-determination in the form of secession and grounds! Such grounds are indicated in the Appeal of the Verkhovna Rada of Ukraine to the international community on supporting the right to self-determination of the peoples of the Russian Federation: “implementing its aggressive imperialist policy, Russia has been committing genocide of enslaved peoples for centuries, ignoring the principle of equal rights and self-determination of peoples, grossly violating the rights of indigenous peoples, belonging to national minorities, even while conducting a war of conquest against Ukraine, the Russian authorities are carrying out genocide of the peoples of the Russian Federation, in particular, using the mobilization announced by it for this.”<sup>8</sup> Under such conditions, in accordance with international law and the founding documents of the UN, in particular the Declaration on the Granting Independence to Colonial Countries and Peoples, the indigenous peoples of the Russian Federation have a legal right to self-determination, including through secession! That is why the Verkhovna Rada of Ukraine: 1) supports the inherent right of the peoples of the Russian Federation to self-determination in accordance with the UN Charter, generally recognized norms and principles of international law; 2) appeals to the United Nations, the European Parliament, the Parliamentary Assembly of the Council of Europe, the NATO Parliamentary Assembly, the OSCE Parliamentary Assembly, the GUAM Parliamentary Assembly, and the national parliaments of the countries of the world with a call for consistent support for the peoples of the Russian Federation in realizing their right to self-determination and strengthening comprehensive support of Ukraine for its victory in the Russian-Ukrainian war with further de-imperialization of the Russian Federation and decolonization of the peoples that are annexed and kept within it.<sup>9</sup>

Appealing to the fictitious right of the mythical “people of Donbas” (has anyone ever heard of the special “people of Donbas”) in justifying his military aggression in Ukraine, the Russian dictator directly violates his own Constitution and the conclusion of the Constitutional Court of the Russian Federation, which stated that “state integrity is an important condition of equal legal status of all citizens regardless of their place of residence, one

---

<sup>8</sup> Resolution of the Verkhovna Rada of Ukraine No. 2633-IX of 6 October 2022.

<sup>9</sup> Ibid.

of the guarantees of their constitutional rights and freedoms.” Regarding the relationship between the territorial integrity of the state and the right of peoples to self-determination, the Constitutional Court of the Russian Federation noted that the Russian legislation in this matter is consistent with the norms of international law, according to which “the exercise of the right to self-determination” should not be interpreted as sanctioning or encouraging any actions that would lead to the dismemberment or complete violation of the territorial integrity or political unity of sovereign and independent states acting in accordance with the principle of equality and self-determination of peoples. “In other words, the Constitutional Court of the Russian Federation unequivocally stated that the right of the people to self-determination should not violate territorial integrity of the state” [Klymenko 2022, 107].

Therefore, the Russian Federation grossly violates all possible international political and legal principles and guidelines, as well as its own constitution, trying to impose Putin’s doctrine of “limited sovereignty” on Ukraine and the whole world, which directly denies the right of nations to self-determination and territorial integrity. According to this doctrine, “post-Soviet countries are effectively deprived of their right to real sovereignty, since they are granted only ‘limited sovereignty’ that does not conflict with Russia’s vital interests. These ‘conceptual arguments’ justify the ‘legitimacy’ of the Russian Federation’s aggression in Ukraine and attempts to annex Crimea, 2008 intervention in Georgia” [Lossovskiy 2018, 26].

## CONCLUSIONS

Thus, the comparative analysis of the leading principles of the United Nations – respect for the right of a nation to self-determination and the territorial integrity of a state, their correlation, conditions for implementation and features of compliance allows us to conclude that the fundamental international legal framework for relations between states provides for respect for the right of nations to self-determination, including self-selection of their geopolitical landmarks, the right to the inviolability of territorial integrity, and this right is higher than the right of national self-determination (with the exception of colonized countries and countries in which the rights of national minorities are systematically and grossly violated).

Self-determination of a nation, according to M. Rozumny, is a complex and contradictory process, which includes: a) actualization of the subject, his will to exist and readiness for transformations; b) an adequate perception of the historical challenge as a unique set of threats and opportunities that create a situation of cardinal choice; c) the invention of one’s own innovative adaptation model, which provides for the implementation

of a basic civilizational algorithm, supplemented by one's own unique experience and creativity" [Rozumnyy 2016, 20]. Thus, the right to self-determination implies not only and not so much the creation of one's own statehood or autonomous government within another state (for small-numbered peoples), but also the natural right to independent use of full national sovereignty. Sovereignty, as another of the fundamental "pillars" of the United Nations and a key principle of the entire international legal order, implies the free choice by the people of the ways and goals of their own development, the prospects for integration with any other state or international entities. The UN directly denies any attempt by external geopolitical actors to interfere in the sovereign choice of any country.

Ukraine, like any other state, has the full right to choose its further path of civilizational development, joining or withdrawing from any defense alliance – this is its natural sovereign right to self-determination, and all other countries must respect this right. As you can see, not all states are ready for this.

The Putin regime, having unleashed a bloody war in Ukraine, is thereby trying to change the world political and legal order, challenging the UN and all of humanity, de facto denying the guiding principles of international relations enshrined in the Helsinki Final Act of the CSCE ("The participating States will respect the territorial integrity of each of the participating States, they will accordingly refrain from any action inconsistent with the purposes and principles of the UN Charter against the territorial integrity, political independence or unity of any participating State. The participating States will respect the equality and the right of peoples to decide their own destiny, constantly acting in accordance with the purposes and principles of the UN Charter and the relevant norms of international law, taking into account those relating to the territorial integrity of states"<sup>10</sup>), and the Declaration on Respect for the Sovereignty, Territorial Integrity and Inviolability of the Borders of the CIS Member States "Building their relations as friendly, the states will refrain from military, political, economic or any other form of pressure, including blockade, as well as support and use of separatism against the territorial integrity and inviolability, as well as the political independence of any of the Commonwealth member states, [...] the seizure of territory with the use of force cannot be recognized, and the occupation of the territory of states cannot be used for international recognition or the imposition of a change in its legal status"<sup>11</sup>).

---

<sup>10</sup> Final Act of the Conference on Security and Cooperation in Europe of 1 August 1975.

<sup>11</sup> Deklaratsiya pro dotrymannya suverenitetu, terytorial'noyi tselisnosti ta nedotorkannosti kordoniv derzhav-uchasnyts' SND (2006), Official Gazette of Ukraine. November 1, No. 42. p. 261. Art. 2859, [http://zakon2.rada.gov.ua/laws/show/997\\_480](http://zakon2.rada.gov.ua/laws/show/997_480) [accessed: 27.05.2023].

## REFERENCES

- Chernikov, Bohdan. 2017. "Pravo narodu na samovyznachennya yak pryntsyf mizhnarodnoho prava." *Molodyy vchenyy – A young scientist* 10 (50):708-11.
- Dashkovska, Elena. 2016. "Pravo natsiyi na samovyznachennya yak osoblyva forma oposeredkuvannya svobody." *Naukovyy visnyk Uzhhorods'koho Natsional'noho Universytetu. Seriya "Pravo" – Scientific Bulletin of the Uzhhorod National University. "Law" series* 41, no. 1:11-14.
- Gostichsheva, Y. V. 2019. "Implementation of the right of nations and peoples to self-determination as one of the challenges of ensuring international peace and security." *КҰҒЫҚ КҰҒЫҚ ЖӘНЕ МЕМЛЕКЕТ – Law and the state* 1 (82):111-23.
- Klymenko, Cyryl. 2022. "Spivvidnoshennya pryntsyfiv terytorial'noyi tsilisnosti derzhav i samovyznachennya narodiv u mizhnarodnomu pravi." *Naukovyy visnyk Uzhhorods'koho Natsional'noho Universytetu. Seriya "Pravo" – Scientific Bulletin of the Uzhhorod National University. "Law" series* 69:444-50.
- Kolisnyk, Wiktor. 2001. "Natsional'nyy suverenitet ta pravo natsiyi na samovyznachennya." *Visnyk Akademiyi pravovykh nauk Ukrainy – Bulletin of the Academy of Legal Sciences of Ukraine* 1 (24):33-39.
- Koskenniemi, Martti. 1994. "National self-determination today: Problems of legal theory and practice." *International and comparative law quarterly* 43, no. 2:247-65.
- Lossovskiy, Igor. 2018. "Zovnishn'opolitychna stratehiya Rosiyi shchodo krayin postradyans'koho prostoru yak realizatsiya novoyi 'Doktryny obmezhenoho suverenitetu.'" *Stratehichna panorama – Strategic panorama* 2:19-30.
- Luhovsky, A. D. 2017. "Pravo narodiv (natsiy) na samovyznachennya ta nemozhlyvist' yoho realizatsiyi." *Naukovyy visnyk publichnoho ta pryvatnoho prava – Scientific bulletin of public and private law* 5 (1):238-48.
- Lyuba, Elena. 2018. "Pryntsyfy mizhnarodnoho prava ta yikh rol' u vrehulyuvanni konfliktiv u Kosovo ta Krymu." *Visnyk KHNU imeni V. N. Karazina, seriya «Pytannya politolohiyi» – Bulletin of V.N. Karazin KhNU, series "Questions of Political Science* 33:131-37.
- Nurieva, I. 2010. "Urovni kategorii 'pravo natsiy na samoopredeleniye.'" *Sistema tsenno-stey sovremennogo obshchestva – Value system of modern society*, 262-67.
- Rafalsky, Igor. 2013. "Sub'yekty prava natsiyi na samovyznachennya." *Naukovi zapysky [Instytutu politychnykh i etnonatsional'nykh doslidzhen' im. I. F. Kurasa]* 4:136-46.
- Rozumnyy, Maksym. 2016. *Vyklyky natsional'noho samovyznachennya*. Kyiv: NIDS.
- Sorens, Jason. 2016. "Family or death: how nations choose their destiny." <http://old.inliberty.ru/blog/2284-Rodina-ili-smert-kak-narody-vybirayut-svoyu-sudbu> [accessed: 23.05.2023].
- Tarasov, Oleg. 2014. *Sub'yekt mizhnarodnoho prava: problemy suchasnoyi teorii*. Kharkiv: Pravo.
- Zayats, Natali. 2015. "Pravo natsiyi na samovyznachennya ta hlobalizatsiya." *Pravo ta suspil'stvo – Law and society* 4:19-24.