

TO BE OR TO BECOME: THE RIGHT OF PEOPLES TO SELF-DETERMINATION AND THE FUTURE OF EUROPE

БУТИ ЧИ СТАТИ: ПРАВО НАРОДІВ НА САМОВИЗНАЧЕННЯ ТА МАЙБУТНЄ ЄВРОПИ

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Актуальність дослідження права народів на самовизначення зумовлена насамперед тим, що, незважаючи на вільну, легітимну та повну реалізацію права на самовизначення народами, які проживали в 15 республіках Радянського Союзу, військові конфлікти в Південній Осетії, Абхазії та Придністровській Молдавській Республіці, а також триваюча війна в Україні показали, що все ще існує потреба у переоцінці ролі та значення міжнародно-правових механізмів для реалізації права народів на самовизначення. Особливе занепокоєння викликає можливість створення в сучасних міжнародних реаліях прецеденту насильницького захоплення територій суверенних і незалежних держав, прикриваючи злочинні наміри правом народу на самовизначення. Автор розглядає право народу на самовизначення та маніпуляції цим правом переважно на прикладі справи про агресію Російської Федерації проти України, проте аналізуються й інші випадки, що мали місце в міжнародно-правових відносинах. Питання, що стосуються сфери міжнародного права, охоплюють кілька основних аспектів. Важливо, що виникає запутана ситуація, пов'язана зі складним балансом, який необхідно знайти між невід'ємним правом на самовизначення та наполегливою необхідністю зберегти цілісність територіальних кордонів. Більше того, необхідним є з'ясування тонких нюансів, які оточують термін «народи» в контексті самовизначення. Це спонукає до ретельного дослідження взаємодії та злиття термінів «народи» та «нації» в конкретному контексті, який розглядається. Питання конституційного права окреслюють інший запит: насамперед, розуміння поняття «український народ» у зв'язку з правом на самовизначення; і по-друге, дослідження симбіотичних взаємозв'язків, що лежать в основі понять «народи», «населення» та складної сфери «політичного громадянського суспільства» в цій аналітичній структурі. Водночас виникає особлива грань, що стосується виключної винятковості громадянства, закріпленої в законодавстві України. Автор дійшов висновку, що в сучасній ситуації в Україні важливий момент часу, тобто всі питання слід розглядати після відновлення кордонів України у 1991 році. Це означало б відновлення кордонів України, які колись були визнані Росією у грудні 1991 р. Врахування будь-яких результатів референдумів, які проводилися з 2013 р., створило б незаконний прецедент реалізації права на самовизначення.

Ключові слова: право народів на самовизначення, міжнародно-правові норми, народ, нація, громадянські та політичні права, суб'єкт права на самовизначення.

The relevance of the study of the right of peoples to self-determination is due primarily to the fact that, despite the free, legitimate and full realization of the right to self-determination by the peoples who lived in 15 republics of the Soviet Union, military conflicts in South Ossetia, Abkhazia and the Transnistrian Moldavian Republic, as well as the ongoing war in Ukraine was shown that there is still a need to reassess the role and importance of international legal mechanisms for realizing the right of peoples to self-determination. Of particular concern is the possibility of creating a precedent in modern international realities of violent seizure of the territories of sovereign and independent states, covering criminal intentions with the right of the people to self-determination. The author examines the people's right to self-determination and the manipulation of this right mainly on the example of the case of the aggression of the Russian Federation against Ukraine, but other cases that took place in international legal relations are also analyzed. Issues related to the field of international law cover several main aspects. Importantly, a complex situation arises, involving a difficult balance that must be struck between the inherent right to self-determination and the pressing need to preserve the integrity of territorial boundaries. Moreover, it is necessary to clarify the subtle nuances that surround the term "nations" in the context of self-determination. This prompts a careful study of the interaction and fusion of the terms "peoples" and "nations" in the particular context under consideration. Questions of constitutional law outline another question: first of all, the understanding of the concept of "Ukrainian people" in connection with the right to self-determination; and second, an exploration of the symbiotic relationships underlying the concepts of "nations", "population", and the complex realm of "political civil society" within this analytical framework. At the same time, there is a special edge that concerns the exceptional exclusivity of citizenship, enshrined in the legislation of Ukraine. The author came to the conclusion that in the current situation in Ukraine, the moment of time is important, that is, all issues should be considered after the restoration of Ukraine's borders in 1991. This would mean restoring Ukraine's borders, which were once recognized by Russia in December 1991. Taking into account any results of referendums held since 2013 would create an illegal precedent for the exercise of the right to self-determination.

Key words: the right of peoples to self-determination, international legal norms, people, nation, civil and political rights, the subject of the right to self-determination.

Again war. Again sufferings, necessary to nobody, utterly uncalled for; again fraud; again, the universal stupefaction and brutalization of men... Something is taking place which should not, cannot be; one longs to believe that it is a dream and to awake from it. But no, it is not a dream, it is a dreadful reality!
(“Bethink yourselves” Tolstoy’s letter on the Russo-Japanese War, 1904)

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There are many compelling reasons why it is necessary to analyse the legal rules governing the right to self-determination and to develop possible mechanisms for the implementation of such a right and the prevention of manipulation of it. After the collapse of the Soviet Union, the socialist republics became independent sovereign states, but rather formally

than practically. The military conflicts in South Ossetia, Abkhazia, and the Pridnestrovian Moldavian Republic, as well as the ongoing war in Ukraine, have shown that there is still a necessity of reassessment of the role and importance of international political institutions, mechanisms for implementing the rules of international law.

The Right to Self-Determination

The right of peoples to self-determination is mentioned in the Charter of the United Nations (UN Charter), as well as in the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights. In addition, the right of peoples to self-determination is contained in the Declaration on the Granting of Independence to Colonial Countries and Peoples [1] and the Declara-

tion on Principles of International Law Concerning Friendly Relations and Cooperation among States [2] in accordance with the 1970 Charter of the United Nations. According to the Part 2 Article 1 of the Chapter I of the UN Charter the Purposes of the United Nations are also to develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and to take other appropriate measures to strengthen universal peace [3].

In 1976 entered into force two main documents: the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. This Covenant on Civil and Political Rights was adopted by the United Nations General Assembly on 16 December 1966 and entered into force on 23 March 1976. According to the Part 1 Article 1 International Covenant on Civil and Political Rights: "All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development" [4]. It should be noted that Part 1 of Article 1 of the International Covenant on Economic, Social and Cultural Rights [5] is similar in content to the Part 1 Article 1 International Covenant on Civil and Political Rights. Attention should be paid to the peculiarity of the right to self-determination, which is placed first and refers not to the rights of a specific person, but to the rights of the people as a collective, a certain specific group of people, which is endowed with special features, which will be discussed further.

Given that international norms establish the right to self-determination as a principle, a certain abstraction and do not provide for a specific mechanism for the realization of this right, there is no single concept of understanding this right in international legal science either. David Miller in his book, which has the title – "Is Self-Determination a Dangerous Illusion?" points out that self-determination is not just a dangerous illusion. This is something we can and should all strive to be a part of. But we must be realistic about the conditions under which true self-determination is possible (not a fake version manipulated by elites) [6, p. 116].

J. Crawford wrote that "the principle of self-determination defined by the UN does not grant an unlimited right to secession to the population living on the territory of any independent and sovereign state, and such a right cannot be considered a provision of *lex lata*... the right to secession, which is supported or encouraged by a foreign state, contradicts the principle of respect for territorial integrity, on which the principle of equality of states is based" [7]. According to the scientist, this indicates that international law does not grant an unlimited right to secession of citizens living in the relevant territory of a certain state, since such a right is guaranteed only by the national constitutional law of the respective state. In this regard, it is said that "the principle of self-determination of peoples should primarily serve the unification of peoples on a voluntary and democratic basis, and not fragment existing national entities, promoting separatism and endangering national unity and territorial integrity of sovereign states". That is, the right to self-determination can be realised only peacefully.

At the same time, it follows from these UN resolutions that the right to self-determination can be guaranteed only by classical methods of democracy, in particular, the organization of free elections. In fact, there is no other way to perfectly determine the will of the people. Furthermore, it is significant that in all the United Nations debates, no country has ever raised a principled objection to the postulate of peoples' self-determination; the only question that was the subject of discussion was to know what level of development a population group must reach in order to claim the exercise of the right to self-determination for the purpose of forming an independent state [8, p. 10].

Therefore, in the political science and practice of international relations, there is an obvious contradiction between the declared right of peoples to self-determination and the prin-

ciple of inviolability of borders, which is based on the right of the state to protect its sovereignty and territorial integrity. A universal solution to this conflict has not yet been found, therefore, in each individual case, the international community must take into account unique circumstances and factors in order to be able to distinguish true self-determination from self-determination that serves to cover the act of violented secession.

The Relevance of 'Time point' in Enforcement of the Right to Self-Determination

The relevance of the "time point" in ensuring the right to self-determination is the main criterion, in my opinion, when understanding the difference between the realization of the right to self-determination on legal grounds and manipulation, when the realization of such a right occurs after a violent invasion of the territory of a sovereign and independent state, the killing of a part the population of such a state, concealing the criminal intent to seize foreign territory with the motivation of protecting the rights of national minorities who wish to exercise their right to self-determination.

On July 16, 1990, the Verkhovna Rada of the Ukrainian Soviet Socialist Republic adopted the Declaration of State Sovereignty of Ukraine (Declaration), which defined the foundations of the state, political, and economic system and emphasised the independence and sovereignty of Ukraine. The Declaration proclaimed the state sovereignty of Ukraine as supremacy, independence, integrity, and indivisibility of the Republic's authority within the boundaries of its territory, and its independence and equality in foreign relations [9]. On August 24, 1991, the Verkhovna Rada of the Ukrainian Soviet Socialist Republic adopted the Act of Proclamation of Ukraine's Independence. This Act proclaimed the independence of Ukraine and the creation of an independent Ukrainian state – Ukraine. It should be noted that the word "proclamation" is used in the text of the Act, although in fact the independence of Ukraine (Ukrainian People's Republic) was proclaimed as early as January 22, 1918 by the Fourth Universal of the Central Rada. The Fourth Universal adopted on 25 January 1918 by the revolutionary parliament of Ukraine, the Central Rada, contained the following solemn and memorable words: "From this day forth, the Ukrainian People's Republic becomes independent, subject to no one, a free, sovereign state of the Ukrainian people" [10].

On December 1, 1991, an All-Ukrainian referendum was held to confirm the Act of Proclamation of Independence of Ukraine.

In addition, the laws adopted by the Verkhovna Rada had an important principle and practical importance for the development of Ukraine's statehood and the legalization of its status as an independent state: the Law "On Legal Succession of Ukraine" [11], the Agreement "On Legal Succession Regarding Foreign Debt and Assets of the Union of the SSR" [12], the Law "On Citizenship of Ukraine" [13], the Law "On the State Border of Ukraine" [14] and others.

Article 1 of the Law "On the State Border of Ukraine" determined that the state border of Ukraine is a line and a vertical surface passing along this line, which define the boundaries of the territory of Ukraine – land, water, subsoil, air space. Russia recognised Ukraine in its borders in December 1991.

However, at the same time, as of the morning of September 22 Russian Foreign Minister Lavrov said: "Donetsk, Luhansk, Zaporizhzhya and Kherson oblasts can receive the right to self-determination in accordance with the UN Charter, (in turn) Moscow respectfully submits to the choice of the (specified) residents" obtained in referendums. After processing 100% of the ballots, according to preliminary data, in the Zaporozhye region, 93.11% of citizens voted for the region to become part of Russia, in the Kherson region – 87.05%, in the LPR – 98.42%, in the DPR – 99.23%" [15].

On the one hand, such a situation can quite naturally be interpreted as manipulation and as such, which does not

require additional arguments in favor of interpreting it as such. After all, there is no excuse for Russia's aggressive war against Ukraine, and the very discussion of the legality of any referendum after February 24, 2022, is absurd.

In the literature, mass media, on various internet platforms, there were or are some discussions about where the referendum was/wasn't legitimate, whether people living in these regions want to live in a separate republic or become citizens of Russia. In my view, the question that arises here is not "who wants what", or what means have already been used to realize the so-called right to self-determination, but rather when this right is to be claimed and the previous mechanisms, which must be developed for the realization of this right.

After all, Russia recognized Ukraine as a sovereign and independent state, and the referendum was held in a forcibly occupied territory, where there was no question of a legitimate expression of the right to self-determination. But such manipulation is not accidental, but has deep roots. Let us turn at least to the understanding of the right to self-determination in Russia in certain historical periods.

The Essence of Self-Determination from the Communist Perspective

The right to self-determination as an idea, principle and/or institution of international law is associated with "the idealist" Woodrow Wilson and the realist Vladimir I. Lenin [16, p. 18]. It is indeed the end of the Cold War that has given new life to the Wilsonian conviction [17, P. 420]. However, Lenin gave the right to self-determination the ideological content that the Soviet system needed for its expansionist policy.

At one time, Stalin formulated the priority of the interests of the world revolution over the national interests of individual ethnic groups as follows: "The nation has the right to return even to its former state; but this does not mean that socialist democracy will subscribe to such a decision of such and such an institution of a given nation. The duties of social democracy, which protects the interests of the proletariat, and the rights of a nation, which consists of different classes, are two different things" (Stalin, Works, Vol. II, p. 284, East Berlin 1950) [18, p. 14–15].

"We must understand that in addition to the right of peoples to self-determination, there is also the right of the working class to strengthen its power, and the right to self-determination is subordinate to this right. Therefore, there are cases when the right to self-determination conflicts with a higher right, the right of the working class to strengthen its power. In such cases – it must be said frankly – the right to self-determination should not stand in the way of the realization of the right of the working class to its dictatorship. The first must give way to the second." (Conclusion of the report on national elements in party-state construction, delivered at the XII Congress of the Russian Communist Party [B] on April 23, 1923, in: Stalin, Works, T.V.S. 232, Stuttgart 1952) [18, p. 14–15].

The communist concept of the right to self-determination is based on the theory of the so-called "freedom of secession." Such a theory, in the case of its correct application, was supposed to lead to the "victory of socialism on a world scale", that is, to the establishment of the world domination of communism. The theory of "freedom of secession" is closely related to the theory of "expediency of secession", as the latter is necessary as a safeguard against "abuse of the right to self-determination". Abuse of the right to self-determination was considered the use of this right contrary to the interests of the world communist movement.

Next, the criterion of "objective conditions of the given situation" should be mentioned; it is from this criterion, which is adapted to different political conditions and socio-logical structure, that various forms of realization of the right to self-determination are derived, for example, in the cases of Afghanistan, Kenya, Indonesia and Germany. And finally, the subject of the right to self-determination, the so-called criterion of the "guardian of the right to self-determination",

which recognizes only the working class, the proletariat, that is, in practice, the communist parties as their vanguard [19, p. 11–12].

Further, the idea of a right to self-determination was already distorted in the Brezhnev Doctrine of 1968. The Brezhnev Doctrine of 1968 argued that the Soviet Union had the right to use force to preserve already existing communist governments. This approach became the ideological rationale for the military intervention of the Warsaw Pact countries led by the USSR in Czechoslovakia in August 1968.

Scientists of the past years have already noticed that the Soviet state has always been predatory and imperialist since its inception. The subjugation of many peoples and the systematic plundering of their material and cultural goods distinguished "the Russian-communist empire, which began its existence with Lenin's slogan: "The booty that was looted!" [20, p. 51].

In the development of the research topic, I would like to add the prophetic words of the Ukrainian scientist Vasyl Fedoronchuk, which are so "modern", even though they were written in the 50s: "So, the Ukrainian problem is one of the main problems of Eastern Europe and appears as an international problem. Ukrainian patriots put forward and support the thesis of the need to divide the great "prison of nations", which is the Russian-Bolshevik empire, into independent national states. This is the only way to stop and eliminate expansionism, which is one of the main causes of wars. And a free and independent Ukraine cannot but see itself in the interests of European and world peace and an effective world order based on law and freedom" [21, p. 37].

The above quote clearly illustrates the inaccuracy of the position of Istvan Bibo, who considers the collapse of the Soviet Union as a non-conflict positive example of the realization of the right of peoples to self-determination. He writes that "...using the example of the Soviet Union is not as easy as many people think. This country is extremely useful as an example for teaching national tolerance and structural solutions, but this does not mean that the problems of Central and Eastern Europe are identical to the problems of the Soviet Union. Something completely different happened in the Soviet Union. Here was a historically developed empire, the Russian Empire, which, although it did not unite its ethnic minorities until 1917, looked back on a long history of national unification. This empire was irrevocably united by a huge and traumatic series of events, the Socialist Revolution and the Patriotic War. This single nation readily and unhesitatingly grants complete linguistic and political autonomy to its member nations and fragment nations, even granting them the right to secede, as the British Empire treats members of its own dominions. I cannot agree with Istvan Bibo, who sees a positive example in the realization of the right of peoples to self-determination on the example of the Soviet Union. He writes that "...using the example of the Soviet Union is not quite as simple as many people would think. That country is eminently useful as an example to teach national toleration and structural solutions, but this does not mean that the problems of Central and Eastern Europe are identical with those of the Soviet Union. Something entirely different occurred in the Soviet Union" [22, p. 66–67]. We will remind the author of the following example. On March 11, 1990, Lithuania was the first of the Soviet republics to declare independence. However, the Soviet government harshly responded to Lithuania's declaration of independence and issued an ultimatum: give up independence or face the consequences. The Soviet Union was not bluffing. In January 1991, the Soviet authorities launched a larger-scale military operation against Lithuania.

In addition, Istvan Bibo wrote that "Here was a historically developed empire, that of the Russians, which, even though it did not weld its ethnic minorities together by 1917, looked back at a long history of national unification. This empire was irreversibly unified by a tremendous and traumatic

series of events, the socialist revolution, and the patriotic war. This single nation easily and without hesitation grants complete linguistic and political autonomy to its member-nations and nation-fragments, even granting them the right to secede, similar to the way the British Empire treats members of its own dominion" [22, p. 66–67]. Regarding the provision of full linguistic and political autonomy in the Soviet Union to its member nations and fragmented nations, we will give the following example. During the Soviet Union, the Soviet government tried to demolish the identity of nations and tried to create a new Soviet citizen with new "Soviet culture". After the collapse of the Soviet Union, "Soviet" culture did not disappear. The main language of Soviet Union – Russian – was still used in all post-Soviet republics. Already in independent Ukraine, people continued to consume Russian content and used Russian as their first language. The project of creating a new Soviet citizen turned out to be quite successful. During the so-called Soviet period and even after the declaration of independence by the former republics, in the "period of independence", some citizens, when asked by a foreigner from which country they came, jokingly answered that they were from the USSR. For example, if someone asked a representative of the older generation: "Are you from Ukraine, Russia, Kazakhstan, etc.?", the answer could be "I am from the Soviet Union." During Soviet times, Soviet propaganda tried in every possible way to destroy national identity. Let's recall at least the words of a famous song: "My address is neither a house nor a street. My address is the Soviet Union."

Moscow has always pursued a genocidal policy towards Ukraine, destroying the Ukrainian people with artificial famines, deportations and mass murders. These were crimes that were carried out systematically and according to diabolical plans. And the forced and mass resettlement of the Ukrainian population to Kazakhstan and Siberia was another real crime of genocide! [20, pp. 51–53].

In order to provide additional arguments in favor of our point of view, we will focus on the case of the implementation of the right to self-determination by the former republics of the Soviet Union.

The Case of the Former Soviet Socialist Republics (USSR)

On December 30, 1922, the Union of Soviet Socialist Republics appeared on the world map. The Declaration on the Formation of the USSR was approved by the First Congress of Soviets of the USSR. The document secured the unification of the RSFSR with the Ukrainian and Byelorussian SSRs, as well as the Transcaucasian SFSR. List of Union Republics of the USSR included: Azerbaijan SSR, Armenian SSR, Belarussian SSR, Georgian SSR, Kazakh SSR, Kirghiz SSR, Latvian SSR, Lithuanian SSR, Moldavian SSR, RSFSR, Tajik SSR, Turkmen SSR, Uzbek SSR, Ukrainian SSR, Estonian SSR.

"We, the Republic of Belarus, the Russian Federation, Ukraine, as the founding states of the Union of the Soviet Socialist Republics that signed the Union Treaty of 1922, hereinafter referred to as the High Contracting Parties, state that the Union of the Soviet Socialist Republics as a subject of international law and a geopolitical reality ceases to exist".

In accordance with Article 1 of the Constitution (Fundamental Law) of the Ukrainian Soviet Socialist Republic, 1937, (Constitution 1937) the Ukrainian Soviet Socialist Republic is a socialist state of workers and peasants. In Chapter II, "the State Organization" of the Constitution 1937, special attention should be paid to articles 13 and 14.

In accordance with Article 13 of the Constitution 1937, with the aim of mutual assistance by the Union republics in the economic and political fields, as well as in the field of defence, the Ukrainian Soviet Socialist Republic voluntarily united with other equal Soviet Socialist Republics: Russian Soviet Federative Socialist Republic, Belarus Soviet Socialist Republic, Uzbek Soviet Socialist Republic, Kazakh Soviet Social-

ist Republic, Georgian Soviet Socialist Republic, Azerbaijan Soviet Socialist Republic, Lithuanian Soviet Socialist Republic, Moldavian Soviet Socialist Republic, Latvian Soviet Socialist Republic, Kyrgyz Soviet Socialist Republic, Tajik Socialist Republic, Armenian Soviet Socialist Republic, Turkmen Soviet Socialist Republic, Estonian Soviet Socialist Republic into a union state – Union of Soviet Socialist Republics.

In addition, according to Article 14 of the Constitution 1937, the Ukrainian Soviet Socialist Republic reserves the right to withdraw from the Union of Soviet Socialist Republics.

In accordance with Article 1 of the Constitution of Ukrainian Soviet Socialist Republic, 1978 Ukraine is a nationwide state that expresses the will and interests of workers, peasants and intelligentsia, workers republics of all nationalities.

The former 1977 Constitution of the Union of Soviet Socialist Republics contained a direct reference to the right to secession. Article 70 of the Constitution of the USSR provided: "Each Federal Republic retains the right to freely withdraw from the USSR."

In the early 1990s, all the Union republics adopted declarations of state sovereignty. The Bialowieza Agreements, signed by the leaders of Belarus, Russia and Ukraine on December 8, 1991, ended the existence of the USSR. On the eve of its 69th anniversary, the USSR officially ceased to exist.

Constitutional Law: Shaping the Mechanisms of Self-Determination

In the new conditions, the definition of the subject's right to self-determination moves into the semantic plane. Who should be seen as the people now: a nation, an ethnic group, a national minority, the population of the entire country or part of its territory? Neither the UN Charter, nor the Declaration on the Principles of International Law, nor other documents dealing with the right to self-determination define the term "peoples". But, as evidenced by the difficult experience of Yugoslavia, the Soviet Union, and now Ukraine, the solution to this problem is far from semantic.

The Constitution of Ukraine achieves due clarity in the legal definition of the concept of the Ukrainian people. The Ukrainian people, as a fundamental category of the constitutional law of Ukraine, means the totality of all citizens of Ukraine of all nationalities.

The Ukrainian people is a collection of citizens of various nationalities (including indigenous peoples and national minorities), which has all the power on the territory of the republic. The formation of the Ukrainian people (which turns from an ethnographic concept into a political category) should take place in such a way that every person feels free, equal, and protected, and this will be the optimal model for building an open civil society. The subject of the right to self-determination should be declared not the nation that gave the country its name, but its people as a whole, that is, not the ethnic community, but the political civil society.

The explanation should be sought in the fact that such concepts as "people" and "nation" do not and cannot have a clear legal content. Sometimes the term people was understood in a narrow sense, identifying it with the nation. The term "ethnos" has become widespread and is sometimes considered as a synonym for the nation, although a broader interpretation of it is also possible. There is a point of view according to which ethnos is a natural community of people, only correlating with social patterns, and also directly opposite to this point of view, referring ethnos to social organisms. ethnos, like language, is "not a social phenomenon, because it is characteristic of all formations." In any case, it cannot be considered a synonym for the nation. Since the principle of self-determination has never been considered applicable to ethnic groups, it makes no sense to delve into disputes regarding the content of this concept.

Conclusion. Matters pertaining to the realm of international law encompass several noteworthy aspects. Significantly, a perplexing situation arises involving the intricate balance that

must be struck between the inherent right to self-determination, and the compelling necessity to preserve the integrity of territorial confines. Moreover, an elaborate examination ensues with regard to the subtle nuances that surround the term "peoples" in the context of self-determination. This prompts a rigorous investigation into the interplay and coalescence of the term's "peoples" and "nations" within the specific contextual framework under consideration. Matters of constitutional law delineate a different inquiry: foremost, an understanding of the concept "Ukrainian people" in relation to the right to self-determination; and secondarily, an exploration into the symbiotic interrelationship underpinning the notions of "peoples," "population," and the complex domain of the "political civil society" within this analytical framework. Concomitantly, a distinct facet emerges pertaining to the exclusive singularity of citizenship, as enshrined within the legislation of Ukraine. At the same time,

the only possible claim for the right of people to self-determination in the current situation of Ukraine may be considered after the restoration of the borders of Ukraine of 1991. That would mean restoring the borders of Ukraine that once were recognised by Russia in December 1991. Taking into consideration any results of the referendums that have been held since 2013 would create an illegal precedent of realisation of the right to self-determination. Thus, this would make sense, even taking into account that some of Crimeans (or even the majority of them) tend to have anti-Ukrainian sentiments and recognise themselves as citizens of Russia. And last but not least this approach would require the development of clear mechanisms, formalised in the relevant institutional norms, which would act as a guarantor of the national integrity of the state and the full realisation of the right to self-determination of its people.

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