

# The Antagonistic Contradiction between the Principles of “Self-Determination” and “Territorial Integrity”: The UN Logical Deadlock

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**ABSTRACT:** This theoretical and applied sociological research is devoted to an extremely complex and important problem that is increasingly faced by both multinational countries and federations, and the world community. This problem is the *correlation* of the principles of "*self-determination*" and "*territorial integrity*" in the modern world, caused by the growing relevance of the systemic changes in state and international legal systems. The *immediate object* of applied sociological research is the six-year-old civil war in the south-east of Ukraine, the Donbas, and to some extent - the "Transdnistria." In political journalism and in the scientific literature, the reasons and internal motivation, the driving forces of the secession self-determination, in the vast majority of cases receive an *inadequate, distorted politicized picture* of what is really happening there. The *general object* of this study is the phenomenon of national self-determination as an integral part of the cultural, economic and political life of the present multi-subject social organism. The *subject* of the research are the causes of the getting momentum centrifugal tendencies, activating from a "sleeping state" in the Eastern and Western Ukrainian regions, as well as in a number of other multi-subject political and economic entities (states and unrecognized "independent" territories). The isomorphic phenomena take place in a number of other regions of the world (North America - Canada, Europe - Spain, Serbia, Great Britain, Russia, Asia – India, Sri Lanka). The purpose of this study is to create an optimal derivative model of these processes for the purposes of foreseeing and the efficient positive "prophylactics" of the forthcoming political conflicts of future.

**KEYWORDS:** self-determination, territorial integrity, failing state, the Donbas, Transdnistria, conflicts, Transcarpathian region, centrifugal tendencies, generative parse tree model, multinational (or socially heterogeneous) state, "ethnic" memory, minority memory, historical memory, ethnic/social self-awareness, human rights, *opinio juris*

## Introduction

This is an interdisciplinary study using historical, sociological, political, psychological and legal approaches. It seems to be of particular practical value due to the consideration and interpretation of some "secessionist" self-determination movements and de-facto - political realities in their early stages of development, as it was happening *long before* the outbreak of armed conflict, in the south-east of Ukraine and in the area of the so-called Transdnistria. The first is *the immediate object* of our applied sociological, political science analysis - the Novorossia conflict.

Our pilot study of the application of the principle of "*self-determination*" and its relationship with the principle of "*territorial integrity*", both in regards to the field of the general theory of international law and the political practice of their application in different countries and on different continents, strengthened our assumption that both the general theory of these principles and their political application are currently dominated by *ambiguity, chaos, and voluntarism*, which are a source of current and future regional armed conflicts.

We were and remain categorically in disagreement with those who, back in May, 2014, at a meeting of the Academia Socrates International Socio-Political Discussion Club, argued that "*the number of future military conflicts will decrease*," the point of view voiced by Dr. Belfer, the acting Dean of the International Faculty of the Metropolitan University of Prague. We insisted that this forecast was untenable because the material, spiritual, economic prerequisites for the new conflicts and the "awakening" of the "sleeping" old ones with their transformation into the active ones on the basis of the desire of the subjects of a state for self-determination will not be eliminated in the observable future.

The political practice of the United Nations and its members has strengthened our intention to clarify both the general theory of international law and international practice and encourage the international community to rethink approaches to this phenomenon. Moreover, even the initial elementary logical juxtaposition of the semantic and political content of the above-mentioned principles indicates that they are *multilevel* and *initially opposite*.

We suggested that the results of a theoretical study of the semantic content of these principles, and, above all, the “self-determination principle”, and conclusions made on the basis of an applied study of the conflict and their compliance with the results of a theoretical study, both in historical dynamics and in statics will confirm the hypothesis that the above concepts are *diverse, mutually exclusive* and *antagonistic*, and the modern practice of their application is a source of regional, often developing into direct or hidden, bloody international conflicts, for the most part, in the form of *proxy wars*, depriving common people – the constituents of a state of their *basic human right* – the *right to life*. It also seemed to us extremely important to clarify the dynamics of the semantic content of the concept of “self-determination” in synchrony and diachrony, from the moment of its first manifestation to the current time in order to determine its relevance to political practice corresponding to a given period.

We were interested in the potential roots, sources and driving forces of the dormant conflict in a “multinational / multi-subject” state, as well as the triggers activating and developing the conflict into open armed confrontation along the lines of “ethnos” / “federal / ethnically multi-subject” state” or “territorial constituent of federal” state” / “state”.

We set the task of identifying “internal” and “external” *impulses* and *catalysts* of processes in which a potential conflict between the above-mentioned entities and the state deserts its “sleeping” state, activates relatively slowly or quickly and leads to an open political confrontation that turns into an armed conflict, usually initiated by the state, preoccupied with maintaining its territorial status quo and impede of the falling obsolete socio-economic and political order.

The results of such a comparison, in our view, could contribute to the formation of optimal generative parse tree models of the development of centrifugal trends in a multinational or socially structurally heterogeneous “federal Unitarian” state, which unites the individual subjects of the socio-economic communities burdened by dependence on the federal center, especially in the context of financial exploitation by the “Unitarian” center. Being aware of the models of the development of a possible conflict between the “federal center” and socio-political constituents would theoretically help to correct the internal policy of the “center” in the direction of granting more political autonomy to its constituents as “pre-emptive” measures to “discharge” the evolving contradiction.

The creation of optimally complete models of the development of the political situation in the event of a contradiction between the constituents and the unilateral “federal” state would enable the international community to notice the contradiction in time. It will also allow it to use the levers of international law to influence the “federal” state seeking to suppress centrifugal tendencies in their constituents through violence.

Verification of the practical consistency of the developed models is supposed to be carried out through their superposition primarily on the above-identified regional conflict – Donbas, as well as on the situations in Galicia, the western Ukraine, and in the Transcarpathian region, where the above the “centrifugal” tendencies have already come out of sleep status.

Checking the “operability” of the developed models could be carried out by superimposing them on other regions of the world, such as, say, Pacific coastal regions of “USA / Canada: British Columbia, Washington, Oregon, California (and, possibly, coastal Pacific states of Mexico), Canada / Quebec, Turkey, Iran, Iraq, Azerbaijan / Kurdistan, Sri Lanka, etc. Of particular interest in Europe is the situation in the Baltic republics with a large society of the Russian-speaking population, primarily in Latvia and Estonia, where the conflict is in a “pre-awakening” state.

It would be extremely useful to develop the multivariate socio-political models of the tendencies of the development of the political situation in the countries of Western and Northern Europe, as a result of a qualitative demographic leap towards an increase in the population with a lifestyle characteristic of African and North African natives, whose culture is based on Islam. It is

clear that the governments of Germany, France, Spain, in an attempt to neutralize the negative economic consequences of "aging" of their populations do not see further "unintended" social consequences of their political decisions. Or do not care. But they obviously do not have in their arsenal the futuristic socio-political and demographic evolutionary models of the consequences of decision-making in the arsenal of the political thinking. If there are any, then they are not made public because of the fears to provoke a protest a civic unrest. Neither has the UN as the international institution. Alas, political players controlled by "special interest" groups do not bother trying to predict the upcoming demographic and socio-economic consequences of their decisions or heed to the warning of sociologists. Instead, they behaved and continue to behave on the principle, "*Après le deluge, nous*".

History repeats itself ... This was the case with the physical extermination of the indigenous inhabitants of North America in an effort to cleanse the vast territories for subsequent settlement by immigrants from Europe. This was also the case with the legalization of the slave trade and exploitation of slave labor for the personal enrichment, which the "fathers of the nation" did not disdain. The present-day socio-economic backwardness of Africa, poverty of its population, caused by the destruction of two relatively advanced civilizations in the past, trans-national exploitation and corruption – in present times, a depressing criminal situation in the cities of America, – all this is a "demographic echo" of the "inheritance" of the Past, fraught with the present and future centrifugal movements, based on racial, ethnic, religious and political factors. Historically irresponsible political decisions of those who stood at the helm of the power in Holland, Portugal, Spain, England, and the USA are to be blamed for the present-day ongoing and unfolding "unintended consequences".

An additional applied goal of this study was to create, on the basis of empirical data, *generative parse tree models* for the development of the conflict and to verify their consistency by superimposing them one or another region – the above-mentioned regional conflict in the Ukrainian southeast (Donbas/Kiev), as well as the situation in western Ukraine (Galicia/Kiev) and in the Transcarpathian region, where the above mentioned conflicts have already got out from a "sleeping" state. Despite a significant array of theoretical and applied research in the field of conflicts focused on the desire of subjects to self-determination, almost all of them consider only this or that side of the phenomenon, in general philosophical, legal or applied sociological aspects, some trying to find a scapegoat among the leaders of the centrifugal movements or blaming the foreign powers' destructive involvement. They do not create an integrated interdisciplinary concept of "*self-determination*" and its relationship to "*territorial integrity*" since they do not single out or ignore the *original, objective causes* of the centrifugal drives of the constituents of a "federal" state. The proper scientific attitude to the problem would not only provide the adequate knowledge of what really is happening (or going to happen) in socially heterogeneous societies. They should not be exclusively a subject to the theoretical consideration of the pair "territorial integrity" vs. "self-determination" cut off from objective realities of the internal evolution of human's aspirations in History, serving the interests of a failing state – this is "a road to nowhere" and more spilled blood. The contemporary word needs non-bias theoretical conclusions that could be effectively applied to a political mentality of the subjects of a state and international law – state federations and supranational institutions.

We believe that the problem has not been solved at the theoretical level and our study will serve as a significant contribution to the formation of an adequate picture of the dialectics of evolving of conflicts caused by "the motors of human evolution" (Ronen 1979, xii) as well as those that are only ripening and the corresponding political decisions both at the national and international levels.

### **Theoretical and Applied Sources of the Concept of "Self-Determination" in the Historical Retrospect**

An analysis of the special socio-political and historical literature on the problem, despite the absence of a single concept, as well as a single understanding of the phenomenon, made it possible to assert that the desire for *self-determination* is an integral kind of unconscious element of a human being. It is like, so to speak, "a gene" of the socio-political human genotype, embedded in a certain social

context locus, the expression of which, under certain conditions, mobilizes previously dormant, but increasingly “destructive”, but at the same time, *creative* energy. In a social organism, like a biological one, a critical accumulation of “hormones” occurs, leading to an “explosion” that practically changes its entire “biology”. The same process inevitably happens in a social organism. The desire for “self-determination” as expressed by Doy Ronen (1979, 6), is “in the womb of the history”.

Over the course of time, from the most ancient to the present, there have been dozens, if not hundreds of thousands of examples of the rebellion of *‘the dependent and oppressed’* against the current system of economic, national and political exploitation. History also shows that there are multiplicities of reasons provoking a protest that develops and becomes exacerbated as a social conflict, although they are based on the same thing: the subject’s of history – a man – final awareness of *injustice* of national or social oppression by the state and his out coming inevitable active protest.

It is generally accepted that as a philosophical and political-sociological category, the concept of “self-determination” was declared only during the French Revolution, which first put forward the thesis of doctrine of popular sovereignty as a conscious value category that entered the treasury of human civilization as a standard for the relationship of states, peoples, ethnic and other socio-economic groups. Paradoxically, the “American War of Independence” of the United States from the British Crown happened not under the slogan of “self-determination” and was not a result of the “inner” mass protests of the population of the English North American colonies; it was rather more the result of a successful manipulation of the public consciousness by “special interest” groups.

The French revolution, the policy of Emperor Bonaparte Napoleon “released the genie,” which, despite all efforts, the ruling classes have failed to drive back into the bottle. Centuries passed; the forms of organization and political actors changed, but the roots and driving forces that prompted the masses, who realized the real causes of their oppression – the failing state, which, in fact, exhausted its limits on renewal and development – to change their economic and, therefore, political status of its constituents in relation to the state, remained and remain the same.

It seems to us, however, that the role of the French Revolution is somewhat exaggerated. Issues of inequality and oppression, in fact, worried philosophical minds from the time of ancient history. The meaning of the term *“self-determination”* is synonymous with the terms *“freedom”*, *“independence”*, and the concept behind them has been the subject of close study and debate since ancient philosophy. We can verify this by returning to the Confucian notion of “personal freedom” in terms of “choosing, *“ze”*, and *“ze shan,”* “choosing’ and choosing the good”.

A similar pair is *“yin”* and *“yang,”* an interaction of the duality of two opposite, complementary, interdependent forces making a “whole”, balancing together, we encounter in Dao philosophy. Interaction between *“yin”* and *“yang”* is dynamic and changes with time. When the balance is broken, the entity disappears. Attempts to comprehend the position of man “in the world of people” can be traced in ancient Greek and ancient Indian philosophical thought.

### **Essence of the Concept of “Self-Determination”**

What is happening on our planet, both at the tectonic level and in the field of social relations and their components is a destruction of the above-described temporary stability of a politic unite, consisting of the opposite pair and represents the next disintegration of the once stable super-system and the formation of a new order along the line of *“ethnos”/“federal” ethnically and socially multi-subject state* or *“territorial constituent” / “federal (Unilateral) state”*.

The current multinational (or socially heterogeneous) states did not develop naturally, but as a result of different factors such as the use or threat of use of force, the seizing or redistribution of territories, results of various wars and treaties, or voluntary administrative decision. At a certain stage of economic and socio-political development self-awareness of *“us”* vs. *“them”*, as well as comprehension of unnatural character of existence within a unilateral and heterogeneous state, the awareness of the ability of economic independence and mobility is awakened in the constituents.

Extremely significant is the *stability and strength of the historical* including “ethnic”, *memory* of the minority, either related to lost independence or to a higher level of past economic prosperity. These are the facilitators of drives towards “gaining freedom” and extermination of “exploitation” and “oppression” of “us” by “them” intensifies. In the eyes of the minority (or *exploited majority*, like that was in Iraq before the American invasion) that “oppression” can be seen as the exploitation of natural resources on the territory of a given constituent, in the “unfair” distribution (if any) of federal profits and investments, and in a significant gap in personal income between the state-forming people and the ethnic minority (exploited majority).

A serious factor that plays, in some cases, a decisive role in the awakening, activation, and radicalization of centrifugal tendencies are the religious differences of the constituent. The oppression of religious minorities by a heterogeneous state or the use of religious self-identity to incite religious hatred by both internal and external “agents” in the interests of the constituents’ elites has been wildly used. Use of these incentives by “the external political players” – states or special interest’ groups being in the opposition to the state experiencing political misbalance and turbulence – and interested in its weakening or even decay is a known historical fact.

The language policy of the multi-ethnic state towards the ethnic minority/minorities is critical. Language is a means of historical memory, awareness of self-identification and expression of *ethnic exclusivity*. Under certain conditions, the open or hidden policy of the center to impose the language of a state-forming nation on a minority can become a factor of awakening ethnic self-awareness. It can become a catalyst for increasing of the constituent’s/constituents’ awareness of its/their “peculiarity” or “exclusivity”. Any tough attempt to hurt this language exclusivity of a constituent rapidly increases its (their!) will to gain “freedom” and can become a “detonator” to transform the conflict into the extreme forms of “conflict resolution”. In some cases an armed conflict, initiated by a heterogeneous state, may transform into an international one, escalated by the indirect intervention of “the third player” (a “proxy war”). The open or hidden intervention of “external” forces interested in weakening or even disintegration of a rival state, awkwardly camouflaged with the slogans of “humanity” and human liberties only aggravates *the conflict* and in the observable present and future does not “defuse” it. In most of such cases it makes things worse because a constituent starts to see a failing state and its state-forming people as “the conductor of the interests of the “foreign” powers.

The collapse of the socio-economic structure is often associated with the natural aging of the prevailing state machine and regime, which has exhausted the limit of managing its economy, politics objectively or subjectively *incapable of renewal*. It enters into irreconcilable conflict with the constituent social/ethnic groups and territories.

The history and practice of political science and legal thought, as well as terminological science, does not know a precedent similar to what we observe in the dynamics of the semantic development of the term “self-determination”. It claims to reflect the rather complex and contradictory phenomenon of the functioning, development (including a degradation) of existing arrangement of the social fabric of the state and the entire world order, most often at the stage, or entering the decay phase.

The concept of “*self-determination*”, which is similar to the concept of “*freedom*” of the subjects of History, introduced into the sphere of “human rights” less than three centuries ago, and later into international law, was the result of an awareness of *individuals* aggregated into big social groups of the political need for a more or less adequate correlation between the needs of an individual and a state in the new socio-economic and political reality.

Due to a number of circumstances, both objective and subjective, this concept throughout this historical time, and especially in the last fifty years, has been subjected to repeated revision, reinterpretation, and suppression or even deliberate attempts to substitute the initial meaning behind it by internal or special interest groups and subjects of international law. As a result we run into the state of “controlled chaos” in notions – the voluntaristic deduction of their initial value. That obscures the underlying process of disintegration of an aging and weakening failing state and *the natural right* of the “oppressed” constituent to a “greater freedom” (or “*complete freedom*”) in some cases.

This allows us to argue that in this part of empirical knowledge the conceptual apparatus of political science and legal science remains *disordered*. It is very similar to the situation observed in the field of ancient philosophical terminology when representatives of different philosophical schools of ancient Greece “hoarsely” argued with each other, not realizing that the same realities and phenomena of being were there behind differently used terms. This could not but affect both the speed of the formation of new scientific knowledge and the success of comprehending the dramatic events experienced by ancient societies in the nascent philosophical schools of Ancient Hellas in the 4th century B.C. as well as the applied use of the results of philosophical interpretation.

The analysis of political science theory and practice compels, unfortunately, to conclude that the term “*self-determination*” is largely “*unlucky*,” since both in diachrony and in synchrony, since there is a very definite disorder in the interpretation of the concept behind it, both in political and even legal theory and practice. Chaotic, voluntaristic, and sometimes even frankly deliberate distortion of the initial meaning by certain political “players” of international law *emasculates* the essence of the political processes with corresponding aggravating consequences.

Correction, update of filling one or another empirical or theoretical concept with the additional or even a new content or returning it to the *original* one is a *normal* process. But it is *abnormal* to use a concept with outdated or false content that does not correspond to the present realities while evaluating and developing attitudes toward a new objective process, the seeds of which were laid in the distant or less distant past. It is a “bad science” and political practice to ignore *obviously the same* pair of “*ze*”, and “*ze shan*”, the realization under certain conditions the right to “*take greater freedom*” by the subject of History.

In a large social group of individuals with common homogeneous characteristics (nation, people, supranational associations and, finally, territorial and ethnic entities), the awareness of the antagonistic pair “ethnos” – “multiethnic state” awakens. It awakens the dozing of once crushed desire for freedom from national (social) oppression, the disputes of which were originally laid down during the formation of a heterogeneous state. United by a common desire for “greater freedom”, burdened by a waning state, incapable of renewing the structure of socio-economic and political relations, subjects of state law, who have become aware of themselves as “*us*” and “*them*,” come into the social activity. Protests build up and rebellion against the existing “world order”, supported by certain special interest’ groups or subjects of international law, unfold.

An initially heterogeneously distinctive social group (or that has become such in the course of historical development) for the time is a “law-abiding” constituent of the relatively socially balanced community. Moreover, even with a partial suppression of historical (including ethnic) memory on the level of group psychology, these relatively small entities *simultaneously associate* themselves with larger state aggregations. For instance, the inhabitants of Catalonia used to also associate themselves with the Spanish nation or with the state. Residents of Sri Lanka – the Tamils – also formally associated themselves with the state of Sri Lanka. Russian-speaking populations of Donbas simultaneously associated themselves with the interethnic Soviet Union and the Ukraine (no longer! – AF) and Russia. Meanwhile adherence to a particular initial (“ethnic” or “political”) group or region *was never deemed*, a position which is unreasonably denied by some researchers of the process of self-determination and politicians.

Against the backdrop of more or less drastic economic and political developments in the “failing” state (changes in the budget rule, economic stagnation, falling living standards, growing imbalances in the social division of material wealth, victory of ultra-right or ultra-left forces, ultra-nationalist forces, coup d’état or revolution) with subsequent significant changes in areas of economics, culture or politics that infringe on the interests of the mono-ethnic or territorial heterogeneous constituents an impulse for a new “state order” (world order) evolves in the public consciousness.

The chronic inability of the state to renew its social fabric, no longer responding to the aspirations of the minority (or suppressed majority) constituents, more and more relying on policy of harassment and repression, strengthen and catalyze the drives for an increasing degree of self-determination among the constituent individuals (the population of economic and administrative

regions). The whole fabric of the society mobilizes sometimes acquiring extreme forms of confrontation (like the armed confrontation imposed on constituents by the “failing” state). People united by a common desire for self-determination take up arms, ready for self-sacrifice, and die not because, as it is fashionable to say today, they are by nature “saboteurs”, “terrorists”, “separatists” or “militants,” but because the failing state *is incapable* of renewing its political substance.

The special interest groups are trying in every possible way to hide the fact that the struggle for self-determination is a new manifestation of the initial, natural human being’s *right for freedom*, which is indoctrinated in the international law.

The eagerness of a failing state by any available means to preserve the old state/social model that came into conflict with the new realities and the unwillingness of the rebellious entities to tolerate it are the *sources of the insolubility* of the ripening conflict, ready to develop into a direct force, armed confrontation.

Illustrative in this sense is the process of Lithuania's restoration of its independence, which, like the other Baltic republics, it lost as a result of the Munich agreement. When all means of a peaceful resolution of the matured and aggravated conflict with the government of the Soviet Union were exhausted, one of the members of the Lithuanian parliament said:

*“At first we demanded from Moscow the status of an independent member of the federation – we were refused. After we began to demand recognition of the status of Lithuania as a confederate state, we were refused. Now we demand complete independence and secession from the USSR!”* The rest is history.

The struggle for self-determination is based on *the right of a human being* to self-determination, which, as we said, is enshrined in international law. Alas, everything is different in real international political life. The reference to this right is activated by special interest groups in some cases and completely ignored in others.

To begin with, external chaos, complete disorder and inconsistency (“double standards” policy) of the Realpolitik entities in their practice of international relations partially root in logical contradictions in the sphere of the modern international legal field.

The UN declaration of the principle of the right of peoples to self-determination, up to the secession and formation of nation-states, seems to be extremely “vague”. In some cases it is applied to regional ethnic communities, in others – ethnic entities with *no* territory assigned to it or regional territorial state’s constituents. The internal content and practice of its application are objectively outdated since they do not include *regional territorial entities* of non-ethnic type, with *an ethnically mixed* population, where, due to historical circumstances, the constituents were unwillingly tied to multiethnic state formations where the political power was concentrated in the hands of the state-forming people.

Centrifugal tendencies in these regional entities are a problem for the states today, both formally homogeneous and heterogeneous, and this tendency in the world will get strength. Apparently, the introduction into the political vocabulary of *the concept of “population of a certain territory”* is more correct than the traditional “citizens.”

In international law, there is a regulated leapfrog in practice by applying the principle of *jus cogens*, borrowed at the beginning of the 20th century. The theory and practice of international law borrowed this principle from the Roman law, where it meant that *the established legal rules cannot be exempt*. In present daily life, this is the basic constitutional principle of both the homogeneous and heterogeneous “balanced” states and considered by many scholars and international “players” as the integrate part of the international law. It is this norm that is applied by the international community in proclaiming the principle of “territorial integrity” – a practice that turns it not into universal, but commonly recognized principle.

This interpretation and controversial and selective practice of its application by the international community causes a lot of objections from experts, *including* the author of the paper. Logically, it is *extremely untenable* to operate with this principle and to apply it while *simultaneously declaring* that the people have the right to “self-determination”.

Within the framework of international law and among U.N. members, there is a selective and voluntarist interpretation of the *jus cogens* principle (the binding and inviolability of what states have decided it is) as *an absolute* in connection to the self-determination aspirations of the constituents.

In the legal sense, there is logical contradiction between the universality of the “*human rights*” principle enshrined in Art. 53 of the Vienna Convention on the Law of Treaties and *jus cogens*. The number of conflicts associated with the desire for self-determination in varying degrees of their development, in different forms of their manifestation, and a steadily growing number of state constituents gravitating towards self-determination, clearly indicate that *this norm does not correspond* to the realities of today.

Of particular danger is the *psychological* and *political* orientation of the constituents of the UN, as well as of the entire international institution, to routinely use *jus cogens* when considering issues of self-determination and turning it, as we mentioned, into a so-called *non-universal*, but *routinely accepted* by all (or almost all) ‘*instant*’ *customary law*.

The concept of “*territorial integrity*” and “*inviolability of borders*” laid down in the constitution of the vast majority of countries allows the existing state regimes to apply it at any time to suppress the desire of ethnic or other constituents constituting the state for “*greater freedom*”, against the background of psychological support from the state-forming people.

It is hardly worth it to say that the application of this principle *in tandem* with the principle of recognition of the right of peoples to self-determination is *logical, legal* and *political nonsense*. The author acknowledges there must be the indestructible norms that ensure stability and well-being of the citizens in the foundation of a state, regardless of whether it is of a class, mono- or multiethnic nature or tends to become a new type of statehood with a high “*sufficient*” level of distribution of freedom among the constituents and the ordinary population (Norway, Sweden, Switzerland, Liechtenstein, Germany, Great Britain),

At the same time, we draw attention to the fact that any social fabric of a state is in constant development (where we also include *degradation*), in which historically accumulate natural, both “*stabilizing*” and “*destabilizing*” from the point of view of the existing regime, factors. As we have already indicated above, the balance of interests in the ethnically or socially heterogeneous structure eliminates the possibility of awakening of the spores of the centrifugal tendencies in a heterogeneous state. We also know well that, even in at first glance economically developed countries of a mono-ethnic type, there is a traditional division into the “*North*” and the “*South*” with their inherent disparity between the level of welfare of constituents (Italy, Kazakhstan). A relatively similar problem of conflict between the economically more and less developed regions exists in the “*multi-ethnic states*” like Italy, Spain, Belgium, Canada, Great Britain, and Russia).

It is for this reason that we must recognize that adherence to the *jus cogens* principle should be maintained as *relative* and historically *transient*. Any attempt to apply it to a structure that has historically gone beyond the boundaries of the outdated socio-economic “*balanced*” integration model will inevitably lead (and, unfortunately, leads!) to uncontrollable conflict moving fast to the point of the final phase of its resolution, often in the form of the open, force confrontation.

Historical analysis shows that when the state’s constituents do not strive for “*complete freedom*”, that is, complete independence, they do not raise the question of secession. However, in the case of severe rigid suppression by the state, the subjects of a state law radicalize and display the ultimate intention of complete secession and formation of an independent state. Bearing in mind the fact that the observed multiplication and acceleration of the tendencies toward self-determination, the unrestricted application by states of the *jus cogens* principle *in the absence of a universally built new hierarchy of principles* leads to an increase in internal and external armed conflicts, in growth of regional and international tension. It carries a high risk of an unprovoked new world war with a mathematically precise outcome by analysts: the *extermination of the human race* as a result of a number of subsequent entropic processes, in particular, the “*Ollie effect*”.

A particularly alarming factor is that against the background of socio-economic and politically developing, modernizing or changing entities of international law, the United Nations, as a political union of subjects of international law, *remains a conservative structure*, focused on the application of

the *jus cogens* principle in its original meaning (inviolability of international laws or inviolability of state laws), *regardless* of the changing characteristics of the subject of law. In the last twenty years, the situation has dramatically deteriorated, as the practice of selective and voluntarist application of this principle or recognition of the right of an ethnic community to independent existence, camouflaged by the principle of “Realpolitik” becomes the customary one.

Once again, life points to the truth of the statement that “*All new is well overlooked old.*” Apologetics for resolving domestic and foreign policy issues on the basis of *practical, rather than moral and ethical considerations*, permeated all eight books of The History of the Peloponnesian War by the ancient Greek historian of the 5th century B.C. Thucydides, although some other Greek philosophers expressed the similar attitude to conflict resolution.

At the turn of the modern era, the philosophical world was “shocked” by the great Italian thinker Niccolo Machiavelli (1998, 61), who made the declaration that it appeared to him “more fitting to go directly to the effectual truth of the thing than to the imagination of it” and expressed and defended the opportunistic and vicious at that time idea that *application of brutal force is a normal, necessary and unavoidable* political instrument, though contradicting the moralistic and idealistic dreams of Plato and Aristotle about a creating of an “ideal state” with a code of norms and laws that would ensure *justice and human happiness*.

We believe that the true detrimental effect of the Machiavelli system of views on contemporary political morality has remained seriously underestimated.

We believe that the true destructive effect of the Machiavelli system of views on contemporary political morality has remained seriously underestimated and we would like to dwell on the analysis of its system of views in more detail, since, as we see, it has most detrimental effect on the subsequent formation of a general philosophical, political and legal theory state, and determining the place of man in it. It continues to be a source of contemporary political stereotypes of thinking when making decisions regarding the centrifugal drives of the individuals and their aggregations, both by subjects of state law – governments, and, to our regret, the international community represented by the UN today, which are both regarding individual constituents, and the entire Russian-speaking population of Donbas, act in full accordance with Machiavelli’s quote that “Here there is great justice: “for war is just whom it is necessary, and arms are pious when there is no hope but in arms” (Machiavelli 1998, 103). This quote emphasizes “necessity” rather than “justice”

Stability of a state in theory was raised by Machiavelli “to the absolute.” The phenomenon of the *natural historical degradation of a state* he does not consider *in principle*.

He insists that “...when princes have thoughts more of amenities than of arms, they have lost their states. And the first cause that make you lose it is the neglect of this art; and the cause that enables you to acquire it is to be a professional in this art” (Machiavelli 1998, 58). Describing the authorities committed by Septimius Severus’s son Antoninus [Caracalla], who “...had put to death a great part of the people of Rome and all the people of Alexandria” he comes to conclusion that “deaths such as these, which follow from the decision of an obstinate spirit, *cannot be avoided* (!!!) by princes because anyone who does not care about death (of a prince – A.F.) can hurt him...” (Machiavelli 1998, 79).

He also mentored that “For a man who wants to make a profession of good in all regards must come to ruin among so many who are not good. Hence it is necessary for a prince, if he wants to maintain himself, to learn to be able not to be good, and to use this and not use it according to necessity” (Machiavelli 1998, 61). In Chapter XVII – “Of Cruelty and Mercy, and Whether It Is Better to Be Loved Than Feared, or the Contrary” he states that “A prince therefore, so as to keep his subjects united and faithful, should not care about infamy of cruelty; because with very few examples he will be more merciful than those who for the sake of too much mercy allow disorders to continue, from which come killings or robberies; for these customarily hurt a whole community, but the executions that come from the prince hurt one particular person” (Machiavelli 1998, 65-66).

Niccolo Machiavelli’s philosophical heritage shows his deep contempt for human beings’ life and, frankly speaking, has all the features of misanthropy. That can be proved with his words that “For one can say this generally of men: that they are ungrateful, fickle, pretenders and dissemblers,

evaders of danger, eager for gain. While you do them good, they are yours, offering you their blood, property, lives, and children... when the need for them is far away; but when it is close to you, they revolt" (Machiavelli 1998, 66).

In a historical excursus, analyzing, in particular, the state activities of such a tyrant as Cesar, he concludes that "César now found himself sufficiently powerful and partly secured from immediate dangers by having armed himself in his own way and having largely crushed those forces around him that could injure him." constituting a new "now how" for politicians," aiming either to establish and retain control of a new state or to seize and control an existing one. Summing up, he writes that "When all the actions of Cesare are considered, I cannot criticize him, but rather it appears, as I have said, that I ought to hold him up as a model for all those who, by the fortune or the power of others, are placed in power".

The final "point" in philosophical interpretation of Realpolitik was put by a person who is far enough from philosophy - Otto von Bismarck, known for his saying that "*Not by speeches or majority decisions will the great questions of the day be answered but by IRON and BLOOD*".

The problems of today's UN are not limited to the sharp and irresolvable in the existing format logical contradiction between the principles of "*self-determination*" and "*territorial integrity*". The UN "sits on an "old suitcase with a torn handle" filled with *archaic, not established, vague or bias* principles regarding the recognition of the right of territories to self-determination. It refuses to recognize the sovereignty of the territories willing to secede even when the former constituents of the failing state through the to fight for the right to a "bigger" or "*full freedom*", almost completely "liberate" and established the "effective administrative control" over the territory of which they claim "self-determination."

An example is the struggle of representatives of the national liberation movement the PAIGC, who fought against the Portuguese colonialists for the recognition of the independence of the Republic of Guinea-Bissau. Despite the prevailing military and political realities, evidence that this movement "de facto" established "effective administrative control" (one of the cornerstones conditions of the international law required to the applicant for state sovereignty) over three-quarters of the "disputed" territory and enjoyed full support from the people of the "liberated" territories, Western states went on *ignoring* the fact that "the effective administrative control" over the disputed territories for recognition of statehood had been fulfilled.

Why?

Simply because Western countries voluntarily applied, from the point of view of common sense, the absurd principle of *opinio juris*. This is a standard position of the failing state's representatives controlled by national or international groups of special interests, standing on the position of "inviolability" of the borders of state territories.

Later we will critically analyze this legal approach and political practice, considering in particular its *psychological component*. The situation is aggravated by the application of the additional principle of *opinio juris sive necessitates*, a belief of the state/UN legal authorities that the governments of failing states *have to behave this or that way under* legal obligations "to the nation" to suppress any centrifugal/secessionist movement.

It is hardly worth saying what damage the similar approach of the "multi-ethnic, socially heterogeneous unitary" state authorities or the representatives of its interests, the UN, inflicts on *individuals* and *large aggregations* of the constituents seeking to "gain more freedom" (a case of a specific ethnic group of *Gagauzians* who fought for "more freedom" from the Ukrainian state *without secession* from a unitary state), or for "*full freedom*" from the multi-ethnic socially (regionally) heterogeneous state. Almost all cases of suppression of the aspirations of such individuals and groups by the failing state were and are justified by referring to the *opinio juris, opinio juris sive necessitates* and *jus cogens*, "forgetting" that there are *other principles* in international law, the application of which to the situation in the case of southeastern Ukraine would contradict the political lobby of international special interest groups in the UN.

If this is not enough, another argument is introduced, that is when the territories declaring independence are denied recognition on the basis of *non-compliance with the criteria of "statehood"*.

However, if they meet it, are any, and the pro-state international lobby is against their self-determination, it activates *all three* principles described above. All that gives us the ground to claim that *pro-state protectionism* and complete *voluntarism* still rein in the United Nations, reliably camouflaged by the Realpolitik principle - a situation that fully meets all the features of a *controlled chaos*. We will comment on these principles in the application to the previously indicated territory in the South-East of Ukraine, although we will not limit ourselves to them. The *psychological component* deserves a special consideration in the analysis of the attitudes and judicial practice of both supra – (the international organizations’) and intra-national (“Unitarian” states’) key players regarding their centrifugal forces’ claim for “self-determination”.

The problem is that very often *inert psychological, non-critical or bias attitude* to the state’s previous reactionary political practice leads to the formation of the states’/supra-states’ bureaucracy *stable presupposition* of the *legitimacy* and *justification* of failing state’s domestic policy to suppress centrifugal movements. It comes out of *opinio juris*, defining and so to say “enshrining” the *established traditional reactionary practice* of the domestic policy of a state. That was the case when the Russian government unleashed two bloody civil wars in Chechnya. The Sri Lankan government cited the same principles in the recent past suppressing the “*The Liberation Tigers of Tamil Eelam*” movement, which aimed to create the independent state of *Tamil Eelam* in the north and east of the island in response to Sinhalese’s policy of national oppression of the minority.

No different is the position of the central government of Canada, who did not and does not recognize the results of two plebiscites in the province of Quebec. Nor of the Spain’s central government’s position regarding the Catalan Independence Referendum. Similarly, but in the extremely aggravated form, was and is the position of a so-called “Ukrainian” government, formed as the result of coup d’état six years ago, which, after referendum in Donbas and the proclamation of independence, *officially put stigma* on the self-proclaimed Donetsk and Lugansk People’s Republic’s as the “terrorist organizations” launching the army military operation against them (ГІІУ Kiev, May, 16, 2014). It is already for six consecutive years the protracted and bloody conflict is blazing there in the form of a civil war.

In the current political environment of Realpolitik, defined by special interest groups, the principle of ‘*instant customary law*’, the principle of *a state law*, has *migrated* to the international sphere, affecting many international political institutions and primarily, the UN, which are under the constant influence, control (or even financial blackmail) by certain international special interest groups. This represents a grave humanitarian danger for the populations of dynamic regions and countries undergoing *objective, evolutionary* socio-economic and political shifts in the terms of *the appearance, “awakening”, manifestation, or radicalization* of the desire of their individual citizens, aggregated into their populations, to obtain “*greater*” or “*complete freedom*”, i.e. *self-determination* and secessionist separation from the “Unitarian” state.

This position of the United Nations is not something fundamentally new since this international institution is a *voluntary association of the planetary states* whose conservative task aims at the *containment* of any initial centrifugal drives and *preservation of the existing territorial status-quo* (if this does not contradict certain special interests’ groups) and the “*balance of power*,” established in the world.

Each time when the international community makes one or another decision regarding the centrifugal movements’ desire to get out of the failing states, formally it is “based” on the “*universally indoctrinated*” triune pair of the main legal values of any contemporary society or international law: *order, justice, and freedom*. *These three values* formally becoming *the universal principles*, engraved in the constitutions of more or less “civilized” states as well as of the UN (that is “the Charter”), must *condition and define* the hierarchy of application of the *subordinate* and sometimes even *conflicting* norms and principles applied.

Alas, in Realpolitik, the main institution of the international community, the UN, in many cases, comes to legal conclusions far from fabulous universal values. They look more like bias “cherry picking” of the aforementioned *opinio juris, opinio juris sive necessitates and jus cogens*. This is fully consistent with the jurisprudence of *courts ex aequo et bono, but only in the absence of*

*the corresponding peremptory legal principle or conflict* (non-compatibility) of the values of the peremptory principles. Although the tool of “*comparativism*” as a “composite legal principle” requiring “... a higher level of “*chunking*” of previously acquired legal knowledge” *is known* in the whole massive of laws, including international law, its application *should not conflict* with peremptory basic humanistic norm of the state’s or the international law systems.

One of the main causes of irresolvable protracted (both *armed* and *unarmed*) conflicts of entities seeking “greater” or “complete freedom” up to secession from a failing state lies in the field of *relevance* of international principles and the international law system as such.

Theoretically speaking, citizens *voluntarily give up* some (or almost all) of their *natural rights* to the state in the idealistic hope that *under no circumstances it will violate or limit* their original natural conditions and will be guided by the relevant rules that arise in the format of “individual/ state”. The emerging “ideal state”, in both philosophical and legal theories, is a social contract, in which the state takes on the unswerving strong moral ‘prima facie’ obligations to *respect* basic human rights of the *individuals*. Reaching the contract, *aggregations of individuals*, that is a “people”, *relatively temporarily* give up their individual sovereignty and social “self-determination” to the state with the assurance and certainty that the balance between the “*state order*” and the human being’s *freedom* is established and is the integral part of the “constitution”. At the same time, respect for their *individual human rights* remains indivisible from state law.

However, the state is a *dynamic, evolving* (or objectively “condemned to degradation”) socio-economic structure. As soon as it begins to infringe on constituents and upset the originally established balance, in the absence of correction of its domestic policy, psychological protest and unity of individuals arise; the conflict gains strength and reaches a resolution point.

Ideally, if there is political will, the introduction, as the universal one, of the categorical apparatus of the so-called *Gibbs phase rule* (n.d.), the transparent rule or equation with its “three degrees of freedom” into the world’s jurisprudence and international law would be effective. These three variables would enable a nonbiased evaluator to “measure” the level of evolved tension in the society and define the phase of the unfolding conflict in “non-stable” state entities. It would then provide an adequate picture of “personality” – “aggregation of personalities”/”state” relations and minimize the negative consequences of the “*casual customary rule*”.

Generally speaking, the conflict between a state and its subjects in one or another format of its manifestation is a source of the evolutionary development of the state. But history shows that this is not always the case. In some instances, the legitimacy of the state can increase and strengthen even *in cases of violation of basic human freedoms* due to the support of the “*majority*”, manipulated and controlled by special interest groups or the ruling classes. It happened in the Fascist Italy, Nazi Germany, and, judging by the current published reports of CIA field agents and political scientists, in modern “nationalist” Ukraine, where “...*Currently the organizations that are fascist are stronger in Ukraine than in any other country in the world. But this fact is not reported by Western media because they see these organizations as supportive of the geopolitical agenda against Russia. So condemnations are limited to violence or human rights abuses*” (Blumenthal 2018). At the same time, the legitimacy of the failing state in the eyes of entities that do not agree with its domestic policy and showing centrifugal tendencies and eagerness to break away, drops sharply and reduces to zero.

The *universality* of the Fundamental Human Rights and corresponding norms of human’s natural rights that have been given to all men being inseparable, undividable and inalienable from them, was legally enshrined in a large number of documents of international law. But, unfortunately it does not imply, at least for the moment, any real value in “*instant customary law*” in the evaluations and practical decisions in reference to the Dobass conflict, where the *imbalanced, initially ethnically and socio-economically heterogeneous* Unitarian state is clinched in contradiction with the *aggregation of the individuals* seeking “more” or “complete freedom.”

Turning to the analysis of the international legal case with the non-recognition of the sovereignty of the Donetsk and Lugansk People’s Republics, the leading Western powers, as if out of conspiracy, *justify* the armed terror unleashed by the Kiev authorities, resulting in the civil war that has been going on for six years. The UN and its constituents driven by Realpolitik mentality,

selectively apply *the opinio juris, opinio juris sive necessitates, jus cogens* in the “casual customary rule”, considering the actual events in South-Eastern Ukraine.

In the applied part of our sociological analysis, we proceed from the fact that the protracted for six years military conflict in Donbas in its content is actually a “*proxy war*” between the “West”, primarily in the person of the United States, Canada, Germany and their Eastern European satellites from among the new EU members and NATO: Poland, Bulgaria, Lithuania, the Czech Republic and the so-called “*Russian World*”. The concept of the “Russian World” was first put forward by a corresponding member of the Russian Academy of Sciences, doctor of philological sciences, former director of the Institute of Sociology of the Russian Academy of Sciences and honorary citizen of Minneapolis Vilen N. Ivanov.

In order to more compactly examine the current state of affairs, the real and legal climate around former subjects of Ukrainian failing state and of the international law – at present, which claim for *secessionist self-determination*, applied political analysis will be carried out through the commentary of the recently published monograph by Philip G. Roeder “Persuasion and Violence in Independence Campaigns” (Roeder 2018).

According to the empirical analysis of political realities in the social fabric and the level of generalization in the framework of applied sociological theory, this work is an author's version of the *general sociological theory of self-determination*. It almost completely reflects the “fixed” stereotypes of the “secessionism condemning view” in the application of international law to centrifugal movements in different parts of the post-Soviet territory as in the eyes of the US State Department, so as in the eyes of the US satellites – the capitals of the states of Western, Northern and Southern Europe.

For all the undoubted merits of this monograph, we objectively cannot refrain from criticizing some of the provisions of the Roeder's theory of “*secessionist self-determination*”, which in some cases *suffers from historical inaccuracy, bias and one-sided consideration* of the analyzed political phenomenon and thereby the “*selective interpretations of history*” which, when analyzing “*the political platform subjects*” of the conflict in Nagorni Karabakh, is noted by the author himself (Roeder 2018, 126).

So, thesis one:

“In pressing the Novorossia (New Russia) nation-state project in the 1990s, Professor Oleksii Surylov (his authentic non-Ukrainized first Christian name is Alexej) of Odessa State struggled to build ... behind his claim that the inhabitants of Ukraine's Black Sea littoral constitute a nation deserving a state of its own. He and his collaborators (NB - AF !!!) invented history and ethnography, with some basis in fact, to provide evidence for a distinctive cultural and historical experience that should separate this region and its population from the rest of the Ukrainian nation-state ... The national label referred to a multiethnic aggregation that had not become a widely recognized category ...” (Roeder 2018, 94).

Our comment.

1. First of all, I would like to draw attention to the fact that a ‘*university professor*’, even if he (she) is from Columbia or Cambridge University, who does not have *financial resources, long-time media support* or a support resource from the “*third force*,” would *not be able* to, within a *short period of time*, “brainwash” the population and to convince them of their “*self-exclusivity*”, especially in the *absence of historical, cultural and ethnographic grounds*;

2. “Mechanical” inclusion of the city of Odessa into the integral secessionist self-determination conflict in Donbas is *not scientifically correct*, since from the old times of the Russian Empire, this port city was considered as “New Babylon” with a diversified population and significant representation of the Jewish ethnos, by the rest of the population of the Empire. Even more: the city residents identified themselves more as “the Odessits” than as “Ukrainians.” In other words, the initial self-determination-striving constituents, whom the author, Mr. Roeder (2018, 54) calls “reserve participants” and “passive platform population”, *were absent* in this city.

3. The author misses the fact that secessionist self-determination movements can emerge, get strength and the radicalization of the conflict can occur *unexpectedly fast only when* the processes of

state degradation speed up, absolute and relative impoverishment of the masses is *critically aggravated* in comparison to the “well-being” indexes “in the center” of the state. The sharp change in the *domestic* or *foreign* policy (or the aggravating *combination* of the first with the second) course of the “unitarian” state’s government can also cause *almost immediate* and strong centrifugal “break away” drives in the individuals and their aggregations (Russia is running close to the same scenario).

It was only *after* the *coup d’état* of 1914 in the capital of Ukraine, Kiev, which was secretly sponsored, prepared and openly supported by an external “third” force in the person of the American administration of Barack Obama, which preferred to call it a “*revolution of dignity*”, when the *extreme Ukrainian nationalistic political ideology* came to power, that the “genes of self-determination” self-activated in the “Ukrainian” South East. The nationalist rhetoric of Western Ukrainian “brand,” the proclamation of the Ukrainian language as the *only state language* and *exclusive* language of communication!), worked as a *powerful catalyst* for rapid activation and radicalization of the self-determination movements in Russian speaking population in the failing state.

We have already indicated above that the open or hidden policy of the Unilateral center on imposing the language on a nation-forming nation upon a minority *under certain circumstances* can become a powerful inducing factor in awakening of ethnic self-awareness, a catalyst for increasing awareness of the constituents of their “peculiarity” or “exclusivity”, which rapidly increases the will of the minority to gain the “*absolute freedom*”. That was the nationalist language policy of the new government of Ukraine that worked as a “detonator” in the transition of the conflict into its final phase – a direct armed confrontation, which happened in 2014 in the South-East of Ukraine.

It should be noted that the “nationalist trends” towards forcing “ethnic groups” to study in the Ukrainian language and the Ukrainian are *not something fundamentally new* for Ukraine. Even in Soviet times, when Kiev was already under nationalistic circles of Western Ukraine, it intensively formed linguistic cadres from among the graduates of the Ukrainian language faculties of West Ukrainian descent and sent them to the Russian (Hungarian, Romanian, Greek) speaking regions. It also, strongly and openly, through administrative pressure on the parents, *forced* the schoolchildren of Russian-speaking regions *to learn* the Ukrainian language. Those, who refused to, were persecuted and humiliated, contrary to the article Five of the Constitution of the Ukrainian Soviet Socialist republic, which *universally enshrined* schoolchildren’s *voluntarily refusal* to study the national, that is, Ukrainian language.

This thesis is not drawn from historical bibliographic sources and we have objective evidence of the described vicious policy.

Over the past fifteen years, Ukraine, as a failing state, has gone through five revolutions, none of which the Odessa State University Professor *Alexej Surylov had the slightest relation to*. As the classics warned, the role of personality in history should not be overestimated nor underestimated. Five social upheavals indicate that each time (as well as in the in the latest), the radical internal political conflict that caused them, accompanied by the growing instability and inconsistency of the failing state, did not find its solution. The states diversified socio-political constituents of the state *have been remaining* in growing conflict with it.

4. Self-determination and the subsequent secession movements *are impossible* in the absence of serious domestic “players” who have impressive financial capital and positioning, enabling them to “anti-state activity” under legal conditions. We watched this process in modern Russia, where some “liberal”, pro-Western forces openly manifested their “anti-Putin” stand. There still are formal and informal “leaders”, backed up by the “third party” - the US and the EU, but there is also the “*reserve participants*” and “*passive platform population*” fed by the rapidly impoverished sections of Russian society who take *literally* the populist rhetoric of the puppet “opposition leader,” Alexej Navalny. Nevertheless, the “revolutionary situation” happens only in the case of “the impossibility of the lower classes” to live in the *old way*, and the reluctance of the “upper classes to rule in a *new way*.”

5. Mr. Roeder has lost sight of the fact that it is necessary to separate the “reserve participants” and the “passive platform population”. The *former* is under the direct influence of the unfolding multiple negative internal socio-economic and political events and *are ready* for social actions;

the *latter* are the majority, traditionally passive all over Europe and the world, who watch the events with interest on television or Internet. *Ukraine is not Hong Kong*.

Fundamental state reforms affecting the interests of one or another segment of the population in the Russian Empire, later in the Soviet Union and present-day Ukraine, have *always* been the result of an “*apical*” *coup*, and the masses for the time being served as *passive observers*, and later – as extras.

The catalyst for the rapid radicalization of the Russian-speaking population of the South-East was not even the landing of a small armed group of retirees under the command of the former GRU colonel (there are no “former” intelligence officers-AF) Girkin, in the city of Slavyansk, Donetsk region but the blood-burning documentaries of burning “separatists” alive in Odessa in the first days of May 2014, 48 “of the same” “intellectuals” who protested against the nationalist language policy of Kiev and called for the creation of an independent “Odessa People's Republic”.

6. We are categorically against considering events in Ukraine as a whole, and in the Southeast, in particular, as “intrigues” of individuals, marginalized groups, or exclusively a “third”, that is, an “external” force. In this case, Russia and the US. “Warming up” the secessionist mood of a heterogeneous subjects of nationally or socially heterogeneous state, in the presence of a “sleeping conflict” in a balanced state is possible but not the rapid radicalization of the secessionist trend in the absence of those who Mr. Roed calls “reserve participants” and “passive platform population”.

This is confirmed by the historical precedent when there was a huge time interval that separates General De Gaulle’s speech and the structuring and rise of the secessionist movement of the ‘ethnic French population’ of the Quebec province. The conditions for the radicalization of the barriers of the self-determination and secessionist incentives were described by us in Section 3 of the comments.

The fact that in all the cities of Donbas the seizure of police departments, city council buildings and, most importantly, the GPU by protesters, took place bloodlessly, indicates that even in the officer corps of the police and the GPU, where the rank and file and officers were overwhelmingly Russian-speaking, that a group that was the very rapidly radicalized “passive platform of population”. They surrendered buildings and ammunition depots without armed resistance. The numerous resignations of Russian-speaking Ukrainian SBU officers long before the events of 2014, after the first “orange revolution”, when the new Ukrainian government and parliament took an anti-Russian course and attempts to join NATO and started actively cooperating with American intelligence agencies, are also reliably known.

7. Mr. Roeder overlooks the fact that the Ukrainian state, as such, was not on the political map of Europe of the 19<sup>th</sup> century, and these territories were actually part of the Russian Empire. Russian language was the language of the overwhelming majority of “ethnic Ukrainians”, “ethnic Greeks”, and “ethnic Tatars”.

8. Mr. Roeder claims that the Odessa Professor Surylov’s “collaborators” “imagined of state did not refer to a homeland that had previously enjoyed independence” (Roeder 2018, 54).

Well, that contradicts the historical facts.

The Odessa region became a “muscovite” part of the Russian Empire as a result of the military expeditions of Count Potemkin during the time of Empress Elizabeth II.

The Donetsk and the Lugansk regions were historically known as “the Steppe”, the defined territory, inhabited by the Russian and the “Malorossia” effectively self-determined serfs that ran away from the feudal tyranny of Russian and Polish feudal lords. She was also known as the “Volnitsa” - the Freedom land of the Kossacks”.

A separate counterargument is that after the October uprising of 1917, the abdication of the power of Nicholas II and the collapse of the Russian Empire, the coming to power of the Bolsheviks, these territories at different times were subjects of the Donetsk-Kryvoi Rog Republic, which was not part of the Ukrainian Republic – artificially created puppet state as part of the Russian Federation. However, from the point of view of state law, it had all the signs of statehood.

9. Mr. Roeder ( 2018, 94) further writes that “... in the 1990s ... some Russian nationalists ...” were “... seeking to rally their own followers within Russia, again incorrectly interpreting the events, linking them to individuals or marginal groups of special interests with the desire of these territories for self-determination “through the secession re-joining Russia.” From the end of the 18<sup>th</sup> century

through the 19<sup>th</sup> century, these regions underwent powerful industrialization from Russia, the carriers of which the vast majority were Russian engineers and industrialists.

10. Silencing the fact of the language policy of ultra-nationalist Kyiv, Mr. Roeder (2018, 95) writes that "... these secessions seemed more closely attached to ... separate projects focused on secession for the provinces and unification with Russia than the broad Novorossiya project. And there is something to argue in this respect."

The union of the Russian-speaking population of the Donetsk and Lugansk provinces with Russia, cut off from it by the voluntaristic administrative will of the Bolshevik government, was really subjective and objective "in the womb of the history" of these territories. Despite the fact that Ukrainian nationalists managed to create a certain negative psychological attitude among the Russian-speaking population of the territories of Eastern and Southern Ukraine to Russian "Muscovites", in its public consciousness there were never any tendencies for cultural and political separation "from Moscow".

11. Mr. Roeder (2018) writes that "The appeal of the idea of Novorossiya apparently was weakest in the western parts of the proposed nation-state-including Surylovs' home province of Odessa and was trumped in the South and East by the separate projects for Crimea, Donetsk, and Lugansk."

The truth is that until Kyiv began to pursue its ultra-nationalist course, which in fact was and is camouflage of much deeper global processes, nowhere on the administrative territory of that failed state, which is called "Ukraine" that started politically and legally to persecute the "dissenters" of the Russian-speaking intellectuals, throwing them in jail on the false charge of "terrorism", physically dealing with them burning alive as it worse in Odessa in May 2014, there was no idea of separation from Ukraine. Even after the seizure of buildings of Ukrainian statehood took place in large cities – Donetsk, Lugansk and other cities – and battles at the level of the army operation took place in Sloviansk, the overwhelming majority of the population continued to "survive" and observe events "from the outside". Everything changed overnight, as it almost happens in History when the critical "quantitative" mass of oppressions and persecutions of the Russian-speaking population by the "Ukrainian" nationalists turned into the unstoppable social avalanche that demolished the rotten structure of the failing state – when the Ukrainian ultra-nationalists burned alive forty eight Russian-speaking pro-self-determination activists in Odessa.

## Conclusions

1. The desire of certain subjects of the failing Unitarian state in the form of individuals, peoples or populations of territories for self-determination is an objective process of evolution and improvement of the social organism;

2. Self-determination movements are "public" only in form; their inner content is the natural and legitimate desire of *the individual* for *more freedom* or *absolute freedom*;

3. These movements are *objective* and *natural*, do not depend on the individual will of a "leader" or a "third force";

4. The desire of constituents for *greater* or *absolute freedom* is a *condition for the existence* of a "balanced" heterogeneous society, formalized into a state; is a guarantee of its existence and evolutionary development;

5. The inviolability of a particular form of government is *historically relative*;

6. Attempts to secure the integrity (including territorial) of a failing state *without reforming* it and *resolving the contradictions* between it and the constituents at an early stage of their origination by *suppressing* centrifuge tendencies unavoidably leads to its *the collapse*;

7. The principles of "self-determination" of the constituents and "territorial integrity" of the state are *antagonistic* and not *reconciled*;

8. The complete chaos, voluntarism, controversy and lack of adequate terminology reigns in the categorical apparatus of international law, and as a result – in the field of its practical application;

9. The lack of a hierarchy of values, norms and principles of international and state law is a permanent source of inter- and intrastate conflicts;

10. The right of human beings and their associations to self-determination to achieve “greater” or “full freedom” is acquired by them from the moment of birth and may not be revoked;

11. The morality of the human community in the face of states and their international institutions has to be cleansed of misanthropic Machiavellianism. The right of an individual to a dignified and possibly freer existence must become the highest value and goal of the human civilization.

12. The number of movements claiming self-determination will be growing as well as the number of conflicts if the international community does not change its psychological, moral, law and political attitudes to the issue. Any of them can very quickly turn into a regional, and then into the international conflict, with the almost imminent use of nuclear or other weapons of mass destruction with unconditional consequences in the form of degradation and extinction of the human race.

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