INTERNATIONAL LAW AND INTERNATIONAL RELATIONS

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REVISITING THE "INTERNATIONAL LEGAL PERSONALITY" OF DPR/LPR

This article analyses the "legal arguments" of the representatives of the Russian doctrine of international law and statements of Russia's top leaders on the "international legal personality" of "Luhansk People's Republic" and "Donetsk People's Republic". These formations have been created by the Russian Federation to achieve specific goals in the course of its aggressive war against Ukraine, and they are puppets completely controlled by the Russian Federation. The article concludes that DPR and LPR are neither States nor any other subjects of international law.
Key words: DPR, LPR, subject of international law, recognition, entity, The Russian Federation, Donbas.

The Russian Federation is constantly trying to force Ukraine to negotiate directly with the "Luhansk People's Republic" and "Donetsk People's Republic" and legally settle the conflict with fully taking into account the "requirements" of the Russian-controlled entities. On 13 May 2014, when representatives of the Russian law enforcement agencies, for example, Hirkin's unit continued to seize the cities in the Donetsk and Luhansk regions, refusing to lay down their weapons[1], the Russian Foreign Ministry issued a statement on the events in Ukraine, where it stated, "The failure of the current Kyiv authorities to go on a real dialogue with the representatives of the regions, especially South and East of the country, is a serious obstacle to the de-escalation and the establishment of civil understanding in Ukraine.

Moscow hopes that, in accordance with the Geneva agreements of 17 April and the "road map" of the OSCE, partners from the EU and the United States will use their influence on the current leadership in Kyiv, so that questions of government and respect for the rights of regions are discussed in the near future, in any case, before the presidential elections in Ukraine, scheduled for May 25th"[2].

On 28 July 2014, S. Lavrov, in the midst of the aggression of Russia against Ukraine in Donetsk and Luhansk regions, expressed the Russian authorities' vision of the existing problems: "We are concerned about the problem of settlement of the Ukrainian crisis, which must be exclusively political, diplomatic and peaceful. In this direction, Russia along with many partners has undertaken persistent responsible steps in recent months.

Ukrainian authorities consistently refuse to talk respectfully to the south-east, to negotiate and to start a dialogue on all issues of the Ukrainian state, especially on constitutional reform. Without such a dialogue and a sincere desire to take into account the interests of all citizens of Ukraine a political settlement of the conflict is hardly possible"[3].

On 6 June 2015, commenting on the results of the second phase of the Minsk process, V. Putin listed the commitments that, in his opinion, Ukraine must fulfil: "It is necessary to carry out the constitutional reform, providing autonomous rights of the respective territory of the Republic ... It is necessary to adopt a law on the municipal elections in these areas, and it is necessary to adopt an amnesty law. All this must be implemented as it is provided for in the Minsk Agreement, in agreement with the Donetsk People's Republic and Luhansk People's Republic, with these territories.

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[1] Стрелков, И. (2014). Спусковой крючок войны нажал я. *Новая газета*; Проханов, А., Стрелков, И. (2014). «Кто ты, «Стрелок»?» *Завтра*; Гиркин рассказал как и зачем развязал войну на востоке Украины. *Youtube.* <https://www.youtube.com/watch?v=8y92gOrwjXI>.

[2] МИД РФ: нежелание Киева говорить с юго-востоком мешает деэскалации (2014). *Сообщение РИА Новости*.

[3] Москву тревожит договороспособность ряда партнеров, участвовавших в соглашениях по Украине (2014). *Сообщение ТАСС*.

The problem is that today representatives of Kyiv authorities do not want to even sit down a single negotiating table with them. And this is beyond our sphere of influence. This is something that only our European and American partners can change..."[1]. On 30 June 2016, Putin reiterated that "Kyiv needs to finally realize the inevitability of a direct dialogue with Donbas, with Donetsk and Luhansk"[2].

Officially, the Russian Federation does not recognize the independence of the DPR and LPR, unlike the independence of Abkhazia[3] and South Ossetia[4]. On the other hand, its leadership has quite openly supported the formation of the DPR and LPR, holding of "referendum" and the declaration of "independence" of the uncontrolled territories of Donetsk and Luhansk of Ukraine in April and May 2014[5], the "elections" in November 2014[6], that was emphasized by the naming of these territories "Novorussian Federation", *i.e* a territory separate from Ukraine[7].

In general, the activity with which the Russian Federation is trying to achieve the actual reintegration of the Ukrainian territories it controls does not leave much space for the versions with respect to Russian motives. Apparently, among its hidden motives are the destabilization of the situation in Ukraine, because the relevant processes, given the fact that the war victims number in the thousands, will inevitably cause a reaction, and therefore conflicts in society; the deterioration of Ukraine's economy in connection with the need to rebuild war-ravaged infrastructure. Secondly, by controlling DPR and LPR the Russian Federation will be able to influence the domestic and foreign policy of Ukraine. Third, but no less important, the Russian Federation will achieve *de jure* transformation of the conflict into the internal conflict in Ukraine. The latter would remove the legal basis for the extension of international sanctions against the Russian Federation.

On the other hand, ambiguity and change of the official position of the Russian Federation on the issue of the legal personality of DPR and LPR have brought about some confusion in the position of the representatives of the legal doctrine: it is not clear what conclusions to arrive at and what arguments to make. For instance, if in the first half of 2014, researchers tended to assume that the mentioned entities' independence would be recognized by the Russian Federation and even included them in its composition (in this case, in light of international law, the Russian actions would qualify as annexation on the same grounds as the actions in relation to the Crimean peninsula), then later this confidence has come to naught. Accordingly, the attitude to the DPR and the LPR has transformed from the unconditional recognition of their independence to underscoring the importance of compliance with the provisions agreed upon in the course of the Minsk process. The latter cannot reconcile with the independence of these entities.

However, the first approach should not be perceived as abandoned. The statements that the DPR and the LPR has become subjects of international law are focused not only on demonstrating their supposed independence from the Russian authorities, respectively, "unrelated to the conflict" (the goal of the Russian Federation, at the same time remains the same), but also at emphasizing the total defeat of Ukraine in its attempt to pursue an independent policy from the Russian Federation.

For example, D. Shestakov describes the situation as follows, "As a result of the coups d'etat organized by the global oligarchic power ('GOV') on February 22, 2014, the controlled from the outside power has reigned ever since in Ukraine.

The new Ukrainian government, whose legitimacy is in doubt, has committed gross violations of the rights of Russian-speaking people, resulting in holding referendums and proclamation of independent

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[1] Интервью В. В. Путина итальянской газете Il Corriere della Sera (2015). *Пресс-служба Президента России,* 2-3.

[2] Совещание послов и постоянных представителей Российской Федерации (2015). *Пресс-служба Президента России*, 3.

[3] *Указ о признании независимости Абхазии 2008* (Президент РФ). *Президент России.* <http://document.kremlin.ru/page.aspx?1114434>.

[4] *Указ о признании независимости Южной Осетии 2008* (Президента РФ). *Президент России.* <http://docu ment.kremlin.ru/page.aspx?1114437>.

[5] Декларация о независимости Донецкой Народной Республики от 07 апреля 2014 г. <http://medialeaks.ru/statements/deklaraciya-o-nezavisimosti-doneckoj-narodnoj-respubliki/>; Декларация о провозглашении независимости и государственного суверенитета Луганской Народной Республики. Как хотят отделять Луганскую область: Перехваченный сценарий. <http://www.pravda.com.ua/rus/ articles/2014/05/6/7024570/?attempt=3>.

[6] МИД России признал выборы в ДНР и ЛНР состоявшимися (2014). *Сообщение «Вести».*

[7] Президент России Владимир Путин обратился к ополчению Новороссии. *Официальный сайт Президента Российской Федерации.* <http://www.kremlin.ru/transcripts/46506>.

people's republics in some regions of south-east of Ukraine. Two of these new states (Donetsk and Luhansk People's Republics - DPR and LPR – has formed a confederation union - Novorossia). On 24 May 2014, the "republics" signed a document on unification as members of "Novorossia". Its name implies the continuity of the same name of the historical region of the former Russian Empire, which included most of the territory of modern Donbas"[1].

A. Zhigulin qualifies the status of these entities as follows, "As a result of the confrontation of civilians from south-eastern regions of Ukraine, dissenting with the coup d'état that took place in Kyiv on 20-23 February 2014, on 11 May 2014 a referendum was conducted in former Donetsk. It resulted into the proclamation of independence. In such a manner the people of Donbas exercised their right to self-determination. Subsequent events suggest the formation of statehood on the territory of the self-determined republic, although currently, it is not possible to assert on the recognition of the entity by the international community...[2]

The right to self-determination of the people of Donbas is exercised through a referendum of 11 May 2014 and upholding the Act on proclamation of independence of 7 April 2014, as well as the elections held on 2 November 2014 and other actions indicating the birth of statehood. The legislation is being drafted, ministries and departments are being created, law enforcement and judicial system are being established rapidly, as well as the economy, the banking structure etc... However, the Ukrainian authorities do not recognize the fact of self-determination of the population of Donetsk region and demonstrates the reluctance of peaceful dialogue, and aims to solve the conflict with military means"[3].

P. Panchenko in his turn speaks more restrained on the status of DPR and LPR, "The elections of heads of republics and representative bodies and deputies held on 2 November 2014 in DNR and LNR showed a high turnout and great unanimity in the option for organizing and building a new life ...[4]

The results of the elections in Donbas, where each next step in the same direction is a step toward legitimizing DNR and LNR, as well as the unification of these republics as Novo-Russia, should be treated with great respect. At the same time, of course, the respect for the attainment of freedom by Novorossia is not enough; there needs to be a formal recognition of all the positive what is being done there and the more positive ahead"[5].

Later, the same author spoke in a slightly different way, "DNR and LNR cast doubts on their proclaimed status since they control only third of Donetsk and Luhansk and not the entire territory of the regions ... However, the foundations for the creation of a future Big Novorossia are well established ..." Panchenko even accuses the Ukrainian authorities in combating these entities, "It is clear that Kyiv is not going to assist the state building of DPR and LPR Kyiv anyhow. Amendments to the Constitution of Ukraine of July 2015 do not contain even a hint of the special status of Donbas"[6].

L. Berdegulova considers DPR and LPR to be quasi-public entities, "It is absolutely fair to include DPR and LPR in the category of quasi-public entities. The following arguments prove the point. DPR and LPR currently have an uncertain political and legal status due to being dragged into the territorial and legal conflict. These entities are subject of interest of neighboring Ukraine and the centers of political power.

The qualification of DPR and LPR as quasi-public entities is subject to certain conditions:

1) actual autonomy of the above entities, which is expressed in the internal independence of the territory from other states and external independence from other subjects of public law. It should be also remembered that this independence comes from a peculiar political will emanating from the majority population living in the quasi-public entities, who exercise internal and external rule on the territory;

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[1] Шестаков, Д. (2015). Преступная дезинформация (на примере Новороссии). *Криминология: вчера, сегодня, завтра, 1 (36),* 54-55.

[2] Zhygulin, A. (2016) The Classification of the Conflict in the Donbass: the International Legal Aspect. *Russian Journal of Legal Studies, 1 (5),* 45.

[3] Zhygulin, A. (2016) The Classification of the Conflict in the Donbass: the International Legal Aspect. *Russian Journal of Legal Studies, 1 (5),* 49.

[4] Бруснев, М. (2014). 7 простых вопросов о выборах в Новороссии. *Комсомольская правда,* 6.

[5] Панченко, П. (2015). Майдан как обманчивая видимость демократизации и как реальная наглядность криминализации» *Вестник Северо-Кавказского гуманитарного института. Государство и право. Юридические науки, 1 (13),* 177-178.

[6] Панченко, П. (2015). Власть народная как власть инородная – в свете оранжевых зарев черного криминала (Киев – Донбасс – Минск). *Вестник Нижегородской академии МВД России. Юридическая наука и практика, 4 (32),* 161-162.

2) the absence of external legitimation of sovereignty: that is, the lack of recognition as an independent state, and opportunities to engage in appropriate relations with other states. The vast majority of quasi-states, including the DPR and LPR, claim to sovereignty recognized by other states. To date, no state in the world has *de jure* recognized those formation independent public entities"[1].

According to J. Burke from the School of Law of the International Academy of Business (Almaty) and S. Panina-Burke, secession of DPR and LPR does not have to lead to the formation of a new state, as given the linguistic, cultural and historical ties with Russia Federation, "the people of these territories" can find a pragmatic solution, ensuring integration with the already existing state - the Russian Federation[2].

In the context of recognition of the subjectivity of a formation, international lawyers, as a rule, refer to the EU Declaration on the Guiding Principles of state recognition in Eastern Europe and the Soviet Union of 1991 (Russia also mentions them in its Legal justification of the position on Crimea and Ukraine"). The Declaration defines the criteria by which countries can make a decision on the recognition of a political and legal entity. These criteria include:

- constitution on a democratic basis and acceptance of the appropriate international obligations;
- commitment in good faith to a peaceful process and to negotiations;
- respect for the provisions of the Charter of the United Nations and the commitments subscribed to in the Final Act of Helsinki and in the Charter of Paris, especially with regard to the rule of law, democracy and human rights;
- guarantees for the rights of ethnic and national groups and minorities in accordance with the commitments subscribed to in the framework of the CSCE;
- respect for the inviolability of all frontiers which can only be changed by peaceful means and by common agreement;
- acceptance of all relevant commitments with regard to disarmament and nuclear non-proliferation as well as to security and regional stability;
- commitment to settle by agreement, including where appropriate by recourse to arbitration, all questions concerning State succession and regional disputes.

Apparently, DPR and LPR do not meet any of these criteria. They are created in the result of the armed seizure of Donetsk and Luhansk regions; they are unable to accept any international obligations; they achieve their goals, not in the course of peace process and the negotiations but by using force; they blatantly violate the principles of the rule of law, democracy and human rights; they do not ensure any rights of ethnic and national groups and minorities; they are established in violation of the territorial integrity of Ukraine. A lot of facts testify the complete control of the Russian leadership over these "republics".

When determining the criteria for statehood, the Åland Islands case is often cited. In the case at hand, the Commission of International Jurists pointed out that for the recognition of independence of a state formation "stable political organization" should be created or the public authorities should be "strong enough to assert themselves through the territories of the state without the assistance of foreign troops"[3]. In light of constant conflicts, including armed, between both "the authorities" LPR and DPR, frequent appointments and revocations of their "leaders" by Moscow, one should not even raise the issue of compliance with these criteria. It is noteworthy that these findings are typical for foreign international lawyers who study these questions. For example, T. Grant indicates that the Russian actions in Donetsk and Luhansk regions of Ukraine should be perceived as seizure of territories, carried out under the guise of "false independence" (*putative independence*) of these formations[4]. They are dependent on the participation of Russian military forces and do not meet any criteria of statehood[5].

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[1] Бердегулова, Л. (2015). Правовой статус ДНР и ЛНР как квазигосударственных образований на постсоветском пространстве *Исторические, философские, политические и юридические науки, культурология и искусствоведение. Вопросы теории и практики*, *11 (61), ч. III*, 26.

[2] Burke, J., Panina-Burke, S. (2015). Eastern and Southern Ukraine's Right to Secede And Join The Russian Federation *Russian Law Journal*, vol. III, Issue 1, 54.

[3] Declaration on the `Guidelines on the Recognition of New States in Eastern Europe and in the Soviet Union' (16 December 1991). *European Journal of International Law.* <http://207.57.19.226/journal/Vol4/No1/art6.html>.

[4] League of Nations Official Journal (1920). *Supp. 3*, 9.

[5] Grant, T.D. (2015) Aggression against Ukraine. Territory, Responsibility, and International Law. *Palgrave,* 10.

The well-known criteria of statehood articulated in the provisions of Art. 3 of Inter-American Convention on the Rights and Duties of States of 1933 also apply in this case: "The state as a subject of international law should have: a) a permanent population, b) a defined territory, c) the government, d) capacity to enter into relations with other states"[1]. None of the above criteria is satisfied as well.

Summing up the doctrinal approaches and the practice of States in this area, the Russian researcher E. Kholina pointed out the following requirements of State recognition: 1) a real organization of legitimate political authority that could regulate the internal situation in a state; 2) respect for and observance of the rights and freedoms of man and citizen, non-discrimination of minorities; 3) compliance with the principles of peaceful settlement of disputes, non-use of force or threat of force, the formation of a new state must not violate the rights of other States to territorial integrity, independence, and the like; 4) economic independence; 5) capacity to enter into relations with foreign States and fulfil its international obligations[2].

LPR and DPR are not states, because they have not and could not satisfy any of the criteria of statehood put forward by international law.

The same applies to qualifying DPR and LPR as quasi-states, based on the fact that they possess allegedly real autonomy, which is expressed in the internal independence of these entities and external independence from other subjects of public law[3]. The puppet nature of these entities and, accordingly, the absence of external independence from other entities refute these characteristics.

The qualification of 2014 - 2016 events in Donbas and "self-determination of the people" also deserves appropriate respective analyses from the standpoint of international law. For example, A. Zhihulin argues the further qualification of the actions committed during the conflict: "The events in the Donbas have signs of an armed conflict between government forces and non-governmental groups, *i.e.* people (the population of the respective territory). We note that the population of Donbas has common (other than the population of Ukraine) and distinctive cultural, linguistic, religious, national, and historical features. Thus, we believe the people of Donbas has a well-founded right to fight for exercising their right to self-determination confirmed in the May referendum conducted within the Donetsk region in Ukraine"[4].

It should be pointed out that, first of all, non-governmental groups do not represent the population of Donbas, and from the international law perspective there is a conflict between the States - the Russian war of aggression against Ukraine. Secondly, Zhihulin does not indicate what are the common (other than the population of Ukraine) and distinctive features of "the people of Donbas" in the cultural, linguistic, religious, national, historical aspect. Indeed, any region or any administrative unit may have its own peculiarities in these respects, however, this does not make its population a separate people. There are Ukrainians, Russian, Belarusians, Tatars and representatives of other nations in Donbas, but there is no "people of Donbas". In fact, Zhyhulin simply echoes what other representatives of the Russian doctrine already voiced about the "people of Crimea", therefore, his arguments are not legally founded as well for the same reasons.

The same applies to the constructs of "self-determination", contained in the article by J. Burke and S. Panina-Burke[5]. The authors believe that there is a "people of South-East of Ukraine", building the argument on a larger percentage of Russian and Russian-speaking people than in other regions of Ukraine; another ratio of supporters of integration into the European Union and the Customs Union; a common history with the Russian Federation[6]. These criteria are, firstly, too general and even abstract, unstable (in particular, related to the integration formations), and, even if to take Europe as an example, it can be applied to most of the European States, which, however, does not provide legal arguments for the legitimacy for separating

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[1] Grant, T.D. (2015). Aggression against Ukraine. Territory, Responsibility, and International Law. *Palgrave*. 58

[2] Convention on Rights and Duties of States (Inter-American) (December 26, 1933). *Rohan Academic Computing: San Diego State University*. <http://www-rohan.sdsu.edu/dept/polsciwb/brianl/docs/1933MontevideoConvention.pdf>.

[3] Холина, Е. (2012). Формы и критерии признания государств. Пробелы в российском законодательстве. *Юридический журнал*, *3*.

[4] Бердегулова, Л. (2015). Правовой статус ДНР и ЛНР как квазигосударственных образований на постсоветском пространстве. *Исторические, философские, политические и юридические науки, культурология и искусствоведение. Вопросы теории и практики, 11 (61), Ч. III,* 26.

[5] Zhygulin, A. (2016). The Classification of the Conflict in the Donbass: the International Legal Aspect. *Russian Journal of Legal Studies, 1 (5),* 47.

[6] Burke, J., Panina-Burke, S. (2015). Eastern and Southern Ukraine's Right to Secede And Join The Russian Federation. *Russian Law Journal*, *vol. III, issue 1*, 33-57.

of many regions there from parent States. Secondly, the language and the "common history with Russia" tests can be applied to most of the regions of Ukraine, except for parts of western Ukraine, but once again it would give grounds for the secession of the regions of many former Soviet republics. The same would also apply to the regions of dozens of countries in the world due to the fact that they have at some stage had a common history with the other State.

Thirdly, the "South-East people" and "people of DPR/LPR" belong to the different regions of Ukraine, while there is a confusion in the text - the authors claim the right to self-determination now of the first "people", then of the second.

In addition to non-satisfying the criteria of the people, the actions of the puppet DPR and LPR do not comply with the other international law requirements for the self-determination process. First of all, the non-exhaustion of possibilities of "internal self-determination" should be mentioned, that is determining the format of existing as part of the parent State. The documents of the Minsk process, adherence to which is constantly emphasized by the Russian leadership, and leaders of the DPR/LPR, explicitly provide for the existence of the respective formations within territorial borders of Ukraine.

There are no exceptional circumstances making secession legitimate - the existence of a separate, specific, identifiable group in the state, the vast majority of which would support secession; the legitimate claim of this group to the respective territory; systematic discrimination and exploitation in relation to this group; failure of the central government of compromise; a clear perspective of the future viability of the separate state; positive impact of the independence on regional and international peace; compliance with democratic procedures while separating subject to respect for human rights.

Given the conduct of the war of aggression against Ukraine with the use of its armed forces, the arguments of J. Burke and S. Panina-Burke that allegedly "by conducting the war against its own people, the Ukrainian government has violated its obligations under the International Covenants on Human Rights of 1966 in relation to "internal self-determination"[1]. It should be noted that these statements are repeated official statements of the Russian authorities.

Finally, it is impossible to assert the non-participation of a foreign state in the processes of self-determination. The role of Russia is no less obvious than in the case of the Crimean peninsula.

The article by Stupakov is a good example of confusing the various legal and quasi-legal approaches. Considering the DPR and LPR as "new state entities", the author accuses Ukraine of interfering with their internal affairs: "Taking into account the Constitutions, DPR and LPR have been guided not only by the principle of self-determination of nations and peoples, but also the principle of non-interference in the internal affairs of another State, which is contained in the UN Charter (para. 7, Art. 2). However, this principle is not respected by the Ukrainian authorities either in foreign or in domestic policy, as Ukraine carries out armed intervention in the affairs of the self-proclaimed DPR and LPR. Contrary to international law, Ukraine resorts to military forms of intervention, including military provocations and threats against the legal personality of the DPR and LPR, abandoning their social budget financing as "integral territories of Ukraine", and not recognizing the independence of their political and economic status"[2].

Stupakov further defines the international legal status of the DPR and LPR in a different way, confusing different concepts – "nations and peoples struggling for independence" and the "national liberation front fighting against the suppressing regime in the state": "Peoples of DPR and LPR are among the nations or peoples struggling for independence ... The resistance of the peoples of the DPR and LPR to the Ukrainian government, which came to power by unconstitutional means, has a direct international legal analogy with the "national liberation front" against the illegal regime in the state. Given Ukraine has been politically and economically "enslaved" by the foreign countries, the USA and the EU, and their military units via the latest trade and economic, financial, informational and military-strategic ways of neo-colonial influence"[3].

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[1] Burke, J., Panina-Burke, S. (2015). Eastern and Southern Ukraine's Right to Secede And Join The Russian Federation. *Russian Law Journal*, vol. III, issue 1, 45-47.

[2] Ступаков, Н.В. (2015). Применение современных доктрин признания международной правосубъектности государств в согласительных (мирных) процедурах урегулирования конфликта Украины с ДНР и ЛНР. *Международное сотрудничество евразийских государств: политика, экономика, право, 3,* 20.

[3] Ступаков, Н.В. (2015). Применение современных доктрин признания международной правосубъектности государств в согласительных (мирных) процедурах урегулирования конфликта

It should be stressed that the adoption of any regulatory legal acts, labelled "Constitutions" by groups of people who are not specifically authorized, does not make them Constitutions in the sense of the Basic Law of a State, and does not turn the territory where these "documents" are adopted into States. The author does not mention other indication of DPR and LPR statehood.

Furthermore, if N. Stupakov considers that DPR and LPR amount to independent States, then the military actions of Ukraine on their territory should be qualified as aggression or a lawful use of force against the other(s) State(s), but not as interference in their internal affairs. "Military threats", in their turn, should also be assessed primarily in the context of a basic principle of international law. When it comes to Stupakov's requirement of budgetary financing of DPR and LPR by Ukraine, which he considers as independent states, they seem far out.

It is worth mentioning, due to its legal formulation, which can be confusing, another author's thesis: "From the point of view of the EU and the United States, the status of DPR and LPR is uncertain, because it contradicts the US doctrine of the "limited understanding of the recognition of new states" based on the fact that the republic is currently not recognized by at least one UN Member State (pro-American "Tobar doctrine of international recognition"[1])"[2]. This is contrary to reality, since not only the EU and the US but also the Russian Federation and all the other states and subjects of international law officially recognize the status of Donetsk and Luhansk regions as an integral part of Ukraine, because under international law, these regions cannot have any other status. Accordingly, one cannot even raise a question of the recognition of the DPR/LPR or any other formations. Therefore, Tobar doctrine is completely irrelevant in this regard.

The analyses of 2014 - 2016 events and the relevant norms of international law relating to international legal personality, allows arriving at the conclusion that DPR and LPR are neither States nor any other subjects of international law. These formations have been created by the Russian Federation to achieve specific goals in the course of the aggressive war against Ukraine, and they are completely controlled by the Russian Federation puppets.

References:

1. Burke, J., Panina-Burke, S. (2015). Eastern and Southern Ukraine's Right to Secede And Join The Russian Federation. *Russian Law Journal, vol. III, issue 1,* 33-57 [in English].
2. Convention on Rights and Duties of States (Inter-American) (December 26, 1933). *Rohan Academic Computing: San Diego State University.* <http://www-rohan.sdsu.edu/dept/polsciwb/brianl/docs/1933MontevideoConvention.pdf> [in English].
3. Declaration on the `Guidelines on the Recognition of New States in Eastern Europe and in the Soviet Union' (16 December 1991). *European Journal of International Law*. <http://207.57.19.226/journal/Vol4/No1/art6.html>[in English].
4. Grant, T.D. (2015). *Aggression against Ukraine. Territory, Responsibility, and International Law.* Palgrave [in English].
5. *League of Nations Official Journal* (1920). Supp. 3, 9 [in English].
6. Zhygulin, A. (2016). The Classification of the Conflict in the Donbass: the International Legal Aspect. *Russian Journal of Legal Studies, 1 (5),* 45 [in English].
7. Berdegulova, L. (2015). Pravovoj status DNR i LNR kak kvazigosudarstvennyh obrazovanij na postsovetskom prostranstve. Istoricheskie, filosofskie, politicheskie i juridicheskie nauki, kul'turologija i iskusstvovedenie [Legal status of DPR and LPR as quasi-state formations at post-soviet area. History, philosophy, political and legal sciences, culturology and art]. *Voprosy teorii i praktiki, 11 (61), ch. III, 2.* [Issues of theory and practices] [in Russian].
8. Brusnev, M. (2014). 7 prostyh voprosov o vyborah v Novorossii [7 simple questions about elections in Novorussia]. *Komsomol'skaja Pravda* [Komsomolskaya Pravda] [in Russian].
9. Deklaracija o nezavisimosti Doneckoj Narodnoj Respubliki ot 07 aprelja 2014 g. [Declaration of independence of Donetsk People's Republic]. <http://medialeaks.ru/statements/deklaraciya-o-nezavisimosti-doneckoj-narodnoj-respubliki/> [in Russian].

Украины с ДНР и ЛНР. *Международное сотрудничество евразийских государств: политика, экономика, право, 3,* 31.

[1] Международно-правовое признание. Доктрина Тобара. *Глоссарий*. <http://www.glossary.ru/cgi-bin/gl_sch2.cgi?RMlmkztgwuktu-vwgiuiul!vwontgtol>.

[2] Ступаков, Н.В. (2015). Применение современных доктрин признания международной правосубъектности государств в согласительных (мирных) процедурах урегулирования конфликта Украины с ДНР и ЛНР. *Международное сотрудничество евразийских государств: политика, экономика, право, 3,* 23.

10. Deklaracija o provozglashenii nezavisimosti i gosudarstvennogo suvereniteta Luganskoj Narodnoj Respubliki [Declaration on proclamation of independence and national sovereignty of the People's Republic of Luhansk]. *Kak hotjat otdeljat' Luganskuju oblast': Perehvachennyj scenarij* [How they want to separate the Luhansk region: The intercepted scenario]. <http://www.pravda.com.ua/rus/articles/2014/05/6/7024570/?attempt=3> [in Russian].
11. Interv'ju V. V. Putina ital'janskoj gazete Il Corriere della Sera [Interview with Vladimir Putin to Italian newspaper Il Corriere della Sera] (2015). *Press-sluzhba Prezidenta Rossii, 2-3* [Press Service of the President of Russia] [in Russian].
12. Mezhdunarodno-pravovoe priznanie. Doktrina Tobara [International legal recognition. The Tobar's doctrine]. *Glossarij.* <http://www.glossary.ru/cgi-bin/gl_sch2.cgi?RMlmkztgwuktu-vwgiuiul!vwontgtol> [in Russian].
13. MID Rossii priznal vybory v DNR i LNR sostojavshimisja [The Russian Foreign Ministry has recognized elections in DPR and LPR as valid] (2014). *Soobshhenie «Vesti»* [in Russian].
14. MID RF: nezhelanie Kieva govorit' s jugo-vostokom meshaet dejeskalacii [Russian Foreign Ministry: Kiev's unwillingness to talk to the south-east prevents de-escalation] (2014). *Soobshhenie RIA Novosti* [in Russian].
15. Moskvu trevozhit dogovorosposobnost' rjada partnerov, uchastvovavshih v soglashenijah po Ukraine [Moscow worries about negotiability of some partners participating in the agreements on Ukraine] (2014). *Soobshhenie TASS* [in Russian].
16. Panchenko, P. (2015). Vlast' narodnaja kak vlast' inorodnaja – v svete oranzhevyh zarev chernogo kriminala (Kiev – Donbass – Minsk) [People's power as an alien power - in the light of orange glow of black crime (Kiev – Donbass – Minsk)]. *Vestnik Nizhegorodskoj akademii MVD Rossii. Juridicheskaja nauka i praktika* [Bulletin of the Nizhny Novgorod Academy of the MIA of Russia. Legal Science and Practice], 4 (32), 161-162 [in Russian].
17. Panchenko, P. (2015). Majdan kak obmanchivaja vidimost' demokratizacii i kak real'naja nagljadnost' kriminalizacii [Maidan as a deceptive appearance of democratization and a real visibility of criminalization]. Vestnik Severo-Kavkazskogo gumanitarnogo instituta. Gosudarstvo i pravo. Juridicheskie nauki [Bulletin of the North-Caucasian Institute of Humanities. State and law. Jurisprudence], 1 (13), 177-178 [in Russian].
18. Prezident Rossii Vladimir Putin obratilsja k opolcheniju Novorossii [Russian President Vladimir Putin appealed to the militias of Novorossia]. *The official website of the Russian President.* <http://www.kremlin.ru/transcripts/46506> [in Russian].
19. Soveshhanie poslov i postojannyh predstavitelej Rossijskoj Federacii [Meeting of Ambassadors and Permanent Representatives of the Russian Federation] (2015). *Press-sluzhba Prezidenta Rossii,* 3 [Press Service of the President of Russia] [in Russian].
20. Strelkov, I. (2014). Spuskovoj krjuchok vojny nazhal ja [I clicked the trigger hook of war]. *Novaja gazeta* [in Russian].
21. Prohanov, A., Strelkov, I. (2014). «Kto ty, «Strelok»?» [Who are you Strelok?] *Zavtra* [*Tomorrow*] [in Russian].
22. Girkin rasskazal kak i zachem razvjazal vojnu na vostoke Ukrainy [Hirkin told how and why started the war in the eastern Ukraine]. *Youtube.* <https://www.youtube.com/watch?v=8y92gOrwjXI> [in Russian].
23. Stupakov, N.V. (2015). Primenenie sovremennyh doktrin priznanija mezhdunarodnoj pravosubektnosti gosudarstv v soglasitel'nyh (mirnyh) procedurah uregulirovanija konflikta Ukrainy s DNR i LNR [Application of modern doctrines of recognition of international legal personality in conciliation (peaceful) procedures for settlement of the conflict with Ukraine DPR and LPR]. *Mezhdunarodnoe sotrudnichestvo evrazijskih gosudarstv: politika, jekonomika, pravo* [International cooperation of Eurasian states: politics, economics, law], *3, 20* [in Russian].
24. *Ukaz o priznanii nezavisimosti Abhazii 2008* [The decree on recognition of Abkhazia's independence 2008] (Prezident RF). *Prezident Rossii*. <http://document.kremlin.ru/page.aspx?1114434> [in Russian].
25. *Ukaz o priznanii nezavisimosti Juzhnoj Osetii 2008* [The decree on recognition of South Ossetia's independence in 2008] (Prezident RF). *Prezident Rossii.* <http://docu ment.kremlin.ru/page.aspx?1114437> [in Russian].
26. Holina, E. (2012). Formy i kriterii priznanija gosudarstv. Probely v rossijskom zakonodatel'stve [Forms and criteria for the recognition of states. Gaps in Russian legislation]. *Juridicheskij zhurnal* [Legal journal], *3* [in Russian].
27. Shestakov, D. (2015). Prestupnaja dezinformacija (na primere Novorossii) [The criminal disinformation (in the example of Novorussia)]. *Kriminologija: vchera, segodnja, zavtra* [Criminology: yesterday, today and tomorrow], *1 (36),* 54-55 [in Russian].