

MODERN TRENDS OF DEVELOPMENT OF POLITICAL RIGHTS OF ETHNIC GROUPS

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Abstract: This paper considers the features of political rights of ethnic minorities. The research relevance is related to the fact that this institution undergoes its transformation. In this regard, the object of research in the article was the analysis of selected international documents. The emphasis on ethnic minorities in disclosing the essence of collective rights is by no means accidental. The legislative design, which means state recognition of the rights of ethnic groups, is assessed by the scientists in terms of compulsory condition for combating discrimination and simultaneous protection of such minorities. Therefore, the policy on these rights is a socially significant reality, recognized today by the international community. It is the result of an ethno-social consensus. The assertion of universally recognized rights of ethnic groups is often accompanied by the arguments based on contemporary international law. But when referring to the main international acts, this issue does not look as unambiguous as it is presented in a number of scientific studies. It does not follow from these international acts that this right belongs only to the ethnic groups. The term "people" is interpreted as a community of citizens living in both in the independent states and in the dependent territories. Thus, it is not entirely clear whether a particular state has to exercise this right in relation to an individual ethnic group, since these international documents do not directly include such an obligation.

Key words: ethnic group, ethnic minorities, ethnopolitology, ethnic politics, ethnic rights.

1 Introduction

The problems of development and regulation of the inter-ethnic relations in the context of globalization are connected with such an aspect as the rights of ethnic groups. In particular, with their recognition and implementation at the state and interstate levels. These issues are currently one of the main objects of ethno-national politics in most modern countries. To a large extent, this is stimulated by the global migration processes that have generated a social demand for the expansion of the rights of ethnic minorities and for solving problems in the field of interaction between different cultures and peoples.

It is not by chance that a common European trend, including the Russian political agenda, has meant the search for a model for system integration of different ethnic groups into a single civil nation, which inevitably is accompanied by the conflicts that require their prompt resolution. It is the political and legal field that is designed to minimize the negative effect of such phenomena, as well as to prevent the emergence and growth of new social exacerbations on the ethnic grounds.

2 Methodology

The methodological basis consists in a systematic and functional study of the political rights of ethnic groups. Therefore, it is common to single out several approaches to their concept.

Over the past decade, the phrase "collective political rights" is used not only in the Western (McDonald, 1998; Holder and Corntassel, 2002), but also in Russian science (Sanders, 1991; Tarbastaeva, 2016). The modern researchers interpret this concept differently in the prism of ethnic groups. Thus, according to some authors, this term refers to the aggregate of individual political rights, which acquire a collective nature in the course of their implementation, i.e. require joint implementation with other persons (Mirskaya, 2015; Villalobos Antúnez, 2015). Other scientists believe that such rights are common to any person and citizen who belong to a particular social group (Mac Dowell, 2002). This position is rejected by the adherents of the approach, according to which an emphasis should be placed on the special rather than general nature of the rights belonging to individuals within a certain social category (Peck, 2000; Thompson, 1997). The corporate element in disclosing the essence of collective rights is brought to the forefront by those specialists who consider their carrier as an organization (Ketley, 2001). On this basis, the individual authors define collective political rights in the plane of the rights of a single social community, thereby equating them with the group rights (Guelke, 1992).

3 Results and Discussion

The 1992 UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities obliges the states to protect in their territories the very existence and identity of ethnic minorities, as well as to encourage measures aimed at creating conditions for the development of these values (clause 1 of Art. 1).

In addition to the set of cultural and religious rights, the UN Declaration of 1992 formulated certain political rights of the representatives of ethnic groups. In particular, they include the right to participate actively in the decision-making process affecting the relevant ethnic group at both the national and regional levels. However, the order of such participation should not contradict the national legislation. The ethnic groups may be based on their own associations, as well as ensure their functioning. Among other things, they retain the right to establish and maintain free and peaceful contacts with other members of their group, as well as individuals from other ethnic minorities, including contacts across the borders with the foreign nationals with whom the ethnic group is bound by national, ethnic, religious or linguistic bonds.

If the rights themselves are formulated in the UN Declaration of 1992 with respect to persons belonging to a particular ethnic group, then their implementation involves two options that do not exclude each other. Thus, Art. 3 states that the exercise of these rights is possible both individually and in conjunction with other members of the ethnic group. The main condition for this is the need for no discrimination whatsoever. It is in this form that it seems correct to speak of the rights of ethnic groups as the collective rights.

Within the development of this issue, it is worth mentioning a number of political requirements put forward by the 1992 Declaration. For example, Art. 5 refers to the need to take into account the legitimate interests of persons belonging to the ethnic groups in the planning of national policies and government programs. A similar norm obliges the states to observe this principle when building their own international relations.

The discourse developed in the legal and political science regarding the development of approaches to understanding collective rights somehow affects the decisions of the national governments and even the positions of the international organizations (Mamedov et al, 2016). This is expressed in the difference in the ethno-national policies pursued by the individual countries.

The problems of the collective rights of ethnic minorities are particularly evident precisely in the political aspect. First of all, we are talking about political rights, because any group, whose members are able to vote for certain decisions, has the opportunity to act as a single party to relationships (Napso, 2008). In other words, an ethnic group in the political dimension is a collection of conditionally "identical" individuals expressing a single position, which allows them acquiring and exercising certain rights. Therefore, this fact should receive some formal or actual recognition by the state (Yuzhanin, 2011). Since the ethnic group is often perceived as a certain type of corporate community, the latter is already legally capable of having rights and bearing legal obligations, including the possibility of incurrance of liability (Simonov, 2010). This turns any ethnic group into a specific legal entity of public law with a specific legal status.

Most of the existing rights of ethnic groups cannot be reduced to individual rights only, since they are actually realized exclusively within the collective of people. For example, such rights as the right to the public use of the mother tongue and the right to receive education in one's native language are implemented primarily by a group of persons, and not by a

separate person. Moreover, such a group should have cultural or linguistic differences. The political rights are exercised in a similar way, especially when exercising the right to participate in the political and managerial decisions affecting the interests of the ethnic group.

The rights of ethnic groups are provided with the legal guarantees. The very fact of their recognition in the law is a guarantee of the inviolability (autonomy) of the ethnic group, primarily from the state. If we are talking about an ethnic minority with the relevant right, then such an obligation of the non-interference in its autonomy extends to the ethnic majority. Thus, the establishment of the rights of ethnic groups, such as the right to use language, autonomy, education and a number of other rights at the international level or in the legislation of the state, is a guarantee of the implementation by the national government of its commitment to the non-interference in the opportunities and resources used by the ethnic minorities.

An advocate of this approach is the Canadian philosopher Will Kimlika, who argues that the constitution of the rights of ethnic groups influences the preservation of group identity (Kimlika, 2010). Thus, the recognition of ethnic differences by the state should always be accompanied by the formalization of the corresponding rights for certain ethnic groups.

At the same time, it should be emphasized that the legislative guarantees of such rights largely depend on the policy pursued and the political regime in the country. If the principle of the rule of law is effective, no additional guarantees (especially at the international level) are required, since such a state will always fulfill its obligations, even if the rights of ethnic groups have not been formally secured. On the contrary, under autocratic and transitional regimes the state has a tendency to ignore its laws and, consequently, obligations from the considerations of political conjuncture. Then the formal establishment of the rights of any groups and the granting of any autonomy (from cultural to political) is not a guarantee, with the real possibility of the authorities to violate their own declarations.

The implementation of most of the rights of ethnic groups is used as a kind of tool for protecting ethnic identity, which, in turn, is perceived as a symbolic capital with the desire of individual members of the group to achieve an elitist position, i.e. to carry out the political representation of their people and culture (Farukshin, 2010). In such cases, it is difficult to talk about the observance of the values formulated by the international instruments with regard to the rights of ethnic minorities, since the key democratic ideals are violated and the task of ethnosocial integration is not being implemented.

Thus, the right of an ethnic group to territorial and political autonomy means in practice a situation in which a certain territory and the autonomous government institutions that have been formed in it are some kind of "property" in the hands of a particular ethnic group (Tikhonov, 2001). At the same time, no international document allows excluding those people who do not belong to this "titular" ethnos from the category of "full-fledged" groups. In such cases, the state's task is to prevent discrimination based on ethnicity, which, to a certain extent, does not fit well with the idea of political autonomy.

In addition, the formalization of the rights of ethnic groups in many ways is aimed at reducing political pressure on the part of certain ethnic communities. Thus, the state increases its authority in the eyes of the representatives of ethnic minorities, recognizing their "special" rights, including in the political field. This process is fully inherent in the legitimization of power against a particular ethnic group, especially in the context of conflict and social discontent. Therefore, the ethnic elite acquires the status of a representative government and can become more loyal to the existing political system.

However, such a result is not an axiom, and directly opposite phenomena are possible. Thus, some researchers in the field of ethnic elites emphasize that the initial inclination of leaders of the ethnic groups to destruction and their only conditional

loyalty to laws does not guarantee positive changes when they acquire additional resources and new symbolic capital (Gatagova, 2016; Sulkamaeva et al, 2018). Moreover, such trends can be accompanied by a radicalization of new requirements for the functioning state power. Therefore, the method of a kind of "social bribery" and political concessions in the form of recognition of the rights of ethnic groups does not always have the same effect, which does not allow considering it as the universal means of conflict resolution.

4 Summary

The practice of establishing a certain list of ethnic groups at the constitutional level determines the situation in which other groups are excluded from the subject of the legislation aimed at ensuring their protection. Therefore, most of the states of the European Union try to mostly use the abstract legislative criteria for classifying certain people as ethnic groups, especially in the case of national minorities. Thus, the way to enumerate them in the legal acts is not effective, although it is recognized by the researchers as an instrument for the legitimacy of ethnic communities, which, in turn, cannot be considered a reliable guarantee of the protection of their rights. In general, the regulation model of the rights of ethnic groups in the Russian Federation is built on the same patterns that are observed in modern Europe. A key principle is the principle of equal treatment of all ethnic groups living on the territory of Russia, which is expressed in the absence of a separate group of rights granted to any ethnic group in the constitutional norms. Moreover, the creation of equal conditions necessary for the development of any peoples and ethnic groups is legally proclaimed. This is ensured by such constitutional guarantees as the right of whole people, and not of its individual part, to exercise its power directly and through a system of the state bodies and the local self-government bodies. It is proclaimed the equality and self-determination of the peoples of Russia, the equality in the rights and freedoms of a person and a citizen irrespective of their ethnic belonging, with the simultaneous right of everyone to freely determine their ethnicity and express this choice, as well as the right to use their native language in their communication, upbringing, creativity, as well as the right to study and develop it.

5 Conclusions

The category of political rights of ethnic groups includes a set of both collective and individual opportunities, including: the right to territorial public self-government; the right to form communities; the right to quoted representation of the Federation subjects in the legislative state bodies and in the representative local self-government bodies; the right to personal substitution of military service for an alternative civilian service.

The political rights are supplemented by the establishment of special quotas for the representation of the interests of ethnic groups in certain power structures. This is done by forming such electoral districts, which include a smaller number of voters than the usual minimum requirements for the remaining constituencies. Thus, such electoral districts can be established both within a separate national settlement and within the framework of the entire ethnic associations and tribes.

The right to create special self-government bodies also belongs to the number of political rights. Ethnic groups, which are classified as indigenous minorities, have the right to engage in the territorial self-government on the basis of their own national, historical and other traditions in order to implement their own initiatives of local significance and within the territory of compact residence of their representatives.

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