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## **REGARDING THE DEFINITION OF «NATIONAL MINORITY» IN FOREIGN COUNTRIES**

### **Summary**

The article is devoted to the definition of «national minority». The problematic aspects of the essence of this term and the ratio of the theoretical definitions of reality are considered. It also describes the main approaches and principles in foreign countries.

**Key words:** national and ethnic minority, ethno-confessional character, polyethnicity, multicultural.

**Formulation of the problem.** Recently, the international community is increasingly faced with instances of violation of human rights that occur on the ground of religious, linguistic, racial and other differences. Such phenomena as the disastrous consequences of policies of multinational states and the right of force in resolving ethno-political problems; growing global trend intensify the struggle of indigenous peoples and ethnic minorities for their rights and attempts to gain the status of subjects of national and international law; Blast in many multiethnic countries etnichnopolitychnyh conflicts and their potential ability to escalate, threatening the security of individual countries and entire regions of the world, necessitating greater attention to the legal regulation of ethnic relations and the relevance of research in the status of national minorities in foreign countries and in Ukraine.

**Analysis of recent research and publications.** The study of the topic involved Dubrovin Y.A., Y.A. Modova, Shatava L., Ovchinnikov V.O., Prudnykov M.M. Skatulina O.V., S.V. Sokolovsky and other. But among scientists who study the constituent elements of the status of national minorities, there is no consensus about

the nature of the entity constitutional relationships, aggravating circumstances, which can allocate national minority, the ratio of the concepts of "ethnicity" and "nation".

**The purpose of the article.** One of the unresolved issues in the field of minority issues remain terminological nature. So far there is no single definition of "national minority". Often one category of people in different countries are different concepts that difficult to understand this phenomenon. In addition, some discussion is the relationship between the concepts "ethnic minority group" and "minority". This in turn implies the need to study these phenomena from the standpoint of not only rights but also ethnology, sociology and other sciences.

**Presenting main material.** Under pressure from many national problems disintegrated empires. Among the latest examples - the collapse of the Soviet Union and Yugoslavia. The national question remains difficult internal problem in the UK (Ulster problem is related to the desire of the population to leave part of the United Kingdom of Great Britain and Northern Ireland and its accession to the Republic of Ireland), Belgium (Flemish-Walloon conflict), Canada (English- Canadian and French-Canadian conflicts), the US (Negro, Mexican, Cuban issues, etc.).

It is the existence of the world's more than 2,000 ethnic communities indicates the existence of a special type of social relations - international.

After analyzing the work of scientists, anthropologists following conclusions. Ethnicity and Nation have different social formations and can exist simultaneously, with the primary ethnic group historically. "Ethnicity emerged from the dissolution of tribal relations ..." [1; 25]. The nation is not the highest stage of ethnicity, it "arises as a product of activity of state institutions and developed around the" frame "State institutions" [2, 15].

According to Y. Semenov, "the essence of ethnicity is most evident in ethnic processes, ethnic assimilation, ethnic fusion, ethnic inclusion and ethnic cleavage. They occur spontaneously and largely independently of consciousness and the will of the people. The essence of the nation is most clearly expressed in the national movements that represent the activity of the masses of people, aimed at achieving

certain goals, and often political. Nation in these movements acts as a kind of social, primarily political, a force to be reckoned with "[3, 248]. In terms of S.E. Rybakov, "the distinction between ethnic group and nation on a personal level due to the different nature of these phenomena - natural and ethnic groups in a certain sense in the artificial nation" [4, 36]. So the nation - is a symbolic social structure, which is expressed in a sense of belonging to an individual or a community of citizens. That is not all nations have an ethnic group (Azerbaijanis) and not all nations are ethnic groups (Roma, people Munda etc.). Often one nation includes several ethnic groups (American, French, Chinese, Vietnamese, Russian, etc ..) that are linked politically.

Therefore, Sokolovsky S. emphasizes that "the concept of" national minority "- is primarily a legal concept" [5, 6]. An interesting thought Shahavy Leos Czech scientist: "In different countries, this term is interpreted differently: they say about" ethnic group "somewhere -" linguistic groups ", and where -" ethnic minorities ". I prefer the term "ethnic group", because using this term, I can talk about the Czechs, and the Indians - of all. That is, I use this term in relation to all nationalities. Anyway, every people - a minority in relation to any other people. But when we talk about minorities, we mean people living in any part of the state, whose numbers are small compared to the state-nations. For example in the UK or Welsh Sami in Norway and so on "[6].

Based on the above, consider the term "minority" must always be in the context of a state and as a legal category.

In legal science, there are many different definitions of "national minority". We distinguish similarities of these definitions minority:

1. it is certain ethnic groups;
2. resident in the territory of a State;
3. nationals of that State;
4. samoidentyfikuyut themselves as representatives of another nation.

Some definitions indicate that minorities are ethnic groups that do not recognize themselves as indigenous population of a state. Since I can not agree. For example, although the Indians are an indigenous people of North America, but there is a

minority, the same situation with the Australian Aborigines. So consider appropriate to use the term "dergavotvorcha nation" instead of "indigenous people". Sometimes authors indicate compact residence of minorities in a particular area to obtain autonomy. Indeed, some ethnic minorities who live in a particular area of the state to seek autonomy, sometimes for independence. Examples include wake Catalans, Basques, Scots, Irish, Georgian Armenians, Karabakh Armenians, Tibetans and others. But this is due primarily to the fact that these nations are natives in this area and there are speaking about the international principle of the right of nations to self-determination.

The problematic issue is the fact the definition of minorities. How exactly to determine whether one or another ethnic minority group in a particular country. Concerning this, there are three criteria: quantitative, qualitative and "individual treatment". On quantitative criterion is the national minority group, which is less than half the rest of the population. Sometimes, however, the population can wake quite diverse and no one group will not constitute a majority. In addition, there are cases where minority in the country in general, there is a majority in a particular area (Chechens, Tatars, Welsh, Basques, Catalans, etc.).

O. Klaynberh criticizes the approach, according to which "... minority have to be smaller in size than the dominant group." The author considers unsatisfactory, if it is subject to review status, provision minority. In this context, "minority may actually be the majority population, as in the case of black Africans in South Africa." Therefore, according to O. Klaynberha, do not limit the term "minority" only its quantitative content [7, 15]. Besides this factor is determined by the dominance of the majority to the minority. However, there are many examples of the domination of the minority over the majority. For example, white-skinned population in North Africa, Alawites in Syria, Sunni-Arab minority in Iraq, Tutsi in Burundi and more.

Determination qualitative criteria minority is the possession of stable ethnic, religious and linguistic characteristics that distinguish it from the majority.

F. Kapotorti provides third approach to the definition of minorities - "individual treatment" - "a manifestation, albeit indirect, solidarity to preserve their culture, their

traditions, religion and language." Members of minority groups can express their identity in two ways. The first - when the group tries to keep its own characteristics; solidarity is usually manifested in those cases where a group for a long time unable to maintain their distinctive features. The second form of identity associated with the decision to belonging or not belonging to the minority. Some members of the minority may prefer assimilation - it is their right, and no one - neither a minority nor the majority - should not prevent them. It should be noted that if a minority encounters obstacles to assimilation, then we are dealing with discrimination and not protected identity [8].

Therefore, we analyzed the theoretical aspects of the definition of "national minority". It is therefore advisable to consider legislative approaches in different countries.

Because of the ambiguity of the term "minority" even in special international treaties not given terminological definition. In the Explanatory Report to the Framework Convention for the Protection of National Minorities adopted in Strasbourg on 1 February 1995, states that it was not specifically given to the definition of national minorities to prevent differences among member states of the Council of Europe [9, p. 12].

After analyzing the norms of the Convention can be concluded that the national minorities include not only ethnicity, but also on religious, cultural and linguistic. This position is shared by Canada, Lithuania, Latvia, Moldova, Armenia and others. In these countries, there is no single concept of "religious minorities" or "linguistic minority".

In contrast is the low of the division where the minority is made primarily on religious (confessional) lines.

These countries include Lebanon and much of the Middle East. First of all faiths are divided into Muslim and Christian communities. The Christian community is divided on the Maronites, Greek Orthodox, Greek Catholics (melkity), Armenians Armenian Apostolic Church, Syro-yakovity, Syro-Catholics, Armenian Catholics, Nestorians. Muslim communities are divided into Sunni, Shia druzyv. The only ethnic

minority Armenians in Lebanon is, as other faiths are Arabs. All denominations are represented in the Parliament of Lebanon, traditionally elected state president of the Maronites, and the prime minister Sunni Muslims. For confession minorities divided in Syria, Egypt, on ethnic and religious grounds share in Israel.

An interesting definition of minorities in India. This country is the most diverse not only in ethnic and religious terms - still operates de facto caste division. On the territory of India is inhabited by several hundred ethnic groups, 1652 representatives of the language groups, 21 are state language, there are more than 10 religious denominations. However, apart from the problems of national and religious nature, there are problems of division into castes. Even if a person does not belong to a national minority, but a representative of lower castes, it is not vested (de facto) all rights. For example, Bengali and Bengali-Hindu-Muslim hindustanets tamilets and have the same legal status, but Indian-Indian Brahmin and Sudra-fact will have a different legal status. So, in India minorities are, firstly, lower castes (although the number they are the majority), and secondly, religious denomination (not Hindus), the third ethnic group.

There are countries that do not recognize national minorities (France, Turkey, Russia, North Korea). France's position is based on the assumption of the equality of all French people, regardless of nationality and religion. So lawmaker equates France to all French citizens, regardless of ethnic origin. However, this leads to conflicts with ethnic minorities (including Arabic community). Turkey does not recognize national minorities on its territory, not to give equal rights of the Turkish Kurds (who aspire to independence or wide autonomy) and amshentsyam (Armenians of Turkey). To that end, the Turks recognized all who speak the Turkish language (the language criterion), which leads to leveling the concept of national minority.

Yet in Europe the trend can be seen democratic attitude to minorities. In addition, many European countries are multiethnic, precluding the possibility of ignoring the minority (exception - France), which recognized citizens of the countries that

samoidentyfikuyut himself with another ethnic group, have cultural, linguistic and religious identity.

Conclusions. So we discussed the basic problems and approaches to the definition of "minority" and the value of the concept of "ethnic minorities". Brought basic criteria of minorities: quantitative, qualitative and personal attitude.

Legislation of different countries on different approaches to determining who is a national minority, ethnic group (Italy), linguistic groups (India), racial group (US) or religious (confessional) group (Israel, Lebanon, Syria). In addition, sometimes there are additional features that distinguish a minority, such as caste in India. In addition, there are states that completely deny the existence of national minorities through Law (France, Russia) and political (Turkey, North Korea, Russia) aspects.

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